

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON SANITATION

----- X

June 24, 2021
Start: 9:06 a.m.
Recess: 11:40 a.m.

HELD AT: Remote Hearing, Virtual Room 2

B E F O R E: Antonio Reynoso
Chairperson

COUNCIL MEMBERS: Antonio Reynoso
Justin L. Brannan
Fernando Cabrera
Margaret S. Chin
Oswald Feliz
James F. Gennaro
Kevin C. Riley

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

Gregory Anderson
Deputy Commissioner for Policy and
External Affairs
Department of Sanitation

Noah Genel
Commissioner
Business Integrity Commission

Emily Anderson
Executive Aid
Business Integrity Commission

Eric Goldstein

Caroline Soussloff

Natasha Bynum

Meredith Danberg-Ficarelli

Dominic Susino

Chris Hine

Mike Reali

Demond Wilkerson

Mary Arnold

Oster Bryan

Mary Parisen Lavelle

Rebecca Bratspies

Andrea Scarborough

Walter Dogan

Gary Giordano

Luz Guel

Reverend Doctor Phil Craig

Camile Morgan

Indira Girisankar

Dr. Maria Hubbard

William Scarborough

3 SERGEANT AT ARMS LUGO: PC recording
4 started.

5 SERGEANT AT ARMS BRADLEY: Cloud
6 recording is up.

7 SERGEANT AT ARMS PEREZ: Backup is
8 rolling.

9 SERGEANT AT ARMS BRADLEY: Thank you.
10 Sergeant Martinez, you may begin the opening.

11 SERGEANT AT ARMS MARTINEZ: Good morning,
12 and welcome to today's remote New York City Council
13 hearing on the Committee on Sanitation and Solid
14 Waste Management. At this time would all panelists
15 please turn on their video. To minimize disruption
16 please silence your devices. And if you wish to
17 submit testimony you may do so via email at the
18 following address - testimony@council.nyc.gov. Once
19 again, that's testimony@council.nyc.gov. Thank you
20 for your cooperation. We are ready to begin.

21 CHAIRPERSON REYNOSO: Thank you,
22 sergeants, um, and we'll start the meeting. Good
23 morning. I am Council Member Antonio Reynoso, the
24 chair of the Committee on Sanitation and Solid Waste
25 Management. Today we are hearing a bill that I am

2 sponsoring that amends the definition of a trade
3 waste broker. We are also hearing Intro number 2349,
4 sponsored by Council Member Miller that would amend
5 the Local Law 152 of 2018, which is the Waste Equity
6 Law that was passed through this committee in 2018.
7 First I'll talk about my bill. Ah, currently any
8 company performing waste audits in New York City has
9 to register as a trade waste broker with the Business
10 Integrity Commission, or BIC. This includes
11 companies that are not brokering deals between
12 companies and private carters. The private carting
13 industry largely lacks diversity and we'd like to
14 take an opportunity, um, to lower the barrier to
15 entry for this work. I believe that there is a lot
16 of small diverse companies that could perform helpful
17 waste audits and work with companies to reduce their
18 waste going to landfill. I'm looking forward to
19 working with BIC and DSNY to make sure that all, that
20 we're doing all we can to allow smaller companies to
21 enter this industry. Council Member Miller's Intro
22 number 2349 would exempt a transfer station from
23 permitted capacity reductions pursuant to Local Law
24 152 of 2018, the Waste Equity Law, if the transfer
25 station is changing their waste export to be by rail.

2 The Waste Equity Law passed after many years of
3 advocacy and negotiation. Um, it is incredibly
4 important to me that this law is not weakened. I am
5 committed to ensuring that permitted capacity cuts
6 made in the four designated districts, which are
7 Community Boards Districts Bronx 1 and 2, Brooklyn 1,
8 and Queens 12, and that no district becomes
9 overburdened by waste transfer stations in the
10 future. That being said, waste exported by rail is
11 cleaner and more efficient, with less negative impact
12 to the community than waste exported by truck. So
13 I'm looking forward to listening to community members
14 and advocates to learn how best to move forward. Now
15 I'd like to invite, ah, Council Member Miller to
16 speak about his bill, but slightly before we do that
17 I just want to acknowledge that we have been joined
18 by, ah, Council Member Miller, Council Member Riley,
19 and Council Member Chin. Um, and as, ah, council
20 members come in I'll, I'll acknowledge them as well.
21 So, again, wanted to ask, ah, Council Member from
22 Queens, Council Member Miller, to make an opening
23 statement on his bill. Council Member?

24 COUNCIL MEMBER MILLER: Good morning,
25 good morning to everyone that's out here and, ah, to

2 you, certainly, ah, Chair Reynoso. Good morning,
3 good morning to the other members of the Committee on
4 Sanitation. Ah, thank you, ah, to all the, you that
5 have joined us here today. It is my pleasure to join
6 you for this important hearing and for those who are
7 watching. Of course, I'm Council Member I. Daneek
8 Miller, who represents the 27th Council District here
9 in southeast Queens, which is, includes one of the
10 community boards as mentioned by Chair, ah, Reynoso,
11 designated in the equity law for undue waste burden,
12 ah, we have carried for the city. For decades my
13 constituents have suffered at the hands of
14 environmental injustice, where residents of Community
15 Board 12, a community that is 98% people of color,
16 namely half of the immigrants and, and, and, and half
17 of them immigrants. Ah, we handle roughly 5% to 7%
18 of the city's waste input, ah, through-put. The
19 cruel irony of this situation that for many of us
20 growing up in the greater Jamaica area if you came
21 within a mile of Douglas Avenue, which is currently
22 the location of the waste transfer station, our
23 communities was, was used to the smell of Wonderbread
24 'cause that's where the factory was once located.
25 Now we smell garbage. The Waste Equity Law sought to

2 help prevent these types of impacts and overburdened
3 communities. Many residents, mainly in the Bronx and
4 Brooklyn have benefitted from the more stringent
5 guidelines and capacity reductions. Today's hearing,
6 Intro 2349, seeks to build upon the work that was
7 done on the 2018 law. Keep in mind, if not, ah, for
8 the, the, the work that has, has, has, ah, Chair
9 Reynoso said, ah, decades of advocacy and work that
10 was done on 2018 we would not be here discussing, ah,
11 Intro 2349 today. When passed waste equity this
12 committee listed a few primary proposed purposes for
13 its work. Among those, to quote the report, was to
14 reduce truck traffic associated with collecting, ah,
15 and that's porting solid waste in designated
16 districts. We note that exposure to diesel exhaust
17 and close exposure to particulate matter, nitrates,
18 oxidize, sulfur dioxide. Ah, in addition diesel
19 exhaust contains air toxins such as benzene,
20 formaldehyde, and [inaudible]. The Waste Equity Law
21 excluded from capacity reduction those facilities
22 exporting waste by rail or barge. Today's bill,
23 Introduction 2349, would expand that provision to
24 also incentivize transfer stations to begin to use
25 rail to export waste, restoring permitted capacity if

3 cuts have already been made, thereby creating
4 incentive for waste companies to do, do better
5 business. In this way we will encourage the movement
6 of waste away from our city's streets, vulnerable
7 populations. We will, we also continue to reduce
8 total truck traffic, address environmental safety,
9 and other quality of life issues associated with
10 trucking. Furthermore, the purpose of the proposed
11 legislation would require those facilities that agree
12 to export the majority of their waste by rail to
13 enclose their facilities and submit to monitoring
14 from Department of Sanitation to ensure the
15 transition to rail. All other relevant state and
16 city guidelines that govern these stations would
17 remain in effect. Speaking for my community, we are
18 at the doorstep to the busiest IBZ in the city at
19 Jamaica, ah, JFK Airport. We share the Van Wyck
20 Expressway, the primary truck route that connects the
21 airport to the greater New York area. Roughly one in
22 every 16 crashes in Queens involve a truck. Nearly
23 70% of the commercial vehicle violations in some of
24 the precincts are related to truck and truck parking.
25 We have some of the highest asthma rates in the city
in southeast Queens and specifically in the greater

2 Jamaica area. Detective Keith Williams Park here in
3 southeast Queens and specifically in Jamaica area,
4 ah, a playground located, ah, a block away from the
5 Douglas Avenue is regularly consumed by, ah,
6 pollution generated by these trucks. And the worst
7 part about it is that it, it doesn't have to be this
8 way. Those waste facilities on Douglas Avenue lie
9 directly adjacent to the Long Island Railroad. The
10 tracks could become available. We will hear today it
11 is their preference to be, what we will hear today is
12 that it is their preference to be able to use those
13 tracks to export waste transfer, particularly if we
14 provide them with the incentive to do so. The status
15 quo is not working. We have to do better and we will
16 do better. I welcome the eyes of all participating
17 today to take a good look at this billion and all
18 proposed, and those proposals before us. And I would
19 welcome the constructive feedback that to be sure
20 that there are no blind spots. We need your third
21 eyes. But let's be clear. We must do better. But
22 let's also make sure that we take advantage of this
23 opportunity to hold the waste industry accountable,
24 take trucks off the street and improve the quality of
25 life, not just for southeast Queens and the greater

2 Jamaica area, but the entire city. I want to thank
3 you again, Chair Reynoso, for your leadership, your
4 time on this and, and to those on the panel thank you
5 in advance. Ah, I also want to thank my staff for,
6 for, for the work that they have done, ah, over the
7 years in, in helping to put this together, so, um,
8 thank you and look forward to hearing the testimony
9 of everyone this afternoon. Thank you again, Mr.
10 Chair, and members of the committee.

11 CHAIRPERSON REYNOSO: Thank you, thank
12 you. Um, I believe I turn it over to our counsel.

13 COMMITTEE COUNSEL: Yeah, thank you. Um,
14 I'm Nicole Abene, counsel to the Committee on
15 Sanitation and Solid Waste Management [inaudible].

16 CHAIRPERSON REYNOSO: Nicole, you, you,
17 we can't hear you anymore.

18 COMMITTEE COUNSEL: Sorry.

19 CHAIRPERSON REYNOSO: Thank you.

20 COMMITTEE COUNSEL: OK. Um, you will be
21 on mute until you are called on to testify, at which
22 point you'll be unmuted by the host. During the
23 hearing I'll be calling on panelists to testify.
24 Please listen for your name to be called as I will be
25 periodically announcing who the next panelist will

2 be. We will first be hearing testimony from the
3 administration, followed by testimony from members of
4 the public. During the hearing if council members
5 would like to ask a question of the administration or
6 of a specific panelist, please use the Zoom hand
7 raise function and I will call on you in order. We
8 will be limiting council member questions to five
9 minutes, which includes the time it takes to answer
10 your question. For members of the public, we will be
11 limiting speaking to three minutes in order to
12 accommodate all who wish to speak today. Once you
13 are called on to testify, please state your name,
14 your organization, if you represent one, and when it
15 is your turn to speak. We will now call on
16 representatives of the administration to testify.
17 Appearing today for the Department of Sanitation will
18 be Greg Anderson, deputy commissioner for policy and
19 external affairs. Appearing today for the Business
20 Integrity Commission will be Commissioner Noah Genel
21 and Emily Anderson, executive aide to the council.
22 At this time I will administration the affirmation to
23 each representative of the administration. Um, do
24 you affirm to tell the truth, the whole truth, and
25 nothing but the truth before this committee and to

2 respond honestly to council member questions? Greg
3 Anderson?

4 DEPUTY COMMISSIONER ANDERSON: I do.

5 COMMITTEE COUNSEL: Commissioner Genel?

6 COMMISSIONER GENEL: I do.

7 COMMITTEE COUNSEL: Sorry, can you say
8 that once more? You didn't POP up on the screen.

9 COMMISSIONER GENEL: I do.

10 COMMITTEE COUNSEL: Thank you. And Emily
11 Anderson.

12 EXECUTIVE AGENCY COUNSEL ANDERSON: I do.

13 I do.

14 COMMITTEE COUNSEL: Thank you. Um, I'd
15 like to remind the panelists to please stay unmuted,
16 if possible, during the question and answer period.
17 And thank you. Now you may begin your testimony.

18 COMMISSIONER GENEL: Who should be going
19 first?

20 DEPUTY COMMISSIONER ANDERSON: I think
21 you're first, Noah.

22 COMMISSIONER GENEL: OK. Good morning,
23 Chair Reynoso and members of the Sanitation and Solid
24 Waste Management Committee, and Council Member
25 Miller. My name is Noah Genel and I am the

2 commissioner and chair of the New York City Business
3 Integrity Commission, or BIC. Joining me today is
4 BIC Executive Agency Counsel Emily Anderson. And as
5 you know, we are also joined by members of the
6 Department of Sanitation. Thank you for inviting us
7 to testify today regarding preconsidered bill T-2021
8 7669 regarding waste audits, also known as waste
9 stream surveys. BIC is a law enforcement and
10 regulatory agency created by Local Law 42 of 1996 to
11 regulate the commercial waste hauling, or trade waste
12 industry after decades of control by organized crime
13 and rampant abuse of customers. Soon after the
14 agency's creation, when it was named the Trade Waste
15 Commission, BIC's jurisdiction's expanded to include
16 oversight of the city's public wholesale food markets
17 and [inaudible]. And in November 2019 Local Law 198
18 added safety in the trade waste industry to our
19 jurisdiction. While BIC's responsibilities have
20 grown, our original mission to remove and keep
21 organized crime and other forms of corruption out of
22 the trade waste industry has not changed. Corruption
23 and bad actors still exist in the industry. In the
24 last five years alone the commission has denied 36
25 trade waste licenses or registrations, and at least

2 14 of those denials were for issues relating to
3 corruption and other integrity issues, such as
4 involvement with organized crime groups, serious
5 criminal convictions of companies or principles,
6 failing to disclose a principle of a trade waste
7 company, and providing false or misleading
8 information to the commission. Most recently, in
9 April of 2021 BIC denied the license renewal of a
10 company after its principle pled guilty in federal
11 court to a bribery scheme directly related to the
12 trade waste industry. BIC is open to discussions
13 with this committee about the goals of the
14 preconsidered bill and how to achieve them. However,
15 given the history of the trade waste industry and
16 BIC's ongoing efforts to fight corruption in it, BIC
17 has serious concerns about the unintended
18 consequences of removing waste stream surveys from
19 BIC regulation. Under the administrative code, trade
20 waste brokers must register with BIC. The definition
21 of trade waste broker includes anyone who, for a fee,
22 conducts evaluations or analyses of the waste
23 generated by commercial establishments in order to
24 recommend cost-efficient means of waste disposal or
25 other changes in related business practices. These

2 analyses are commonly known as waste stream surveys.

3 The preconsidered bill would remove performing such
4 surveys from the definition of trade waste broker.

5 As a result, entities that conduct these waste audits

6 would be free from BIC regulation and would not be

7 required to pass a BIC background check. This would

8 open the door to corruption in the industry through

9 individuals BIC has barred or who have never applied

10 because they knew they would not pass muster. Trade

11 waste customers, local businesses big and small,

12 would be most at risk. To appreciate why, it is

13 important to understand how waste stream surveys

14 work. Most trade waste customers in New York City

15 are billed using the flat or average rate, meaning

16 that their waste is not actually measured each time

17 the truck picks it up. Under BIC's rules a customer

18 has a right to demand a waste stream survey to

19 measure the amount of waste that the customer leaves

20 out for collection over a set period of time. Both

21 trade waste brokers and licensees, the carters,

22 perform waste stream surveys. Those conducting the

23 surveys have direct customer contact and base the

24 customer's fee on the results of the surveys. If

25 left to unscrupulous parties, waste stream surveys

2 can be a major point of corruption through
3 manipulation, resulting the customer paying a higher
4 rate than it should. For this reason any employee or
5 agent who performs a waste stream survey on behalf of
6 the licensee must be fingerprinted and provide BIC
7 with additional disclosure [inaudible] interest and a
8 listing of all criminal convictions and all pending
9 civil or criminal actions to which the person is a
10 party. Brokers are permitted to perform waste stream
11 surveys on behalf of trade waste customers in lieu of
12 one conducted by a licensee and are required to
13 represent the customer's interest in doing so. If a
14 broker conducts a waste stream survey the broker
15 cannot request or accept money from anyone other than
16 the customer unless the broker first discloses that
17 to the customer. But there is always the risk that a
18 particular broker will not act in the customer's best
19 interest, instead establishing illegal side
20 arrangements with carters to falsely inflate the
21 amount of waste being collected. Given the sensitive
22 nature of waste audits, BIC's ability to vet and
23 regulate those performing such audits is crucial to
24 BIC's mission of protecting customers. For example,
25 after a recent BIC investigation one trade waste

2 broker paid a \$70,000 fine for violations of BIC
3 rules, including those regarding waste stream
4 surveys. The violations included failing to maintain
5 required records, improperly collecting fees from
6 customers, and engaging in illegal practices
7 involving contracts with customers. Permitting
8 unregistered entities to perform waste stream surveys
9 for trade waste customers potentially opens the door
10 to the trade waste industry for organized crime
11 figures and others who lack the good character,
12 honesty, and integrity required to operate in the
13 industry. Unvetted and unchecked, they would have
14 direct customer contact and set waste collection
15 fees. BIC would no direct recourse in the event they
16 engage in corrupt business practices. BIC supports
17 finding new ways to meet the city's changing waste
18 collection needs and appreciates that the council
19 seeks to expand the number of entities able to
20 conduct waste stream surveys. BIC is ready to work
21 with this committee to find an appropriate solution
22 that balances the trade waste industry's need for
23 close regulation while lowering the barriers to entry
24 in this area of customer service. We're now happy to
25 answer your questions.

2 DEPUTY COMMISSIONER ANDERSON: Ah, good
3 morning, Chair Reynoso and members of the City
4 Council Committee on Sanitation and Solid Waste
5 Management. Um, good morning also to Council Member
6 Miller. Ah, I am Gregory Anderson, deputy
7 commissioner for policy and external affairs at the
8 New York City Department of Sanitation. Um, thank
9 you for the opportunity to testify today on these two
10 bills related to commercial waste in New York City.
11 Um, while DSNY collects trash and recycling from
12 residential buildings, more than 90 different private
13 carters crisscross the city each night to service the
14 city's 100,000-plus commercial businesses, driving
15 long, overlapping, and unsafe routes. The private
16 carters dispose of waste at a network of private
17 transfer stations and recycling facilities in New
18 York City and around the metropolitan region. This
19 administration, in close partnership with the chair
20 and the City Council, advocates, many of whom are
21 here today, and a wide range of stakeholders, has
22 supported comprehensive reforms to the city's
23 commercial waste sector that seem, seek to rein in
24 unsafe practices, improve sustainability, and promote
25 fairness in the impacts and benefits of waste

2 infrastructure and operations. I will briefly
3 provide updates on those efforts before discussing
4 the two bills that are the subject of today's
5 hearing. In 2006 the New York City Council adopted
6 the city's Solid Waste Management Plan. The SWMP is
7 a fair five-borough plan to sustainably manage New
8 York City's waste and offer flexibility and
9 resiliency in the case of a natural disaster or other
10 emergency. The SWMP mandates a shift from waste
11 export by long-haul truck to a system of marine and
12 rail transfer stations spread throughout the five
13 boroughs, and the SWMP's implementation has provided
14 New York City with new world-class infrastructure.
15 In total, the SWMP has reduced truck traffic
16 associated with waste export b y more than 60 million
17 miles per year, including more than 5 million miles
18 in and around New York City and it has slashed
19 greenhouse gas emissions by 34,000 tons annually.
20 After the closure of the Freshkills landfill in 2001,
21 almost all of New York City's waste was exported by
22 long-haul truck from privately owned transfer
23 stations throughout the city. Because of zoning and
24 siting regulations these stations were and still are
25 today predominantly located in three neighborhoods -

2 in north Brooklyn, southeast Queens, and the south
3 Bronx. The SWMP is based on the concept of borough
4 equity, that no borough should be responsible for
5 managing another's garbage, and it has steeply
6 reduced truck traffic associated with waste
7 collection and hauling in these historically
8 overburdened minority communities. The SWMP called
9 for the creation of eight rail- or barge-based
10 transfer stations along with the use of an existing
11 energy from a waste facility in New Jersey. Together
12 these nine facilities make up a resilient and
13 reliable network, ah, for the export of waste, and
14 they also create new waste transfer capacity that has
15 allowed the city to permanently reduce permanent
16 capacity at transfer stations in the historically
17 overburdened communities I mentioned before. In
18 August of 2018 the City Council passed and Mayor de
19 Blasio signed Local Law 152, also know as the Waste
20 Equity Law. Local Law 152 requests the Department of
21 Sanitation to reduce the permanent capacity of
22 putrescible and nonputrescible transfer stations in
23 four designated community districts in those
24 historically overburdened neighborhoods. Local Law
25 152 requires, required Sanitation to reduce permanent

2 capacity at transfer stations in Brooklyn Community
3 District 1 by 50% and in Queens Community District 12
4 and Bronx Community Districts 1 and 2 by 33%. The
5 law also allows for certain exemptions to these
6 reductions in permanent capacity for activities
7 consistent with the city's zero waste and SWMP goals.
8 It allows for limited exceptions for processing, ah,
9 recyclables and organic waste and for diverting
10 construction and demolition debris for beneficial
11 use. And it also fully exempts facilities that
12 export waste by rail and have on-site rail
13 infrastructure. Local Law 152 allows facilities to
14 also request a one-time permit increase of up to 20%
15 to accommodate future growth and capacity for
16 processing recyclables or organic waste. Beginning
17 in October 2019 and through September of 2020 the
18 department implemented reductions in permanent
19 capacity at 22 facilities that hold a total of 24
20 transfer station permits. In total, the reductions
21 implemented pursuant to Local Law 152 cut permanent
22 capacity in the four designated districts by 10,137
23 tons per day. In addition, four putrescible transfer
24 stations located in the designated districts opted to
25 reserve a portion of their capacity exclusively to

2 process source-separated organic waste for beneficial
3 use. In total, these facilities reserved 377 tons
4 per day of capacity to process source-separated
5 organic waste and this reserved capacity was excluded
6 for the purpose of determining reductions in
7 permitted capacity pursuant to Local Law 152. In
8 2019 Mayor de Blasio signed Local Law 199, requiring
9 the establishment of commercial waste zones
10 throughout New York City. The result of years of
11 planning, analysis, and stakeholder engagement by
12 Sanitation, ah, in close, in close coordination with
13 the City Council and, ah, advocates. The commercial
14 waste zones program will create a safe and efficient
15 commercial waste collection system that advances the
16 city's Green New Deal and zero waste goals while
17 providing high-quality, low-cost service to New York
18 City businesses. The new system is expected to
19 nearly double the commercial diversion for
20 recyclables and organic waste. The department began
21 the competitive procurement process by issuing part
22 one of our request for proposals in November 2020.
23 Part one requested information from potential
24 awardees to determine their ability to perform in
25 accordance to specific business, character,

2 financial, and licensing requirements. The
3 department completed its review of those part one
4 responses and earlier this week we released a list of
5 48 responsive proposers eligible to respond to part
6 two. And that's on our website at
7 .nyc.gov/commercialwaste. The department is also
8 promulgating several rules to implement the program,
9 including rules governing customer service,
10 operations, health and safety, recycling and organics
11 collection, and other administrative requirements.
12 In the next several weeks we will publish final rules
13 covering these areas, and we will also issue part two
14 of the RFP to select the zone awardees. We expect
15 the transition period to the new zone to begin in
16 2022 and last up to two years. The fiscal 22
17 executive budget, which we discussed at the last
18 hearing in May, ah, provides 4 million in funding to
19 support the implementation of commercial waste zones.
20 This includes funding for 28 new, ah, civilian staff
21 in the coming years, as well as OTPS funds for
22 implementation support, communications outreach, and
23 IT systems. We look forward to working with the City
24 Council and all stakeholders as we advance this
25 important program to bring much-needed reform to the

2 city's commercial waste sector. Ah, now moving on to
3 the two bills that we are discussing today, ah, Intro
4 2349 remand, would amend the city's Waste Equity Law
5 to create an exemption from permitted capacity
6 reductions, ah, for transfer stations that construct
7 and utilize rail infrastructure on or near their
8 property for the export of all or the majority of
9 waste they received. The exemption applies only to,
10 to transfer stations that have enclosed structures,
11 having at least three walls and roof, and provides up
12 to four years for the consultation of the rail
13 infrastructure. Um, as I noted before, the export of
14 waste by rail instead of long-haul truck reduces
15 truck traffic on local streets and regional highways.
16 It reduces greenhouse gas emissions and other air
17 pollutant emissions. Um, in particular when using
18 modern freight rail locomotives with advanced
19 emissions control technology it improves roadway
20 safety and it limits quality of life impacts of truck
21 parking and transportation. Ah, DSNY supports the
22 intent of this bill to incentivize additional rail
23 export of waste in New York City. However, we
24 acknowledge that the Waste Equity Law was a hard-won
25 victory for environmental justice and we understand

3 that many stakeholders and advocates urge caution and
4 express skepticism about potential changes that could
5 roll back this important policy. We look forward to
6 hearing from various stakeholders today and we look
7 forward to working with the council, the industry,
8 and advocates to balance our goal of reducing truck
9 traffic with important protections for these
10 historically overburdened communities. Um, and on
11 the other that, ah, that Commissioner Genel, ah,
12 already spoke on, ah, the Department of Sanitation
13 echoes the concerns of the Business Integrity
14 Commission regarding removing regulatory authority
15 over providers of waste [inaudible] services. In
16 particular, Local Law 199 of 2019 requires that
17 awardees selected to provide services within a zone
18 provide for third-party waste audits for their
19 customers. These audits will provide a neutral and
20 objective measure of the amount of each waste stream
21 that a customer generates and they can provide
22 important resources and information about waste
23 reduction, reuse, recycling, and composting
24 strategies. Because these audits can be used as the
25 basis for billing under the commercial waste zone
system, we believe it is important for the city to

2 retain some level of regulatory authority over the
3 individuals and organizations conducting these
4 audits. DSNY plans to publish draft rules in the
5 coming weeks regarding these third-party waste audits
6 and we look forward to receiving additional feedback
7 through that rule-making process. Ah, thank you for
8 the opportunity to testify this morning and, ah,
9 Commissioner Genel and I are now happy to answer your
10 questions.

11 CHAIRPERSON REYNOSO: Thank you, thank
12 you for your testimony. Um, ah, the, the, the great
13 thing about Zoom is that we can have people here in
14 real time, um, which means that I'm gonna ask a lot
15 of questions. I traditionally don't ask many
16 question, um, to allow for council members that are
17 here to ask questions, you know, and, and not have to
18 wait here an hour while the chair goes through it.
19 But I think it's gonna be very important that we do,
20 do this thoroughly. But also the advocates are going
21 to speak, um, and the, the, the waste hauler is going
22 to speak as well, and I would like to just ask, ah,
23 um, whether or not the two of you can stay on and
24 maybe answer questions in real time or confirm things
25 in real time. Um, I think that's gonna be important

2 'cause you just made your, your, your opening
3 statements. We'll hear the company make their
4 opening statement, and I just want to make sure that
5 if they're referring to anything you said or to
6 anything you believe that you can respond in real
7 time. So I just want to make sure that, ah,
8 Commissioner Genel, um, Greg, if you could stay on,
9 ah, as long as possible. Um, thank you. So I want
10 to start with Intro 2349, um, or 2349. Ah, do you
11 think that the legislation is aligned with the goals
12 of the original waste [inaudible] legislation?

13 DEPUTY COMMISSIONER ANDERSON: So I think
14 in, in general, yes. I think that, that the waste
15 equity legislation specifically included an exemption
16 for, ah, rail export. Um, that was included in, in
17 some way, shape, or form in every version of the
18 predecessor bills and, and introductions, Intro 495
19 A, B, C, ah, Intro 157 A, B, C, ah, which, you know,
20 we, we spent a long time working on, um, and think
21 that, that it's clear that rail export is preferable
22 to, to export by long-haul truck, um, for several
23 reasons. Um, so, you know, for that reason, as I
24 mentioned, um, we think that we, we support the

2 intent of the bill and, and we support additional
3 waste export by rail.

4 CHAIRPERSON REYNOSO: Yeah, that's,
5 that's extremely important. Um, just for reference,
6 I guess. Ah, exporting by rail, by barge, was
7 something that we really wanted to push, um, as a, as
8 a council, as an agency, as an administration across
9 the board is just moving away from these large trucks
10 that were barrelling through our streets was a big
11 part of, you know, the work that we do with the SWMP
12 plan, um, with the commercial waste zones now. And
13 we're also going to be encouraging the export, um,
14 of, of trash outside of trucks, um, and the waste
15 equity budget the same time. Um, but can you speak
16 more, ah, concretely to what the benefits of
17 exporting waste by rail are, um, so that, you know, I
18 just want to make sure, like it is my impression that
19 rail is a more sustainable or just a better wave to
20 move trash than any, than, than trucks. And I just
21 want, ah, from your expert opinion what are those
22 benefits, um, or am I mistaken?

23 DEPUTY COMMISSIONER ANDERSON: Yeah, no,
24 I think there, there are very clear benefits, um, and
25 to elaborate bit on what I mentioned in my testimony,

2 you know, those, those start at sort of a high level
3 greenhouse gas emissions reductions. Trains are just
4 more efficient than, than automotive transportation
5 on roads. Um, that's why public transport is more
6 efficient than individuals driving cars. Um,
7 there's also reductions in, ah, other air pollutant
8 emissions, things like particulate matter and, and
9 other emissions that can cause, ah, asthma and other
10 respiratory illnesses. Um, in particular when, ah,
11 railroads are using efficient and, um, and advanced
12 locomotives, um, like the one that New York Atlantic
13 is using in, ah, north Brooklyn today, um, and we,
14 you know, I think we do want to acknowledge that
15 there, there are some concerns out there about rail
16 export, particularly of, ah, C&D residue in open
17 gondolas. Um, the Sanitation Department firmly
18 supports, ah, fully containerized, ah, rail export,
19 um, and we, we do prefer that method and putrescible
20 waste that's required by, um, by the New York State
21 DEC. Um, and then there are other benefits as well.
22 There's no, ah, there are no idling long-haul trucks.
23 There's no parking of long-haul trucks in, in
24 residential neighborhoods illegally or overnight
25 illegally, or detached trailers. Um, you have far

2 fewer safety concerns, um, particularly, you know,
3 the, the streets, I've, I've been in, in, ah, Q12 in
4 Jamaica dozens of times and, and I know those streets
5 very well. Um, they are very narrow. They are not
6 easy to, to traverse even in, you know, one of our
7 trucks, much less a, a tractor trailer, um, and so
8 there's clear public safety, ah, implications there
9 as well.

10 CHAIRPERSON REYNOSO: In this legislation
11 there is a, ah, there will be, there is a request to
12 expand capacity while building out the new rail
13 connection. Um, ah, I guess this is, ah, ah, a
14 question that I think can answer itself, but would
15 that create new environmental hazards or would
16 increase that burden, um, on this community
17 temporarily?

18 DEPUTY COMMISSIONER ANDERSON: So, I, I
19 think you answered your own question, Chair. Um, yes
20 for the four-year construction time period that would
21 increase the amount of waste that they could export
22 by truck. Um, you know, I think we're, we are
23 understandably skeptical of that particular
24 provision, but we have heard, um, and I think it's,
25 it's fair to say that we all understand that we are,

2 we are talking about one particular proposal when we
3 talk about this bill and that's the proposal in
4 Council Member Miller's district, um, that he
5 mentioned previously and it's, it's our understanding
6 from, ah, the companies that are proposing that
7 project that in order to actual secure the financing
8 to build this because building new, new rail
9 infrastructure in New York City is not cheap. We've
10 done it. We know, um, that they, they need that
11 additional capacity in order to actually finance the
12 project. Um, I'll them speak to, to the, to that
13 sort of concept, um, financing of, of rail
14 infrastructure isn't really my forte, but that's my
15 understanding.

16 CHAIRPERSON REYNOSO: OK. And, um, in
17 the legislation do you feel that that is, ah, we've
18 secured or have taken advantage of ensuring that they
19 actual make a switch from, you know, truck to rail?
20 Ah, do you feel confident that the legislation has
21 safeguards in place that will make it so that we'll,
22 we'll reach our end goal here to actual have the
23 trash explored by rail?

24 DEPUTY COMMISSIONER ANDERSON: I feel
25 confident that if at the end of the four-year time

2 frame allotted in the bill that the majority of waste
3 is not being exported by rail the Department of
4 Sanitation will very swiftly act to reimpose permit
5 reductions, ah, on the transfer stations that take
6 advantage of this.

7 CHAIRPERSON REYNOSO: So, so you feel
8 confident that the legislation in its worst case
9 scenario will, um, return the, ah, capacity to what
10 is now should they not be able to complete this work?

11 DEPUTY COMMISSIONER ANDERSON: Yes.

12 CHAIRPERSON REYNOSO: Ah, OK. Ah, yes.
13 Have there been any mitigation strategies considered
14 to reduce the negative effects of increased transport
15 by, ah, of waste by rail, I guess since we've been
16 doing it, since the City of New York has been a big
17 proponent of it. Um, there could have been things
18 that we overlooked initially when we were
19 implementing the work or wanting to, to move away
20 from trucks into, to rail. Um, have there been new,
21 ah, ah, just new strategies that have been used to,
22 to do better, I guess, by rail to continue,
23 continually improve our, our goals for, for limited
24 emissions?

2 DEPUTY COMMISSIONER ANDERSON: Yes. So I
3 think there, the are definitely steps we can take
4 and, and that's true about rail. It's true about
5 the, the tugboats that are, um, that are hauling our
6 barges from our marine transfer stations. You know,
7 there, there are still, let's, let's be very clear.
8 There are still emissions from trains and boats, um,
9 and in some cases the very localized emissions can
10 be, um, comparable to very localized truck emissions.
11 That said, the overall emissions from rail and marine
12 transport are far lower and it's, I think, very
13 important that we continue to focus on investments in
14 cleaner methods of transportation. So as, ah, more
15 advanced locomotives are available on the market we
16 should be investing those. We've, as I've mentioned
17 before, we've been, we've with New York and Atlantic
18 with waste management, um, with the federal DOT and
19 others to invest in, ah, a state-of-the-art
20 locomotive that hauls, ah, containers out of a waste
21 management facility in north Brooklyn. Um, I think
22 we would want to see continued investment in those
23 kinds of, ah, advanced locomotives to continue to
24 produce, ah, both greenhouse gas emissions and other
25 criteria, pollutant emissions, um, that's what we

2 plan to do with, ah, our marine contractors as
3 advanced, as more advanced tugboat, ah, engines are
4 readily available on the market and, ah, required by
5 the EPA and others we expect our contractors to use
6 those.

7 CHAIRPERSON REYNOSO: Ah, can we enforce
8 that with this legislation and this contract? Um,
9 or, ah, what the, what the locomotive looks like, is,
10 is, is that solely dependent on, on the hauler?

11 DEPUTY COMMISSIONER ANDERSON: Yeah,
12 unfortunately that's, that's solely dependent on the
13 hauler and, and without going too far down the road
14 that I'm not an expert in, I believe that there are
15 some federal, ah, [inaudible] concerns about, about
16 regulating, ah, even short-haul, ah, railroads.

17 CHAIRPERSON REYNOSO: OK. That's good to
18 know. Um, and now, ah, frankly do you believe that
19 the project proposed by Royal can be achieved in the
20 proposed timeline?

21 DEPUTY COMMISSIONER ANDERSON: Um, I
22 think it's possible. Um, as someone who has worked
23 in the past with the Long Island Railroad I
24 understand that they're, ah, a slow-moving
25 organization and so I think there's certainly an

2 uphill, an uphill battle in terms of, of getting it
3 done, um, in a four-year timeframe, but I think it is
4 technologically possible.

5 CHAIRPERSON REYNOSO: Technologically
6 possible. Can you put a, can you put a more, a more
7 concrete, ah, can you just answer more, more
8 concretely? I just want to know, um, you know,
9 anything is possible, right? I, I come from a place
10 where, you know, your dreams can be achieved. But
11 we're not talking about a dream here. We're talking
12 about a very technical thing that needs to be done
13 within a, a real timeline. If not, I don't want to
14 enter into a venture where, where we know it can't
15 happen and we're just giving them four years of, you
16 know, permitted capacity increase. Um, I think
17 Council Member [inaudible] and I really want to know
18 that this is gonna happen. We want to be back here
19 in four years and know that it's gonna happen, not,
20 not just expanding capacity temporarily on a project
21 that is, is a, is a pipe dream.

22 DEPUTY COMMISSIONER ANDERSON: So yeah, I
23 think to speak more concretely, yes, I think it can
24 happen. But I think there, there are opportunities
25 for road blocks along the way. There are, um, state

2 authorities involved. There's the New York State DEC
3 involved. There's federal regulation regarding
4 railroads. So I think there are a lot of complicated
5 pieces to this project. I think it can be done. Um,
6 but, I, you know, I am in no way going to guarantee
7 that it will be done in four years because that's
8 well beyond my purview and, and our purview as a
9 regulator of just the transfer station itself.

10 CHAIRPERSON REYNOSO: So in the
11 legislation I believe there's, ah, three years with a
12 permitted capacity increase and then after that
13 there's an, ah, a six, every six months there's a,
14 there's like a checkpoint, um, thereafter. Ah, so if
15 there is not a, if the project is not progressing in
16 good faith, um, I guess, DSNY has the authority to
17 cut the capacity in year three, um, and, and I might
18 be, I might be wrong and maybe you could clarify for
19 me? But I just want to do you feel like with this
20 legislation you would have the capacity to assess
21 this project as it progresses to determine if the
22 companies are actual making good faith efforts to
23 complete the rail connections.

24 DEPUTY COMMISSIONER ANDERSON: Yeah, so
25 I, I believe, ah, the way that the bill, at least as

2 introduced, is written, um, requires that the
3 transfer station submit a project timeline, um, and
4 that project timeline may not exceed four years. If
5 the project is not delivered on the submitted
6 timeline then at the end of the, the timeline,
7 presumably after a four-year period, um, the, the
8 permit capacity reductions are implemented again
9 automatically. Um, and they stay in place until the
10 transfer station exports all or a majority of its
11 waste for a period of one calendar year.

12 CHAIRPERSON REYNOSO: But should they
13 fail in the four-year period they lose their capacity
14 increase and then after that they can continue to
15 build their project as of right, um, and then with no
16 capacity increase, should they finish their project
17 they would have to do one whole year of export by
18 rail or, or show that they've done that for a year,
19 still with no capacity increase, and then they can, I
20 guess, submit an application or submit a notice to
21 you that they've accomplished a year, a year's worth
22 of work under their, the reduced capacity, for them
23 to be considered for the increase?

24 DEPUTY COMMISSIONER ANDERSON: That is
25 correct.

2 CHAIRPERSON REYNOSO: OK. Um, can you
3 speak to the challenges of connecting to a rail spur?
4 Um, as you know, I guess with the work you did with
5 the waste management facility in north Brooklyn?

6 DEPUTY COMMISSIONER ANDERSON: Um, yeah.
7 So I think there, every site has different
8 challenges, um, based on the operator of the, the
9 railroad based on the location, based on the
10 proximity to the active rail line. Um, for example
11 in waste, in the waste management Brooklyn facility,
12 um, there's actually an easement behind the facility,
13 um, and the containers are drayed off street to the,
14 the yard where they're actual put on rail cars. Um,
15 the waste management facility in the Bronx, um, has
16 rail access directly on site. So does the one in, in
17 Long Island City, Queens. Um, so it, it really
18 depends on location. Um, it's my understanding that
19 in this location, even though it is adjacent to the
20 Long Island Railroad main line, um, that the track
21 that is closest, ah, to these facilities actually is
22 not electrified so it's not an LIRR ah, passenger
23 service track or revenue service track. Um, so it
24 would probably be, it would certainly be less
25 complicated than if they were trying to interfere or

2 trying to build around LIRR revenue service. Um, so,
3 you know, I think there are, there are factors of
4 this location that make it, um, more complicated.
5 There are factors that make it less complicated. Um,
6 I can't speak to, to the, the very specific, um,
7 project, ah, at hand here and what the timeline would
8 be.

9 CHAIRPERSON REYNOSO: OK. Um, I, I have
10 other concerns that I want to take offline. Like I,
11 I thought that there was a provision in the
12 legislation, and I could be wrong, and that could be
13 my fault, that allowed for us to, to have a
14 conversation or no, notes the progress being made and
15 be able to move forward with a rejection or a
16 reduction of permitted capacity before the four
17 years. But, um, ah, am I wrong there, Greg, that
18 there's, that there's an opportunity to reduce, to
19 bring the capacity back down to it, to what it is now
20 earlier than the four years, um, should we see no
21 progress, or, ah, a progress that is just, ah,
22 unsatisfactory?

23 DEPUTY COMMISSIONER ANDERSON: I don't
24 believe that that is in the bill, ah, Intro 2349, as
25 written. I think that's something that we'd be happy

2 to, to discuss with, um, with you and with the
3 sponsor, um, in, in more detail.

4 CHAIRPERSON REYNOSO: OK. So, um,
5 speaking of the sponsor, so, um, yeah, I think we do
6 want to have that discussion, Greg. So I wanted to
7 just be able to do that, um, offline here. It's
8 something that I think would be meaningful, um, ah,
9 you know, 'cause if there's, you know, it's fine.
10 Ah, we'll talk offline. Council Member Miller, I
11 wanted to know if you had any questions for the
12 Department of Sanitation. I wanted to make sure I
13 could call on you. Oh, I'm so sorry, ah, um, I'm
14 gonna have, yes, I'm gonna have Committee Counsel
15 call on, ah, council members related to, well,
16 actually, let me go through a couple of questions
17 for, ah, my Intro, um, 'cause, ah, Commissioner Genel
18 is here, um, even though we have not seen you on
19 camera, we want to make sure you're working, um, get
20 those tax dollars to, to actually mean something,
21 right? Ah, no, ah, so, I just wanted to, so you
22 think, do you think that companies who are performing
23 waste audits, while not brokering agreements between
24 haulers and companies need to be regulated by BIC,
25 um, at all?

2 COMMISSIONER GENEL: I do, and for all
3 the reasons stated in my testimony...

4 CHAIRPERSON REYNOSO: Yeah.

5 COMMISSIONER GENEL: ...to name a few.

6 Um, you know, the waste audit process is a sensitive
7 point of, ah, customer contact in the industry, in
8 that, you know, back in the day before the Trade
9 Waste Commission was established in 1996, and the
10 entire reason that the Trade Waste Commission was
11 established, or one of the main reasons, was because,
12 ah, customers were being, ah, abused in the, in the
13 industry by organized crime and other criminal
14 elements that, that controlled the industry. Um, the
15 waste stream survey, or waste audit process, ah, is
16 very sensitive because those who are conducting the
17 audits have direct customer contact and ultimately
18 will fix the rate for, you know, the fees that the,
19 the customers pay. And so, um, there are, there's,
20 in, in conducting these audits it generally happens
21 at night, ah, because they're measuring the waste at
22 the time that it's being picked up, and so it's more
23 difficult for customers to be there to monitor it,
24 ah, and even if a customer is monitoring it, I mean,
25 we've seen, I've seen schemes in my career where, ah,

2 there may be a customer standing right there, but,
3 ah, an unscrupulous person may be able to manipulate
4 the count, and so, ah, we, we fully support a
5 discussion about lowering barriers to entry to
6 perform this kind of service, but at the same time I
7 do think that anyone conducting, ah, these audits
8 need to be regulated by BIC so that BIC can vet the
9 people who are having this customer contact in the
10 industry and trying to keep those criminal elements
11 that have been extracted and continuously try to get
12 back in keep them out.

13 CHAIRPERSON REYNOSO: Thank you for that,
14 Commissioner. Do you understand the intent of the
15 bill and, and what we're going for here? Ah, at this
16 point we've made it almost impossible for new players
17 or, you know, mostly minority- or women-owned
18 businesses to be able to enter into this market
19 because of, of the barriers that have been created
20 and we really want to diversify the work that we're
21 doing across the board in the sanitation, um, world
22 or field in New York City, um, and want to have a
23 more, a more reasonable conversation about breaking
24 down those barriers.

2 COMMISSIONER GENEL: So I am more than
3 open to having a reasonable conversation with you,
4 and given your opening statement, now I do fully, ah,
5 understand where you're coming from on this and, ah,
6 you know, diversity in the, in the industry is a
7 laudable goal and one that I support, and so, ah, I'm
8 open to having that conversation to working with this
9 committee to, ah, to see how we can help reach that
10 goal.

11 CHAIRPERSON REYNOSO: [inaudible] any
12 thought, um, you know, before coming here our
13 discussion, um, that we will have to, to really try
14 to achieve these goals. Are there other things that
15 you thought might be possible to, you know, barriers
16 to entry, um, and how we can, how can we reduce
17 those, um, ahead of our, our, our shared goal of
18 meeting, ah, to get to our shared goal?

19 COMMISSIONER GENEL: Well, I will, I will
20 certainly be giving it, you know, a lot of thought
21 immediately. When we, when we received the
22 preconsidered bill we, ah, we started working to
23 respond to that and to prepare for testimony, and so,
24 you know, like I said, I will, I will meet with my
25 team and continue our discussions. Ah, we certainly

2 did start discussions and, um, we will continue to,
3 to discuss those bills.

4 CHAIRPERSON REYNOSO: [inaudible]

5 Commissioner, again, I appreciated, um, I appreciate
6 it. Ah, I feel like with the opening, the opening
7 statement and this discussion we just had that there
8 is a, there is an understanding of what, you know,
9 the actual intent of the bill is and there's some
10 shared goals here. I'm looking forward to, to having
11 a conversation with you thereafter so we can get to a
12 place where we, we might both be on the same page and
13 agree on legislation that might be helpful.

14 COMMISSIONER GENEL: [inaudible].

15 CHAIRPERSON REYNOSO: Thank you. Um, so,
16 ah, Committee Counsel, ah, I want to allow for
17 council members to ask questions. Um, and I'm
18 looking at Council Member Gennaro is here as well. I
19 want to acknowledge that he was present, um, let me
20 just make sure I've gotten everyone. I have. Um,
21 so, thank you, take it away Committee Counsel.

22 COMMITTEE COUNSEL: Thank you, Chair.

23 Um, if council members have questions for the
24 administration please use the raise hand function

2 now. Um, we'll begin with questions from Council
3 Member Miller.

4 COUNCIL MEMBER MILLER: Thank you so
5 much. And, and, and again, thank you, Chair Reynoso,
6 for, for your leadership, expertise, um, ah, and
7 guidance. And, and you asked all of the, the, the
8 really relevant pertinent questions here. Just
9 wanted to, ah, ah, a little bit of follow-up here.
10 Ah, Deputy Commissioner, um, you, you talk about the
11 process of actually, ah, facilitating the waste
12 [inaudible] and, and, ah, waste to rail and what that
13 build-out process looks like. Um, have you and, and,
14 and so we're gonna rely on your expertise, ah, and
15 doing so and, and, and what you're seeing throughout
16 the city. Have you in, in, in your opinion seen, had
17 the type of not just community input, but and, and,
18 and, ah, the input from, from, from elected within,
19 ah, ah, the various bodies that, that would be
20 impacted by this, um, ah, as in the council, um, and,
21 and the support that is and that you're seeing from,
22 ah, ah, state and, and federal, ah, colleagues, um,
23 around these issues here. Um, obviously, ah, you
24 talked about the MTA and, and, ah, ah, one, one of
25 the, one of the, ah, my colleagues supporting this

2 bill is, is, is the chair of, of, of corporations on
3 the state side which governs MTA and, and certainly,
4 ah, would weigh in, has weighed in, um, to make sure,
5 ah, that this is happening. But, um, that is if in
6 fact, um, we ran into a problem there, I don't think
7 that we're anticipating that considering that this
8 is, has been negotiated. But, um, you know, I, I, I
9 don't want to influence your, your, your answer to
10 that. But my, my question is, is, um, have, um, is
11 this outside of just the process, the process flowing
12 along, ah, ah, or is this, has there been the type of
13 community and, ah, and, ah, government investment in,
14 ah, the waste rail, ah, projects that have existed,
15 ah, prior to this?

16 DEPUTY COMMISSIONER ANDERSON: Sure.
17 Thank you for the question, Council Member. Um, and
18 I think you touched on a few different points, um,
19 that I want to make sure I react to. Um, so if I
20 don't cover everything just remind me after I'm done.
21 Um, so as far as community input, um, the existing,
22 ah, export of waste by rail facilities, um, which are
23 the, the three waste management facilities in the
24 south Bronx, ah, Long Island City, Queens, and, ah,
25 Williamsburg, Brooklyn, ah, as well the, the city,

2 ah, run Staten Island transfer station, obviously on
3 Staten Island. Um, those were all, ah, components of
4 the city's solid waste management plan, which was the
5 subject of intensive, ah, community, ah, engagement,
6 um, hearings, ah, extensive environmental review. It
7 was subject to a vote by the New York City Council,
8 um, and was passed in 2006 by the New York City
9 Council, um, overwhelmingly. It also was subject to
10 review by the New York State DEC. So there was,
11 those four facilities had a lot of, of community
12 engagement, stakeholder engagement, um, before they
13 were, um, put in place. Ah, the, there is no sort of
14 clear process and, and clearly outlined process for
15 community and stakeholder engagement, um, for future,
16 ah, projects, particularly private projects. Um, but
17 there are some, ah, minimum standards. There's
18 environmental review that's required for any, ah,
19 change in, um, in transfer station permits. And I
20 think, you know, what, what we've really focused on
21 at sanitation, particularly, um, in the last seven
22 years or so, and, and I think Chair Reynoso can
23 attest to this, is really, um, working with
24 communities, working with advocates, working with
25 stakeholders to understand, ah, concerns, to

2 understand, um, what they're, ah, you know, what,
3 what communities are sort of seeing and feeling on
4 the ground, and to make, ah, decisions based on that.
5 Um, and so I've personally met with, um, with
6 community, ah, representatives in southeast Queens
7 multiple times, um, with advocates, with, um,
8 residents, and, you know, we've heard, we've heard
9 their concerns. I think we, we try to be responsive
10 to them from an enforcement perspective, um, and, you
11 know, we, we do what we, what we can with the
12 resources we have, um, and, you know, we would keep
13 that commitment going forward.

14 CHAIRPERSON REYNOSO: Ah, yeah. I guess
15 what my question was, you know, with, with the
16 impact, particularly of the stakeholders, would,
17 would that help or hinder, ah, the advancement of the
18 project. Ah, you're talking about agencies that,
19 that may, ah, have, you know, listen, this is the
20 minutia of government that we deal with on a regular
21 basis, in particular MTA, um, but, but, but, but
22 considering that we have folks that have, we have,
23 you know, have we had, ah, individuals that have had
24 to, stakeholders that have had to weigh in, in the
25 past, or was it seamless and if in fact that has been

2 the case does having the support of, you know, of, of
3 the folks that I mentioned that have signed on,
4 particularly with the, the chair. Um, ah, would that
5 in your opinion have an impact on facilitating?

6 DEPUTY COMMISSIONER ANDERSON: Yeah,
7 absolutely. I think having, having the support of
8 local community leaders, of elected officials at all
9 levels of government, which I understand, um, this
10 project has support from a variety of elected
11 officials, um, at least, ah, the support letters I've
12 seen. Um, so yes, that, that can certainly only
13 help, um, advance the project and, and make sure
14 that, that if it does hit any roadblocks at the city,
15 state, or federal levels that those roadblocks can be
16 overcome quickly.

17 COUNCIL MEMBER MILLER: Um, so, so, you
18 know, ah, Chair Reynoso and, and, and, and, ah, his
19 introduction and his question to the, to the
20 commissioner, you know, ah, he, he alluded to
21 enforcement and, and quite frankly everything that we
22 do in terms of public policy and what we pass here
23 is, is ultimately it comes down to enforcement. And,
24 and, and so we have some questions about that. And,
25 and in the past how was waste, ah, equity law, how

2 has it been, ah, enforced and, and how are the
3 provisions of the law governing waste transfer
4 stations enforced, namely, um, like for you to, to
5 address the issue of truck, ah, idling and perhaps
6 even more importantly for southeast Queens, ah, truck
7 street parking.

8 DEPUTY COMMISSIONER ANDERSON: Sure,
9 absolutely. Um, so we have, ah, what's called the
10 Permit and Inspection Unit, PIU. Um, it's a
11 dedicated unit that just does, ah, inspection and
12 enforcement of transfer stations and at a minimum,
13 ah, they're visiting every, every putrescible
14 transfer station at least once a week, um, every, ah,
15 C&D transfer station at least twice a month, as well
16 as, um, much more frequent, ah, drive-by or, or sort
17 of, um, you know, quicker inspections, and they're,
18 they're really looking for a wide range of, of
19 different things related to operations, related to
20 quality of life, related to public safety, um, things
21 like dust control, things like, ah, um, odor control,
22 um, ah, compliance with, um, operation requirements,
23 compliance with, ah, the actual permitted capacity
24 itself, and we issue, um, you know, pretty
25 substantial violations. Ah, they start at \$2500,

2 they go up to \$10,000. Um, and in the last, ah,
3 three years to, to just the three facilities, or
4 actual two facilities located here in, in Queens 12
5 we've issued eight violations. Um, so, you know,
6 tens of thousands of dollars in, in violations. Um,
7 we also do a lot of truck enforcement, as you
8 mentioned. Um, so just this year so far 26, um,
9 either parking or traffic violations issued to
10 trucks, um, last calendar year, um, or actual over
11 the last three calendar years, close to 400 total,
12 ah, violations, just in Queens Community Board 12,
13 and these are for things like detached trailers, um,
14 commercial, commercial parking in residential areas,
15 missing plates, um, driving the wrong way, ah, on a
16 one-way street, um, ah, loose cargo, um, you know,
17 not having the proper inspections or registrations,
18 um, and those sorts of things.

19 COUNCIL MEMBER MILLER: So, yeah, and,
20 and, and, and I, I, I think for, for CB12 and members
21 of the committee like myself that, you know, we, we,
22 we've actually, ah, passed, ah, several truck, ah,
23 commercial truck, um, ah, parking, ah, legislations
24 over the past couple of years and, and, ah, and, ah,
25 to help enforce that and, and how readily, ah, how

2 often, ah, is that enforcement? Do we, can we see
3 that enforcement? What are your interagencies, ah,
4 ah, ah, coordinations and partnerships look like,
5 DOT, NYPD, um, 'cause, 'cause, 'cause quite frankly,
6 um, we would submit that that is, ah, woefully
7 insufficient by what we see, ah, parked on our
8 streets. And as I mentioned in my opening statement,
9 ah, proximity to, to JFK, the largest IBZ, ah, and,
10 and, and so forth. But, um, folks and specifically
11 on those associated with waste transfer, what, what
12 does that universe around, do, do you go a mile
13 outside of the stations and, and, and kind of looking
14 or what does that look like?

15 DEPUTY COMMISSIONER ANDERSON: So we
16 will, um, I think two, two different things. First
17 we, we generally focus our enforcement in the
18 vicinity of the transfer stations and where we know
19 the transfer stations, ah, and, and the trucks that
20 they use, um, generally park. Um, we do respond to
21 any 311 complaint regarding, ah, a waste-hauling
22 vehicle. So if, if that happens a mile away, two
23 miles away, we will respond to that complaint and,
24 and take any necessary action. We also do have, um,
25 our larger sanitation police force, which works, um,

2 all across the city, ah, doing, ah, both truck
3 enforcement as well as illegal dumping enforcement
4 and things like that. If they witness a violation
5 they'll write the violation as well. Um, and we
6 regularly with NYPD. Obviously, they have a much,
7 ah, larger force in terms of their just personnel
8 that can issue these violations. Um, they also have
9 a much wider range of, of things that they're sort of
10 focused on. Um, but when we, when we do have a sort
11 of, ah, increase in violations that we're witnessing
12 we'll, we'll ask the local precinct, ah, for their
13 helps in terms of, um, cracking down on, on those
14 problems.

15 COUNCIL MEMBER MILLER: Thank you.

16 DEPUTY COMMISSIONER ANDERSON: And I, and
17 I certainly agree with you, more enforcement always
18 better, um, in this situation.

19 COUNCIL MEMBER MILLER: Yeah, that, that,
20 that's just the, the problem. We're, we're
21 inundated with, with, with overnight truck, ah,
22 parking.

23 CHAIRPERSON REYNOSO: Council Member,
24 Council Member Miller, very quickly. I just want to
25 make sure people know that when we talk about

2 enforcement this is, ah, this is the Department of
3 Sanitation.

4 COUNCIL MEMBER MILLER: Yep.

5 CHAIRPERSON REYNOSO: This isn't other
6 agencies in the City of New York that lack, ah, the
7 skill or the talent to actually make it happen. DSNY
8 doesn't play games. So whatever we do in an
9 enforcement portion of it, um, is actual something we
10 can feel confident will happen. They talked about
11 having people that do work weekly and in worst case
12 scenario twice a month. I don't think you get, you
13 get anywhere near that, um, ah, anywhere else in the
14 City of New York.

15 COUNCIL MEMBER MILLER: And, and you know
16 what? You're, you're absolutely right on that. And,
17 but, you know, I, I think for the for, for the
18 residents of southeast Queens here that that's on, in
19 the room now, just want to kind of draw a picture,
20 um, from, from what we see and, and, and I appreciate
21 that. And then finally, you know, I, I, I know that,
22 ah, you testified that DSNY was, was in favor of the
23 rail and have been since the 2013 testimony and, and,
24 and, and the work that was done, ah, on, on, ah, on
25 this legislation. Um, what would be any concerns

2 that you would have in, ah, in, in this, ah, current
3 project, ah, moving forward. And, and, and, you
4 know, we've had, we've been in conversation probably
5 the last two years over this, our, our specific
6 offices and, and, and those concerns have been, ah,
7 hopefully put into this legislation. Um, but do you
8 have any other concerns that, that, ah, could be
9 addressed or that should be addressed, ah, as we move
10 forward?

11 DEPUTY COMMISSIONER ANDERSON: Thank you,
12 Council Member. And I think that the, the biggest
13 lingering concern that I would have if is the one
14 that Chair Reynoso referenced earlier, which is that,
15 you know, if, if substantial progress is not being
16 made, we don't necessarily have anything until the
17 four-year period elapses to reimpose the
18 restrictions. Um, that said, after the four years
19 there is a pretty, a pretty aggressive, ah, fail safe
20 in the bill that would not only reimpose the
21 restrictions, but keep them in place until the, the
22 transfer stations export their waste by rail for a
23 year.

24 COUNCIL MEMBER MILLER: Um-hmm.
25

2 DEPUTY COMMISSIONER ANDERSON: Um, so
3 that's, I think, a pretty rigorous fail safe that we
4 would be able to use, um, if the project were not
5 completed on time.

6 COUNCIL MEMBER MILLER: OK, 'cause I, I
7 know that, that, that the chair and, and others that
8 we had talked about benchmarks earlier, ah, in, in,
9 in the conversation and, ah, you know, I'm just
10 looking forward to continuing here, ah, what, what
11 advocates and, and, and what others, ah, and
12 certainly what the companies have to say and, ah, so
13 that we can, um, move forward. But I, I thank you so
14 much. Chair, I thank you for, for entertaining, ah,
15 ah, my question and, and really for your insight in
16 this hearing. Thank you very much.

17 CHAIRPERSON REYNOSO: Thank you, Council
18 Member Miller. Um, and now, ah, I think Councilmen
19 we're gonna go to, ah, the advocates now. Our, just,
20 I guess testimony, um, from, from any, I, I guess
21 take it away.

22 COMMITTEE COUNSEL: Yeah, we, we can move
23 to public testimony.

24 CHAIRPERSON REYNOSO: Exactly.
25

2 COMMITTEE COUNSEL: Um, as long as there
3 are no other council member questions. I don't see
4 any hands raised. Um, so now we will turn to public
5 testimony.

6 CHAIRPERSON REYNOSO: I, I do want to
7 acknowledge Council Member Cabrera. I apologize, ah,
8 Council Member Cabrera was also with us. Thank you.

9 COMMITTEE COUNSEL: Great. Um, I'd like
10 to remind that we'll be calling on individuals one by
11 one to testify. Each panelist will be given three
12 minutes to speak. Please begin once the sergeant has
13 started the time and given you the cue to begin.
14 Council members who have questions for a particular
15 panelist should use the raise hand function in Zoom
16 and I'll call on you after the panelist has completed
17 their testimony. For panelists, once your name is
18 called a member of our staff will unmute you and you
19 will have to accept the unmute and the Sergeant at
20 Arms will give you the go-ahead to begin upon setting
21 the timer. Please wait for the sergeant to announce
22 that you may begin before beginning your testimony.

23 CHAIRPERSON REYNOSO: I'd also like to
24 acknowledge we were joined by Council Member Feliz as
25 well.

2 COMMITTEE COUNSEL: Great. We will begin
3 public testimony with Eric Goldstein, followed by
4 Caroline Soussloff, followed by Natasha Bynum.

5 SERGEANT AT ARMS: Starting time.

6 ERIC GOLDSTEIN: Good morning. My name
7 is Eric Goldstein and I'm the New York City
8 environment director at the National Resources
9 Defense Council. Thank you for the opportunity to
10 testify this morning, Mr. Chairman. NRDC strongly
11 opposes Intro 2349. It would add more trucks and
12 more waste to an already overburdened environmental
13 justice neighborhood and perhaps more. It would
14 reverse promises made to the environmental justice
15 community, and it undermines trust in the City
16 Council's negotiating process. It would conflict
17 with the goals and objectives and the actual language
18 of the historic Waste Equity Law 152. And it would
19 represent nothing more than a capitulation to a small
20 group of private industrial waste haulers. In 2018
21 the City Council passed what became Local Law 152,
22 the Waste Equity Law. It was designed to address
23 long-standing issues of environmental racism in
24 deciding an operation of land-based transfer
25 stations. It required DSNY to reduce the permitted

2 capacity of putrescible in four of the city's most
3 overburdened communities. 33% reductions in Bronx 1
4 and 2 and Queens 12, 50% reduction in Brooklyn 1.
5 The law provided a narrow exemption to the permitted
6 capacity reductions if the facility was already
7 exporting waste by rail and if it had on-site rail
8 infrastructure. Implementation of the law begin in
9 October 2019. The law's provisions were not lightly
10 decided. They were adopted after years of
11 negotiations, going back to the Solid Waste
12 Management Plan of 2006. After many stops and starts
13 and following continuing engagement with
14 environmental justice advocates in the affected
15 communities, city officials hailed this law. For too
16 long a few committees, ah, communities have been
17 saturated by waste transfer stations, said Mayor de
18 Blasio, resulting in truck traffic in where creating
19 a more equitable city by shifting the burden away
20 from these communities, he said. Speaker Johnson
21 said north Brooklyn, the south Bronx, southeastern
22 Queens have for generations been dumping grounds for
23 the city's waste. This law will place a limit on the
24 amount of trash that may go in and out of these
25 neighborhoods that for years have taken an unfair

2 burden. But now Intro 2349 is being introduced as if
3 none of this history existed. The bill reverses the
4 mandate of Local Law 152. It would require the
5 commissioner to restore reductions mandated by that
6 law over just two years ago if a transfer station
7 expressed the intent to export by rail in the future
8 and constructed a rail yard, a rail link years down
9 the line. This attempt to gut the requirements of
10 Law 152 should be rejected by this committee and the
11 full council. Indeed, it's hard to imagine that this
12 bill is even receiving a hearing when critically
13 important waste legislation, such as proposals to
14 require citywide universal composting collections for
15 all city households have not moved forward, or
16 haven't even had a committee hearing. What passage
17 of this bill would allow, even if the rail links are
18 ultimately constructed at some point in the future...

19 SERGEANT AT ARMS: Time expired.

20 ERIC GOLDSTEIN: ...is more trucks going
21 into Queens 12 and potentially other neighborhoods,
22 and more waste coming into this already overburdened
23 community. This would be a grave environmental
24 injustice. It would reverse for this neighborhood
25 much of the promise of Local Law 152. Such

2 exceptions to the statute were considered and
3 rejected just two, two-and-a-half years ago when the
4 details of Local Law 152 were being negotiated. The
5 rail transport exception in that law was carefully
6 considered and painstakingly negotiated. The waste
7 industry should not now come back to renegotiate and
8 undermine this environmental justice statute. We
9 strongly urge the committee to reject this anti-
10 environmental justice bill. Thank you for your
11 attention.

12 COMMITTEE COUNSEL: Thank you. Next
13 we'll hear from Caroline Soussloff, followed by
14 Natasha Bynum, followed by Meredith Danberg-
15 Ficarelli.

16 SERGEANT AT ARMS: Starting time.

17 CAROLINE SOUSSLOFF: Good morning. Ah,
18 my name is Caroline Soussloff and I'm legal fellow in
19 the environmental justice at New York Lawyers for the
20 Public Interest, or as we call, NYLPI. Ah, NYLPI
21 works with communities across the New York City area,
22 providing support and services to combat
23 inequalities, injustices, and infringements on civil
24 rights. Our environmental justice program has
25 advocated and litigated on the subject of the

2 inequities of the distribution of environmental
3 burdens and benefits in our city for almost three
4 decades. Thank you to the council, the Sanitation
5 Committee, and Chair Reynoso for the opportunity to
6 speak up in regards to this troubling bill, Intro
7 2349, which purports to amend the Waste Equity Law.
8 For decades we have partnered with residents and
9 environmental justice communities for fight for a
10 more equitable solid waste management system. Our
11 city's waste infrastructure, such as waste transfer
12 stations and truck depots, has historically been
13 concentrated in just three low-income communities of
14 color, which have for too long borne the brunt of the
15 resulting poor air quality, unsafe traffic, noise,
16 odors, and vermin with measurable repercussions for
17 public health. Fortunately, in 2018 this council
18 passed a landmark environmental justice law, the
19 Waste Equity Law, to begin to remediate this
20 injustice. I'm appearing here today because the
21 Waste Equity Law is in danger of being diluted and
22 rolled back based on mere promises of upgrades and
23 more sustainable practices. And even these promises
24 do not go far enough to mitigate the harmful impacts
25 these truck-intensive waste transfer stations have

2 had on our surrounding community. Waste facilities
3 had almost 10 years to get into compliance with waste
4 equity legislation as various versions of the Waste
5 Equity Law were introduced in the council at least
6 three times over eight years before finally passing
7 into law three years. There were three separate
8 hearings for these individual bills and during each
9 hearing the larger goal of shifting from truck-based
10 waste transport to rail and barge export was
11 highlighted and companies were put on notice that
12 they would be rewarded if they transitioned to export
13 by rail in advance of the law being passed. The
14 owners of these facilities chose to wait until after
15 the law passed, after fighting this relatively modest
16 reform for years, and now want to appear to get with
17 the program. At their current capacities these
18 facilities have failed to comply with regulations,
19 which raises serious concerns about their ability to
20 safely manage additional capacity. The Department of
21 Environmental Conservation has fined Regal and placed
22 the company under two consent orders for failing to
23 minimize leachate and its effects and leaving
24 unprocessed food waste on the ground as recently as
25 2019. Moreover, these facilities are not taking

2 advantage of existing exemptions in the Waste Equity
3 Law. In their 2020 annual report, Regal Recycling
4 reported that they sent only 6400 tons of organic
5 waste to a compost facility, and that's about 18 tons
6 per day, far less than the 120 tons per day of
7 permitted capacity that Regal reserved with DSNY
8 during the implementation of the Waste Equity Law.
9 American Recycling reported even less organics
10 recyclings, only about 12 tons per day to a compost
11 facility. This minimal commitment to recycling the
12 huge quantities of food waste and other organic
13 material in our waste stream is a missed opportunity
14 for the companies to expand under the existing law.

15 SERGEANT AT ARMS: Time expired.

16 CAROLINE SOUSSLOFF: So it is difficult
17 to understand why they're asking for more and more
18 permitted capacity at this time. NYLPI shares the
19 goals of transporting waste by rail if the company
20 has had community support with ample opportunity for
21 meaningful engagement, a commitment to fully enclose
22 of the facilities' operations, rather than simply
23 three sides, a concrete technical plan for
24 construction and real export with agreements in place
25 to utilize the railroad and engineer plans to

2 demonstrate the upgrades they will accomplish at the
3 facility in less two years of construction, and an
4 enforceable agreement of a sunset provision so that
5 the added and restored capacity would again be
6 slashed to the current post-waste equity levels once
7 all the construction was completed. If all of those
8 conditions were met then a waiver or exemption might
9 actual be acceptable. But what they are proposing
10 now is simply a four-year waiver from the Waste
11 Equity Law to allow them to have hundreds of tons of
12 capacity restored, bringing more waste and trucks
13 into their community, based upon mere lip service
14 that they intend to improve operations. Rather than
15 implementing the benefits of transporting waste by
16 rail, this bill risks undoing the progress of the
17 past couple of years. It would create a slippery
18 slope. Once we start amending our environmental
19 justice laws to allow for one or two private industry
20 actors to belatedly try to improve we completely gut
21 the force and reliability of our laws in the first
22 place, to say nothing of the fact that our City
23 Council should not be legislating to benefit single
24 private actors or companies. We therefore oppose
25 this bill and urge the council to reject it and

2 protect the Waste Equity Law. Thank you for your
3 time and consideration today.

4 COMMITTEE COUNSEL: Thank you. Next
5 we'll hear from Natasha Bynum, followed by Meredith
6 Danberg-Ficarelli, followed by Dominic Susino.

7 NATASHA BYNUM: Good morning, everyone.

8 My name is Natasha Bynum and I'm a legal intern, also
9 with the environmental justice program at New York
10 Lawyers for the Public Interest, or NYLPI. Um, along
11 with many of our community partners who are
12 testifying here today, our organization has advocated
13 for waste equity for decades, including our long-time
14 advocacy for the commercial waste zone law, the
15 amending of which is the subject of this hearing
16 today. Thank you to the Sanitation Committee and
17 Chair Reynoso for your continued leadership on this
18 issue and the opportunity to testify. I'm testifying
19 on behalf of NYLPI to express our support for
20 preconsidered bill T2021-7669, which would remove
21 waste auditors from the definition of trade waste
22 broker and Section 501 of Chapter 1, Title 16-A of
23 the administrative code. In doing so we hope to
24 underscore the importance of ensuring that the city's
25 laws will allow emerging sustainability auditing

2 businesses, which are largely women-owned and led, to
3 play critical and growing roles in the commercial
4 waste zone system without having to pay a prohibitive
5 licensing fee. While trade waste brokers negotiate
6 deals between commercial customers and waste
7 collectors for a few or commission, waste auditors
8 serve an entirely different and environmentally
9 responsible function in the material management
10 economy. They service, ah, and data, their services
11 and data produced by waste auditors can be used by
12 their generators of commercial waste to seek
13 transparent and fair price estimates from haulers,
14 identify opportunities for waste reduction, overall
15 improving transparency and what the customers are
16 paying for, and resulting in increased, ah,
17 increasing diversion rates for commercial waste
18 sectors, a major goal of the commercial waste zone
19 system. As the city works towards its goal of zero
20 waste, waste auditors can [inaudible] play an
21 integral role. However, these auditing businesses
22 cannot flourish so long as they're mistakenly
23 classified as waste brokers under the law, because
24 every business considered a waste broker must be
25 licensed by BIC under the administrative code.

2 Small, sustainability minded auditing businesses are
3 required to pay expensive licensing fees and jump
4 through unnecessary procedural hoops. This has
5 prevented and will continue to prevent local,
6 sustainable, and women- and minority-led businesses
7 from playing a critical role in commercial waste
8 management. Hindering the growth of this waste
9 auditor startup sector undermines the sustainability
10 and equity goals that are fundamental to the
11 commercial waste zone law. NYLPI supports removing
12 waste auditing from the definition of waste broker
13 and further suggests that this bill amend Title 16,
14 Section B of the administrative code as well to
15 explicitly define waste auditing such that DSNY alone
16 has the right to certify and regulate waste auditors.
17 As the city continues to implement commercial waste
18 zone systems, we want to thank our partners in DSNY
19 and their diligent work...

20 SERGEANT AT ARMS: Time expired.

21 NATASHA BYNUM: ...[inaudible] that these
22 transformative systems are implemented in a way that
23 insures, ensures sustainability, equity, and
24 transparency at the heart of the new commercial waste
25 system. We'd like to again thank Chair Reynoso for

2 continuing to work with us on waste equity issues in
3 the city, and thank you all for your time and
4 consideration today.

5 COMMITTEE COUNSEL: Thank you. Next up
6 is Meredith Danberg-Ficarelli, followed by Dominic
7 Susino, followed by Chris Hine.

8 SERGEANT AT ARMS: Starting time.

9 MEREDITH DANBERG-FICARELLI: Good
10 morning. My name is Meredith Danberg-Ficarelli and I
11 am the director of Common Ground Compost LLC, a
12 member of the Save Our Compost Coalition, a member of
13 the Manhattan Solid Waste Advisory Board, and a board
14 member of the US Composting Council. Through my work
15 I build zero waste programs, advocate for the
16 expansion of access to waste reduction services, and
17 center educational materials literacy, the power of
18 individual behavioral change, and the recognition
19 that all people must demand structural change in
20 order to build a livable and just future for all.
21 I'm here today to urge you to improve access to
22 employment opportunities in the waste sector,
23 allowing more New Yorkers to play an active role in
24 mitigating climate catastrophe. New Yorkers need
25 green jobs that help us curb emissions, reduce waste

3 export, exports, produce essential soil amendments,
4 and provide new sources of nontoxic renewable energy.

5 One immediate way to support job creation of this

6 kind is to pass legislation that decouples waste

7 auditing from waste brokering. A certification

8 course for auditors must be created, data reported to

9 essential database, pricing mechanisms should be

10 standardized, and businesses guided to reduce waste

11 and recycle more. Waste work is hard work and with

12 greater transparency lots can be streamlined. Waste

13 brokering can involve the management of waste

14 infrastructure, contracts, and bidding processes,

15 while waste auditing is the physical process of

16 weighing bags of waste to demonstrate waste

17 generation and identifying contamination, which can,

18 ah, and identifying contamination to stop shop

19 recycling behavior. Generally a survey is a visual

20 assessment of waste, which can also include weighing,

21 while an audit is a more in-depth assessment that

22 involves weighing of all bags, sorting material, and

23 detailing contamination in different waste streams.

24 If you can see my Zoom photo, that's me at a waste

25 audit in a Manhattan office building last night. Um,

thanks for the early start time today, guys.

2 Currently in order to audit the waste generated by a
3 business an individual or company must be registered
4 by BIC as a trade waste broker, a process that
5 requires extensive paperwork and a \$5000 application
6 fee. Today New York City businesses pay for waste to
7 be collected, but the system lacks transparency and
8 businesses are frequently confused about what exactly
9 they're paying for. Waste bills can be based on
10 frequency of collection of different streams,
11 estimated weight of waste, volume or size of waste
12 containers, real estate square footage, number of
13 bags of waste, and other variables. Many business
14 owners have no idea how much waste they generate or
15 if they are paying a fair price for service. Under
16 the current system it is normal for haulers and waste
17 brokers to estimate or survey waste and then set a
18 monthly hauling price, leaving the businesses at the
19 whim of those results which are gathered in a
20 nonstandard manner, not always shared with the
21 business, and no centralized database exists. We are
22 missing a major opportunity to benchmark, to bring
23 transparency to this sector and to empower businesses
24 to better understand their waste. Commercial waste
25 zoning will encourage more businesses to asses their

2 waste streams through the services of third-party
3 auditors who will impartially measure waste, share
4 the data with the city, the hauler, the business, and
5 then the hauler...

6 SERGEANT AT ARMS: Time expired.

7 MEREDITH DANBERG-FICARELLI: ...and then
8 the hauler and the business would directly set the
9 pricing for waste collection services. The auditors
10 would not need to be involved in the price setting at
11 all. New York City can begin to standardize both the
12 metrics that are used to build businesses for waste
13 collection services and the procedures that are
14 followed to collect and report this data.

15 Benchmarking behavior through waste surveys and
16 auditing is an essential building block to the
17 circular economy. Until individuals and businesses
18 understand their waste behavior they may not
19 recognize the opportunities that exist to save money
20 by reducing waste and to share and donate valuable
21 materials, repair items, and divert as much as
22 possible from landfills and incinerators through
23 recycling, composting, and other value recovery
24 mechanisms. To support a new and transparent
25 commercial waste landscape a waste auditing

3 certification course must be created that will train
4 independent contractors and businesses to become
5 certified third-party waste auditors while taking all
6 necessary precautions to keep organized crime out of
7 the waste industry. Best practices in waste surveys
8 and auditing should include measuring piles of wastes
9 for length, width, and height, photographing waste as
10 it, as it is set at the curb and/or in containers,
11 counting bags of all streams wherever possible,
12 weighing bags, and identifying contamination among
13 other metrics. With these standardized metrics DSNY
14 can develop standard assumptions about waste streams
15 across different business types and sizes, and can
16 even better oversee and enforce fair pricing. In
17 addition to learning best practices, waste survey and
18 audit procedures and reporting requirements, this
19 certification course can educate about zero waste and
20 offer these auditors a framework through which they
21 can provide a wide array of waste reduction and
22 behavioral change recommendations to businesses.
23 DSNY has an opportunity to create an on-ramp to the
24 circular economy for New Yorkers through this
25 certification program. I'm almost done. To meet our
citywide zero waste goals we need all hands on deck.

2 The more certified waste auditors in our community is
3 the more opportunities there will be for businesses
4 to understand their waste services and what steps
5 they can take to reduce waste. Developing a waste
6 auditor certification program would not only
7 facilitate green jobs creation and foster a new era
8 of interagency collaboration for climate justice, it
9 would increase equity and accessibility in the waste
10 sector, give us a clearer picture of the state of
11 waste in our city, and offer innovative opportunity
12 to, to enter our city's waste sector. Thank you very
13 much.

14 COMMITTEE COUNSEL: Thank you. Next up
15 is Dominic Susino, followed by Chris Hine, followed
16 by Mike Reali.

17 SERGEANT AT ARMS: Starting time.

18 DOMINIC SUSINO: Hello, guys. Um, I'm to
19 share a screen here but I can't, so I'll just kind of
20 tell you about the project. Ah, the goal of our
21 project here, you know, has been to reduce traffic
22 and remove trucks from the roadway of Queens, to
23 increase air quality in the community, decrease the
24 amount of material going to landfills, and give jobs
25 to local community member. This project has been,

2 ah, underway for about 16 years now and three years
3 ago we got the approval from the Long Island Railroad
4 that they would be willing to, you know, connect the
5 rail spur to our project facilities, add, you know,
6 [inaudible], you know, doing at this point in the
7 game. The current facility is planning on building a
8 state-of-the-art facility that is gonna be built
9 aesthetically pleasing to the community and is gonna
10 help shield the community from the views in the
11 industrial park for the residents and it's gonna
12 allow the municipal solid waste building to be
13 modified so that way we can increase our reduction
14 ratios. The construction and demolition building
15 would be relocated, giving us the ability to build
16 the railroad tracks on the property. The current
17 mechanic shop would be removed and converted into a
18 storage facility for rail containers, so this way we
19 can help improve the movement of waste by rail. The
20 newly renovated buildings will have new air
21 filtration systems, odor-suppressing equipment, and
22 advance the mitigation technology. With these
23 changes the company will now have the capacity,
24 capability of building two railroad tracks on the
25 property that connect to a dead rail line located

2 parallel to the property. That's part of the reason
3 why we feel that, you know, we can complete this
4 project within that 48-month window. The facility
5 should be able to shield operations from public view
6 and help improve traffic flow on Liberty Avenue. As
7 a larger part of the project, American and Regal plan
8 on introducing a community solar project. Ah,
9 American Recycling is building its 70, 750,000 kW
10 system that would offset 386,000 pounds of CO2
11 annually, and Regal is building a 390 kW system that
12 would offset 200,000 pounds of CO2 annually. These
13 facilities will be able to supply 1.4 million kW of
14 clean renewable energy to the local area. The
15 combined CO2 offset just in the community solar
16 project is greater than 585,000 pounds annually. The
17 project will be capable of servicing both facilities
18 and, and commercial subscribers of 192 homes in
19 Queens every year for the next 25 years. Regal plans
20 on putting a live green wall directly across from the
21 park so this way it helps air filtration and beautify
22 the neighborhood. American plans on putting on live
23 green walls on its facility, ah, do the same. The
24 new facility will also include a state-of-the-art
25 classroom. We plan on inviting local schools to

2 safety tour, to safely tour our facility. This would
3 give the next generation an opportunity to learn the
4 importance of recycling and taking care of the
5 environment. They will be able to see what exactly
6 goes into the recycling process. This will give them
7 an appreciation for the improvement, important steps
8 that each person can take in the cycle, [inaudible]
9 impact, and they can learn about the exciting career
10 opportunities that are taking place in their
11 community. Both companies have reached to the
12 community, the council members, the community board,
13 and York College and they're looking to do local
14 hiring and participate through different programs.
15 Remember, the goal of this project is to reduce truck
16 traffic that will allow, and also set a new standard
17 for innovation and innovation in the waste management
18 industry. We want to create a facility that the
19 local community members are proud of, not only
20 aesthetically but functionally. The completed
21 facility should allow us to shield the community from
22 dust, noise...

23 SERGEANT AT ARMS: Time expired.

24 DOMINIC SUSINO: ...and others. Our
25 proposed activity will eliminate 46 round trip truck

2 trips from the Queens area to landfills around New
3 York State. You know, we're gonna be reducing seven,
4 if one, one truck drives a day 719 miles, which makes
5 about 10,000 annual trips for the capacity we're
6 gonna be able to put on the rail or so you're
7 talking about taking, you know, a process now that
8 takes 2000 gallons of diesel fuel a day, I'm sorry, a
9 year, and moving it down to 400,000 gallons of diesel
10 fuel a, a year. The 22,000 tons of CO2 emissions
11 previously a year will be cut down to about 4500 tons
12 of CO2 a year. You know, right now there's, ah,
13 those truck trips take about 2200 tons of nitric
14 oxide and 40, 4.8 tons of particulate matter they put
15 into the local community. We're gonna be knocking
16 that down to 124 tons of nitric oxide and 2.9 tons of
17 particulate matter. So there's many benefits to this
18 project. A lot of it is local highway congestion.
19 You know, we're gonna be removing those large trucks
20 that are removing waste from our facilities to the
21 upstate facilities. We're gonna be removing from the
22 state and local roadways, mainly Liberty Avenue. Ah,
23 this would help decrease, you know, the, the, I'm
24 sorry, will help decrease crashes on the local
25 highways and it will put a 10% reduction in traffic

2 miles, provides about 14.7% reduction in total
3 crashes. This gives the overall economic impact of
4 converting to rail for the local community close to
5 10 million dollars a year. Um, community...

6 CHAIRPERSON REYNOSO: Ah, Dominic, ah,
7 I'm sorry, we, you know, we're, we're allowing a
8 little bit of a grace period here for folks that want
9 to testify a little bit over the time allotted, but,
10 um, you know, we just want to be respectful of the
11 fact that we have a lot of folks that want to speak.
12 Um, I just want...

13 DOMINIC SUSINO: I'm [inaudible].

14 CHAIRPERSON REYNOSO: ...that, that they
15 get the opportunity. So if you could just wrap it up
16 so we can go to the next person. I appreciate it.
17 Thank you, sir.

18 DOMINIC SUSINO: Not a problem. I just
19 want to emphasize that this is all about removing
20 trucks from the roads and protecting our local
21 communities. Thank you again.

22 COMMITTEE COUNSEL: Thank you. Next
23 we'll hear from Chris Hine, followed by Mike Reali,
24 followed by Demond Wilkerson.

25 SERGEANT AT ARMS: Starting time.

2 COMMITTEE COUNSEL: Oh.

3 UNIDENTIFIED: You're good.

4 COMMITTEE COUNSEL: I believe Chris Hine
5 is with Dominic for unmuting purposes.

6 CHRIS HINE: Hi. Thank you...

7 CHAIRPERSON REYNOSO: And I, I just want
8 to acknowledge that we're joined by Council Member,
9 ah, Justin Brannan as well. Thank you.

10 CHRIS HINE: Am I speaking?

11 UNIDENTIFIED: Yes.

12 CHRIS HINE: OK. I just want to say
13 thank you, ah, for the opportunity to speak about the
14 project that's been our dream for, ah, many years.
15 We went back 16 years ago and had asked, ah, just for
16 the reason of the rail was right next to the
17 property, hey, let's move some waste by rail and,
18 and, and not knowing all the positives that we would
19 learn through the 13-year process of them saying no
20 that I'm changing the mind of the, of the rail to
21 putting more commerce back on rail. They were taking
22 commerce off rail for the past 15 years or so. So
23 we, we've gone out and we've done our homework and
24 the before and after picture is gonna be dramatic,
25 ah, for the community and for, for the operations.

2 It's not a OK, let, um, American Recycling and Regal
3 put this, ah, plan together so that we can increase
4 our bottom line. This is probably gonna decrease our
5 bottom line, but it's gonna be longevity for us to
6 exist with the coexisting neighborhood and better it.
7 So other than what Dominic, I just, ah, I guess we'll
8 have some answer or questions and answer section
9 after this. But I just want to say thank you and I
10 hope the opportunity is, ah, well taken. Thank you.

11 COMMITTEE COUNSEL: Thank you. Next
12 we'll hear from Mike Reali, followed by Demond
13 Wilkerson, followed by Mary Arnold.

14 SERGEANT AT ARMS: Starting time.

15 MIKE REALI: Ah, sorry. OK, sorry about
16 that. Is that working now?

17 SERGEANT AT ARMS: No, Mr. Reali, ah,
18 you, you have several devices on in the same room.
19 You may need to turn off the mic and audio on the
20 other devices so we can hear you well.

21 MIKE REALI: OK. Um, thank you very
22 much. Thank you very much, and I do apologize for
23 that. Um, I just want to say thank you again for
24 everyone that's present and for the chair, ah, for
25 the Chair Reynoso, thank you so much for the

2 opportunity and, ah, all the other, ah, council
3 members that are here, and everyone that's present.
4 And as Dominic and, ah, Mr. Chris Hine has mentioned
5 before, this has been a long road and something that
6 we're very, very dedicated to. I'm very proud to say
7 that I'm a, a long-time standing member of southeast
8 Queens, ah, born in Jamaica Hospital, ah, raised in,
9 ah, Jamaica right off of Liberty and Southern
10 Boulevard as a young child, and that's why we have
11 our foundation here in Queens and southeast Queens.
12 We've always been here. We're so proud to be part of
13 this community. And why this is so important, this
14 is a, a tremendous investment, not only in, in the,
15 in the waste industry to be a forefront of
16 sustainability as we're all here for, I'm also very
17 proud to say that we are the number one recycling
18 company in New York City commercially, exporting 250
19 million pounds of material throughout the world -
20 India, Southeast Asia, Malaysia, and that all comes
21 from southeast Queens. Composting, we want to
22 continue to grow composting but, and organics, but as
23 we know it's very difficult to try to separate and
24 get the material clean, and that's what we've been
25 working diligently to work with. We continue to work

2 with the concrete, metals, and this all comes to
3 fruition of everything we continue to do, make
4 investments, and the most important part, it's labor
5 intense. We have union jobs, people working daily,
6 all local. We have hundreds of people that work here
7 on a daily basis, and we want to continue to grow,
8 and that's why this is so important not only for us,
9 but it's for the community. And as, as I can, stated
10 before, we have a petition signed for hundreds of
11 people that live, that we're gonna send out, um, to
12 be part of the record in the next few days, that
13 people locally have this sign, it says hey we were
14 doing this project, we need your support, thank you
15 so much, we're here, we're part of it, and like I
16 said before, thank you. And this is not only good
17 for us, but it's good for everyone that's involved in
18 New York City sanitation and recycling, and for our
19 sustainable future. That's what I've been doing my
20 whole life, and, and that's what I want to continue
21 to do. And thank you.

22 COMMITTEE COUNSEL: Thank you. Next
23 we'll hear from Demond Wilkerson, followed by Mary
24 Arnold, followed by Oster Bryan.

25 SERGEANT AT ARMS: Starting time.

2 DEMOND WILKERSON: Good morning. Um, my
3 name is Demond Wilkerson. My company is, um, Modern
4 Community Capital. I'm a consultant on the project,
5 specifically focused on financing. And I wanted to
6 address some of the questions and concerns around the
7 restoration of capacity. You know, I deal directly
8 with the financing pieces in my company. You know,
9 we specialize in community development financing, um,
10 and Chris, um, from American, alluded to it earlier,
11 that ultimately this is a very expensive project and
12 it, and honest, in all honesty is not necessarily
13 gonna increase the bottom line because of that. The
14 types of funding programs and financing strategies
15 that we had to put in place are going to, you know,
16 the, the, the, the lenders that have kind of a dual
17 underwriting mechanism. We're looking at the
18 economics, but ultimately they're also looking social
19 impact metrics as well, like job creation. Is it a
20 catalytic investment for the community to support
21 other investment happening in the community board?
22 Is it reducing the carbon footprint and a number of
23 other, you know, items that we're gonna be held
24 liable to from the funding sources. And so, you
25 know, the, um, you know, the restoration of capacity

2 is, you know, you know, the ability for the
3 underwriters to look at the debt ability, capability
4 of the companies to support the project, that it does
5 put a heavy burden on that ability once, when the,
6 ah, you know, we have the, the reduction in, um, in
7 capacity, because we started this process well over
8 two years ago. So I can speak directly, you know, as
9 an outside consultant dealing with the financing that
10 it, it does make it extremely challenging based on,
11 you know, the, the goals of, of the organizations and
12 the, the great, you know, um, you know, the, the size
13 of the investment that they're looking to put into
14 the project, looking at creating more of a catalyst,
15 you know, for future development and really, I think,
16 from my perspective putting forth, you know, based
17 on, you know, some of the questions, concerns, and
18 Council Member Miller, you know, we definitely thank
19 you for your input. He wanted to, to have, you know,
20 something IT was gonna be long-lasting within the
21 community. And so they put together a very lofty
22 proposal and to, to finance that, you know, it is a
23 very big lift and, and a, a heavy challenge. You
24 know, I'll be happy to take questions and things like
25 that offline, but I just wanted to, ah, just kind of

2 make that statement on behalf of the, the financing
3 side of things. So thank you for your time.

4 COMMITTEE COUNSEL: Thanks. Um, next
5 will be Mary Arnold, followed by Oster Bryan,
6 followed by Mary Parisen Lavelle.

7 SERGEANT AT ARMS: Starting time.

8 MARY ARNOLD: I'm speaking today on
9 behalf of Civics United for Railroad Environmental
10 Solutions, CURES, and at the request of constituents
11 of Council Member Miller. CURES is not against the
12 use of freight rail or waste by rail in areas that
13 already see freight rail, are zoned for heavy
14 industry, and meet the same standards that the New
15 York City Department of Sanitation set for waste
16 management. These standards include fully enclosed
17 facilities with pollution controls, sealed
18 containment of waste in rail cars, the use of modern
19 tier 4 near zero emissions locomotives, and direct
20 shipment of waste. Other private companies in this
21 new industry have already proven that they will
22 conduct their business in ways that do not protect
23 the health and quality of life of New Yorkers. To
24 speak to Council Member Reynoso's questions and
25 Deputy Commissioners Anderson's point, all other

2 waste by rail today uses high-polluting, noisy, 1970
3 locomotives that were grandfathered out of the
4 federal Clean Air Act, so they can be used
5 indefinitely. C&D, construction and demolition
6 debris operations take place in buildings with three
7 walls and a roof, which is not an enclosed facility.
8 It means open air waste processing that emits waste
9 blow-off, leachate, and odors in communities. Ah,
10 this law would allow 51% shipment only of rail and
11 the use, and legitimizes the use of such facilities.
12 C&D is shipped in open rail cars that emit waste
13 blow-off, leachate, and odors. They ship overfilled
14 rail cars with muffin-top loads that have been
15 involved in derailments that delayed commuter trains.
16 They regularly mix stinky putrescible waste with
17 construction debris in open rail cars. To speak to
18 Dominic Susino's points, on a Sunday CURES board
19 members observed Long Island Railroad moves on the
20 track he describes as dead. There is no freight rail
21 there. They have presented on-site renderings of the
22 proposed facility and never provided promised follow-
23 up documentation on the serious and costly grade
24 separation and space constraint issues that are
25 barriers to rail. To speak to Deputy Commissioner

2 Anderson's and Councilman Miller's points, you should
3 insist on cleaning up waste by rail technology in New
4 York State before changing Local Law 152, because if
5 you advance this legislation you will not be able to
6 control the resulting adverse interjurisdictional
7 impacts. The Long Island Railroad refused to
8 participate in the New York City Economic Development
9 Corporation DERA grant for waste management's lack of
10 cooperation. The Long Island Railroad has received
11 27 million dollars since 2013 to get rid of the 1970s
12 locomotives...

13 SERGEANT AT ARMS: Time expired.

14 MARY ARNOLD: ...and has had an open RFP
15 that was supposed to do this since 2018. And yet all
16 the Long Island Railroad has to report on their
17 progress is that they can't talk about it. The New
18 York State Department of Environmental Conservation
19 has turned a blind eye to adverse community impacts
20 in New York City during its industry-driven siloed
21 site by site expansion of waste by rail, including in
22 environmental justice communities, left rail
23 containment standards out of the Part 360
24 regulations, and they did this despite powers given
25 by the federal Clean Railroads Act, which took powers

2 over transfer stations away from the Federal Service
3 Transportation Board. The Federal Railroad
4 Administration has no jurisdiction over this type of
5 solid waste. In setting waste by rail standards more
6 than 10 years ago the Department of Sanitation was
7 being responsive to community advocacy and they knew
8 that even with these medications waste by rail comes
9 with significant community burdens. Wherever there
10 are waste by rail transfer and transfer stations
11 there are more trucks. Waste will still come to
12 transfer stations by trucks, even with direct rail,
13 and more tonnage means more trucks. New York City
14 laws limiting noise, hours of operation, and idling
15 do not apply to railroads and most operations take
16 place at night. Since 2008 when the waste by rail
17 industry began in the New York City region private
18 fortunes have been made without mitigating public
19 costs. The trains in the M1 zone are powered by
20 electricity. It would be unconscionable for the
21 Sanitation Committee to approve this heavy
22 industrialization in an M1 zone, or any other
23 neighborhood of New York City that doesn't already
24 have freight rail. It would be unconscionable to
25 industrialize and degrade quality of life in New York

2 City neighborhoods just to export waste at a time
3 when zero waste and composting and scale our city
4 goals in environmental justice neighborhoods are owed
5 tonnage and relief through the new Waste Equity Law.
6 Intro 2349 sets lower standards for waste by rail
7 than the Waste Equity Law and the standards waste
8 management had to meet. The proposed legislation
9 opens a Pandora's box of increased tonnage, lowered
10 standards, and community harms, not just for one
11 environmental justice community in Queens, but for
12 environmental justice communities across the city.
13 It legitimizes unenclosed transfer stations that have
14 three walls and a roof, that will emit waste blow-
15 off, leachate, and odors. It only requires 51% rail
16 shipment, so the rest by truck. It facilitates the
17 use of inappropriate sites for waste by rail and the
18 use of city streets to truck waste from transfer
19 stations to trans load facilities. There are traffic
20 and public safety issues this law fails to address.
21 Queens and Brooklyn have freight rail grade crossings
22 with primitive crossing protection, where trains
23 already block city streets during freight rail moves.
24 There have been truck freight locomotive crashes at
25 such crossings since 2015. This, what we need is

2 regional solid waste management planning for waste by
3 rail and we need planning for, to achieve zero waste
4 goals, as Ira Goldstein said. This law, not this
5 law. Thank you. Thank you very much. Withdraw
6 this, please. Thank you.

7 COMMITTEE COUNSEL: Thank you. Next
8 we'll hear from Oster Bryan, followed by Mary Parisen
9 Lavelle, followed by Rebecca Bratspies.

10 SERGEANT AT ARMS: Starting time.

11 OSTER BRYAN: Ah, thank you. My name is
12 Oster Bryan, president of [inaudible] Association,
13 and, ah, just a regular citizen in the community.
14 Um, I want to remember where we started, how we got
15 here. For years citizens in the community have
16 complained about the stench that it emits from these
17 waste transfer stations. I mean, you can smell it
18 from blocks away. Now, if I hadn't seen with my own
19 two eyes what proper waste transfer stations can look
20 like with the sites visits to, ah, DSNY locations,
21 ah, Department of Sanitation locations, I went inside
22 those waste transfer stations, I can't smell garbage.
23 In this area, ah, residential, people live feet away.
24 This, ah, this, ah, waste transfer station is actual
25 in people's, you can see it from someone's back

2 yards, ah, along the other, the other street there.
3 You can literally, so, we're talking about stench in
4 the area. So that's what we were trying to mitigate.
5 Ah, and here we are now, ah, we're talking about this
6 waste by rail and, ah, there's supposed to be, ah,
7 which I didn't see in the legislation, any
8 requirements that they cover or, or mitigate that
9 smell. It's not in the legislations. I heard a lot
10 of promises here. I didn't see it in paper. We're
11 talking a lot about the effects of the waste transfer
12 stations and we're not talking about the effects on
13 the people. The people come first. They're, they're
14 the ones who are most impacted. Ah, you know,
15 Malcolm X said something to the effect that you don't
16 stick a knife in a man's back 6 inches and pull it
17 out 3 and call it progress. What we're doing is
18 worse here because we're actually sticking it in 6
19 inches and sticking it in 2 more inches because
20 you're expecting these people to deal with this for
21 four more years, and everybody's talking about waste
22 by rail transfers. Sister Arnold's correct. You're
23 talking about increasing it for four more years when
24 they've been dealing with this problem for decades.
25 I'm not quite sure if there's justice. Children are

2 developing asthma in this area. There's a public
3 park which was recognized that people can't barely
4 use, right? I mean, we're talking about people and
5 human and children, all right. I'm talking about,
6 ah, the ability of an organization, ah, to quote
7 unquote increase their facilities when they, or
8 improve their facilities when they haven't shown to
9 be good characters or good community partners in the
10 past and were expecting us to trust that they'll do
11 this now. Ah, fool me once, shame on you. Fool me
12 twice, shame on me. Right? Um, the, the, ah, and
13 there's, and there's rumors again, tell me if I'm
14 wrong, ah, there are contingency plan to maintain the
15 truck traffic just in case waste by rail falls
16 through. So I'm not quite sure if that exists out
17 there. I could be wrong. And I'm not quite sure if
18 you're functioning as true community partners, and
19 therefore I say reject 2349. Thank you very much for
20 your time.

21 COMMITTEE COUNSEL: Thank you. Next
22 we'll hear from Mary Parisen Lavelle, followed by
23 Rebecca Bratspies, followed by Andrea Scarborough.

24 SERGEANT AT ARMS: Starting time.
25

2 MARY PARISEN LAVELLE: Good morning. My
3 name is Mary Parisen Lavelle. I'm the president of
4 Civics United for Railroad Environmental Solutions,
5 CURES. I'm speaking out against Councilman Miller's
6 legislation. Constituents of Council Member Miller's
7 district are being told that a new state-of-the-art
8 waste transfer station will be built and waste will
9 be transported with a new rail siding so that they
10 can get trucks off the roads. Things look great on
11 paper until they're actual implemented. These people
12 were supposed to get some relief from tonnage
13 decreases in their communities through the Waste
14 Equity Law. So instead this law increases tonnage,
15 legitimizes transfer stations with three walls and a
16 roof, and doesn't require direct rail or sealed
17 containment of waste. The odors, as people have
18 testified today, are horrendous. These are lower
19 standards than the Department of Sanitation set for
20 waste management. The proposed law will not get
21 required of trucks and will add the problems of
22 outmoded waste by rail to their current problems.
23 Why is that? Because the operations of the New York
24 and Atlantic Railway are noisy and high polluting.
25 They use, as Mary Arnold stated, 1970 locomotives to

2 haul waste. Construction and demolition debris is
3 hauled in open rail cars that emit waste, blow-off,
4 leachate, and odors. Waste by rail, as we know, is a
5 big business. The way waste by rail is being
6 conducted today, it's profitable for the private
7 industries at the expense of the health and quality
8 of life for the communities like ours through their
9 rail car travels. Before there is any expansion of
10 this waste by rail industry, the industry must invest
11 in new technologies and government must establish
12 standards that end needless health and quality of
13 life harms in communities already burdened with
14 growing amounts of waste by rail. Regional solid
15 waste management and transportation planning are
16 needed to clean up waste by rail and thoughtfully
17 consider how it should work in conjunction with
18 citywide composting, recycling, and reuse. This
19 faulty legislation proliferates current problems and
20 creates new ones. Please protect those you serve and
21 do the right thing by withdrawing this legislation.
22 Thank you very much for the opportunity to testify
23 today.

24

25

2 COMMITTEE COUNSEL: Thank you. Next
3 we'll hear from Rebecca Bratspies, followed by Andrea
4 Scarborough, followed by Walter Dogan.

5 SERGEANT AT ARMS: Starting time.

6 REBECCA BRATSPIES: Good morning. My
7 name is Rebecca Bratspies. I'm a professional at
8 CUNY School of Law, where I run the Center for Urban
9 Environmental Reform, known as CURE. I sit on the
10 New York City Environmental Justice Advisory
11 Committee, and on EPA's Children's Health Protectory
12 Advisory Committee. My testimony today is based on
13 CURE's work with the Jamaica residents who recruited
14 our assistance to combat the noise, odor, and dust
15 nuisances created by the waste transfer stations in
16 their neighborhood. We are therefore stunned at this
17 committee's entertaining Introduction 2349, which
18 would gut Local Law 152, the Waste Equity Bill, vis a
19 vis this community. In the process this introduction
20 would inflict new additional noise, odor, and dust
21 burdens on an already overburdened community. I urge
22 this committee to make sure that all of the city's
23 waste handling laws promote rather than undermine
24 waste equity. I'd like to take the opportunity to
25 remind the committee that pursuant to Local Laws 60

2 and 64 of 2017, the environmental justice laws, New
3 York City recently released its map of environmental
4 justice neighborhoods. I urge this committee to
5 explore prioritize reducing environmental burdens on
6 the city's newly delineated environmental justice
7 communities, including the part of Jamaica, Queens
8 that the waste transfer stations benefitted by this
9 bills are located. I also want to remind this
10 committee that environmental justice requires not
11 only the fair distribution of environmental burdens
12 and benefits across the city, but also that affected
13 communities have the opportunity to participate
14 meaningful in the public decision processes by which
15 environmental choices are made. This legislation
16 achieves neither goal. Instead, this bill adds
17 significant new environmental burdens to an already
18 overburdened community and does so in nothing
19 resembling meaningful notice and consultation. New
20 York City has long recognized that meaningful
21 participate must occur at a time that allows
22 community concerns to be considered in environmental
23 decision-making and must involve the opportunity for
24 affected community members to contribute information,
25 ask questions, and share their perspectives with

2 decision-makers. Communication that flows one way,
3 from decision-makers to communities, informing them
4 about decisions made elsewhere based on
5 uncommunicated priorities, is not meaningful
6 participation. Processes that give the veneer of
7 public participation without actually allowing any
8 opportunity for affected individuals to share their
9 concerns or influence positions undermine public
10 trust in government and impoverished public
11 discourse. With that critical reminder about the
12 role of meaningful, of, ah, public participation
13 plays in legitimating public decision-making, I'd
14 like to tell you a brief story. CURE has spent the
15 last year collaborating with community groups in
16 Jamaica, Queens, a designated environmental justice
17 community under both state and local law. At the
18 request of community members, CURE has been assisting
19 them gathering information with regards to the laws
20 and regulations governing the waste transfer stations
21 in their neighborhood. These waste transfer stations
22 are inappropriate located...

23 SERGEANT AT ARMS: Time expired.

24 REBECCA BRATSPIES: ...in an M1 zone,
25 directly adjacent to a public park and a residential

2 neighborhood, and obviously one of the, ah,
3 neighborhoods that waste equity was intended to, um,
4 benefit. This introduction is the culmination of an
5 ongoing process that was conducted with no community
6 involvement whatsoever. Although elected officials
7 were apparently writing letters of support for the
8 expansion as soon as the waste equity law passed in
9 2018, the affected community learned about for the
10 first time on April 14, 2021, exactly one day before
11 the so-called public meeting on the proposal on April
12 15, 2021. That meeting is a so-called public meeting
13 because although there was a poster announcing the
14 meeting, it wasn't actually posted anywhere in the
15 community, either physically or virtually. The
16 meeting was not included in any newsletter, including
17 Council Member Miller's weekly email that came out on
18 April 9. Nor was it posted on the community board
19 website. The poster announcing this meeting made its
20 way to Facebook only the afternoon before the
21 meeting, and the community owes its knowledge of that
22 April 14 so-called meeting to this committee, which
23 seems to have been the only recipient of the poster
24 and promptly shared it with the community. During
25 the period between the fall of 2018 and the present

2 there was no public outreach, no stakeholder
3 consultation, no opportunity for meaningful
4 involvement in this momentous decision that will
5 impose significant impacts on this community. There
6 was no opportunity for any form of direct public
7 participation at that April 15 meeting, either. The
8 presenters were identified by first name only,
9 provided no contact information, and no opportunity
10 for follow-up. Questions could be submitted only
11 through Zoom, and the few questions that were
12 proposed to the presenters were paraphrased rather
13 than read aloud. To my certain knowledge,
14 substantive questions were neither posed nor
15 answered. Requests for the video of this recorded
16 meeting, the attendee list, the questions submitted,
17 remain unanswered. Council Member, ah, Miller's, ah,
18 office informed us that the, that data is wholly in
19 the custody of the waste transfer station. Well, the
20 transfer station has not responded to emails or phone
21 calls. Not only is this a breach of Guilford's
22 meetings law, it is yet another environmental
23 injustice inflicted on this community. I urge you to
24 keep environmental justice at the center of your
25 work. That means keeping meaningful community

2 participation at the center of your work. This
3 community deserves to be consulted, to be listened
4 to, to have a genuine opportunity to participate in
5 this momentous decision. Therefore, I urge you not
6 to take any action on Introduction 2349 until that
7 consultation occurs. Thank you.

8 COMMITTEE COUNSEL: Thank you. Next
9 we'll hear from Andrea Scarborough, followed by
10 Walter Dogan, followed by Gary Giordano.

11 CHAIRPERSON REYNOSO: Andrea, I think you
12 muted, you unmuted and muted. Ah, I apologize for
13 that. Thank you.

14 COMMITTEE COUNSEL: OK, thank you.

15 SERGEANT AT ARMS: The clock is ready.

16 ANDREA SCARBOROUGH: Good morning,
17 Chairman Reynoso, Council Member Daneek Miller, and
18 all of the panel. My name is Andrea Scarborough. I
19 am the former president of Addisleigh Park Civic
20 Organization and most recently voted as the vice
21 chair of the Queens Solid Waste Advisory Board. I am
22 speaking here today, however, as a concerned resident
23 of southeast Queens District 12. I oppose Intro 2349
24 for the following reasons. The proposed legislation
25 is seeking to grant the facilities, American

2 Recycling, Regal Recycling, and increasing their
3 putrescible waste based on their intent to move to a
4 rail system and not their current operational
5 practices. Although these facilities are not named
6 in the legislation, the civic leaders, um, of
7 District 12 attended presentations by Council Member
8 Miller and the two waste transfer stations where this
9 project was presented. Why would a city law give
10 permission to waste facilities to infringe upon a
11 community's quality of life by removing an existing
12 cap and allowing more tonnage of waste for four years
13 based on their word, intent, to move to exporting
14 waste through the rail system? That is unacceptable.
15 History has shown that Regal Royal Recycling cannot
16 be depended upon to honor their commitments. In
17 2002-2003 a stipulation of settlement between the
18 waste facility and several advocacy groups allowed
19 the company to increase its capacity for processing
20 putrescible solid waste from 177 tons to 600 tons per
21 day. In return they agreed to several conditions,
22 including preparing quarterly compliance reports to
23 be sent to the Federation of Civic Associations and
24 Community Board 12. Regal was also to designate an
25 in-house point person to receive and respond to

2 complaints from the community, whose name and
3 telephone number was to be provided to the community,
4 and to the executive board of the Federation of Civic
5 Associations as well as Community Board 12. None of
6 these conditions were ever met. With the exception
7 of one other waste transfer station, southeast
8 Queens, District 12, is the only area in all of New
9 York City where a waste station has been allowed to
10 operate in an M1 zoned area, a zone designed to
11 accommodate light manufacturing, not heavy industrial
12 use activity. These stations are poorly run. They
13 need to improve their management. We have homeowners
14 that are subject to...

15 SERGEANT AT ARMS: [inaudible]

16 ANDREA SCARBOROUGH: ...facilities that
17 pollute the air, expose residents to stench, and
18 create an unhealthy condition for everyone that lives
19 there. Intro 2349 fails to make the case for
20 allowing more waste into a community where by law it
21 does not belong. Finally, understanding, ah, that
22 increased waste means increased trucks coming in,
23 creating the very environmental condition that you're
24 trying to rectify. Finally, at the Zoom presentation
25 by American Regal Recycling it was stated that their

2 intent was to, one, build a new facility at their
3 site; two, export their waste by the rail system;
4 and, three, request a removal of their existing cap
5 and increase their waste capacity. Intro 2349
6 legislation that is for the Sanitation Committee,
7 however, excludes the building of a new facility,
8 something very important to the community. Should
9 this legislation pass the waste transfer station
10 potentially would be allowed to increase their waste
11 without ever being held accountable to build a new
12 facility or address inefficiencies that exist at
13 their site, without ever being held accountable to
14 improve the quality of life for the residents that
15 live by these two waste transfer stations. As a
16 concerned resident of southeast Queens I ask that
17 Intro 2349 be rejected. Thank you for your time.

18 COMMITTEE COUNSEL: Thank you. Next up
19 will be Walter Dogan, followed by Gary Giordano,
20 followed by Luz Guel.

21 SERGEANT AT ARMS: The clock is ready.

22 WALTER DOGAN: Good morning to the City
23 Council. My name is Walter Dogan. I'm the president
24 of Brinkerhoff Action Association [inaudible] to what
25 we're talking about. I ask that the council please

2 reject Intro 2349 for the following reasons.

3 Southeast Queens district 12 has been identified as
4 an environmental justice community. The goal is to

5 get to zero waste. In consideration of [inaudible]

6 the locations of these proposals are in already

7 overburdened M1 zone with buildings that were

8 grandfathered in. The area will suffer an increase

9 in pollution because it will require the increase in

10 the number of trucks coming into and going out of the

11 neighborhood. This law offers [inaudible] tonnage

12 for them to bring in. The residents of the community

13 are suffering and will continue to suffer more

14 because they are unable to enjoy the comforts of

15 their homes year round. The council should not be

16 providing loopholes to increase more tonnage of waste

17 coming into a community. It is inappropriate when

18 zero waste is the goal. This was not the intent of

19 the Waste Equity Law. There have been no plans

20 shared, no answers given, come on in, no, no plans

21 shared, no answers given provided the questions posed

22 the community about this project. The residents that

23 live in the area has not been considered in a

24 meaningful way. Council Member Miller's law,

25 proposed law, legitimizes undisclosed transfer,

2 unenclosed transfer stations with three walls and a
3 roof. Please consider our families. We've suffered
4 and will continue to suffer under this legislation.
5 Please withdraw this legislation. Please take your
6 time to reject Intro 3, 2349. Thank you very much.

7 COMMITTEE COUNSEL: Thank you. Next
8 we'll hear from Gary Giordano, followed by Luz Guel,
9 followed by Reverend Doctor Phil Craig.

10 SERGEANT AT ARMS: The clock is ready.

11 GARY GIORDANO: Hi, good morning. My
12 name is Gary Giordano. I'm the district manager of
13 Community Board 5 in Queens. Um, thank you for, ah,
14 conducting this hearing. Councilman Reynoso, it's
15 good to see you, even if it's remote. I wish you all
16 the best, um, and hopefully congratulations. Ah, I
17 really feel for those people in Jamaica who could see
18 a 20% or more increase in activity at the waste
19 transfer station. Waste in New York City is a
20 tremendous problem that I think we really need to get
21 more of a handle on. Um, and that involves being
22 able to recycle more, especially with construction
23 and demolition debris, in my opinion. So an
24 environmental justice community, no doubt Jamaica is
25 that. No doubt portions of Board 1 in Brooklyn are

2 that. Also, portions of District 5 in Queens, in my
3 opinion, are that. Because all of the freight or
4 almost all of the freight that comes by rail into
5 Long Island has to come into Glendale in District 5
6 Queens. And it's sorted there in the middle of the
7 night. If you think freight rail is something, ah,
8 that's, ah, an innocent use or completely and utterly
9 better than trucks, it puts a lot of pressure on
10 specific communities. And it's nice to talk about
11 freight rail, but basically all that freight rail is
12 going on that, ah, ah, Long Island Railroad line that
13 in our area it's the Montauk Line and the Montauk
14 West Line that is bringing everything into Q5
15 basically. Um, and that includes putrescible
16 garbage, construction and demolition debris, you name
17 it. If it's going out of New York City it almost all
18 has to come through Q5. Um, so freight rail capacity
19 issues are a tremendous problem. Talk about, oh,
20 yeah, use freight rail, use freight rail. There
21 aren't too many freight lines available. In fact,
22 it's mainly one that goes all the way from Sunset
23 Park and then, you know, ah, along the Montauk Line,
24 and then back up with the, ah, the CSX line over the
25 Hell Gate Bridge. That's everything. Um, we have to

2 find ways, I understand that, the desire to move
3 freight by rail, but we have to find ways to, to do
4 this, um, with covering the rail cars that have the
5 C&D debris. That's absolutely critical. Um, I think
6 the City Council has to push the State of New York to
7 mandate that, because you have all this particulate
8 matter, um, blowing off these rail cars when they're
9 traveling, ah, upstate usually to cross the Hudson,
10 um, and that's, you know, basically a, a pollutant
11 that it's a silent pollutant, and then the noise all
12 night long for these poor people that live along the
13 rail line, where the operation can't be during the
14 day. More of those operations have to take place,
15 ah, during the day. There's no doubt about that.
16 And then the polluting locomotives, the, ah, the
17 state legislature has approved 27 million dollars, as
18 I think one of the ladies from CURE said, um, to
19 buy...

20 SERGEANT AT ARMS: Time expired.

21 GARY GIORDANO: ...I'll end it quickly, to
22 buy new locomotives. Not the New York [inaudible]
23 Railway is gonna buy 'em, not that Long Island
24 Railroad is gonna buy 'em, our state tax dollars had
25 to be approved to buy these locomotives because

2 nobody else is taking responsibility. Now the Long
3 Island Railroad is jerking around, for lack of a
4 better term, because they don't want to get, in my
5 opinion, the least polluting locomotives, because it
6 doesn't meet their, their own needs, ah, outside of
7 the freight rail operation. You know, you want
8 switcher locomotives. They only want to buy long-
9 haul locomotives. So this is a complex issue and I
10 think that this bill is very unwise and should be
11 rejected because it's gonna put more pressure on the
12 entire system beginning in Jamaica and then all along
13 the route of the freight rail. It's not just Jamaica
14 and Glendale. All along the route of the freight
15 rail and those pollutants going into these
16 communities because those rail cars don't have to be
17 covered and those, and, and the locomotives don't
18 have to be upgraded. Thank you very much for the
19 opportunity to talk today.

20 COMMITTEE COUNSEL: Thank you. Next
21 we'll hear from Luz Guel, followed by Reverend Doctor
22 Phil Craig, followed by Camile Morgan.

23 SERGEANT AT ARMS: The clock is ready.

24 LUZ GUEL: Good morning, everybody. My
25 name is Luz Guel and I would like to thank this

2 committee for the opportunity to provide expert
3 testimony on the proposed legislation. The proposed
4 legislation is seeking to grant two waste transfer
5 stations in District 12, American and Regal, an
6 increase in putrescible waste based on their intent
7 to move to waste by rail. We urge you to oppose the
8 proposed amendment, Intro 2349, to the Waste Equity
9 Law that would allow these facilities to increase
10 their permitted waste capacity for export by rail.
11 We are a team of physicians, industrial hygienists,
12 epidemiologists, scientists, and community-engaged
13 resource from the Icahn School of Medicine at Mount
14 Sinai with expertise in environmental and public
15 health. Our team has extensive expertise and
16 experience in counseling communities and families on
17 evidence-based strategies to create safer
18 environments. We are convinced that the proposed
19 amendment will have long-lasting toxic impacts on the
20 children living near the site, as well as their,
21 their families. As health professionals with
22 expertise on the impacts of environments on health we
23 oppose the amendment for the following two reasons.
24 The first one - added environmental health
25 inequities. Allowing these waste transfer stations

2 to increase their permitted waste capacity could
3 disproportionately expose the neighboring community
4 to increased environmental hazards, such as air
5 quality, odor, leachate, noise, and storm water
6 runoff. The second reason - environmental justice.
7 Number one reason, these waste, waste transfer
8 stations are meant to operate in M3 zone heavy
9 industrial use area. And of course these, ah,
10 facilities are inappropriately located in an M1 zone,
11 directly adjacent to a public park and a residential
12 neighborhood. Also, there has been no meaningful
13 attempt to directly involve community members in the
14 decision-making process of the proposed waste, ah,
15 waste transfer station expansion. Allowing these
16 facilities to expand will set precedent for other
17 environmental justice communities across New York
18 City to become industrialized. When it comes to
19 environmental health inequities, we know that there
20 are too, far too prevalent in New York. And too
21 often these health hazards are placed unjustly and
22 distributed and placed in low-income communities of
23 color that contribute to health effects and burdens.
24 As public health researchers we see the long-term
25 impact of environmental injustices and the role they

2 play in affecting the health of front-line
3 communities, which are too often low-income
4 communities of color. For the past year our
5 environmental health researchers team have been
6 collaborating on an air-quality study with residents
7 and community groups in southeast Queens. Residents
8 who live near the two waste transfer stations have
9 reported a high frequency of foul odors, diesel
10 exhaust, waste blow-off, leachate, constant noise,
11 and disruption from these facilities, and trucks that
12 traverse through them on a daily basis. These
13 exposures have a substantial impact on chronic
14 stress, headaches, and will have long-term impacts,
15 particularly in children living near the community.
16 Allowing these facilities to expand their waste
17 tonnage will worsen air quality impacts, increase
18 odor exposures, and add to existing environmental
19 health inequities. For example, when it comes to
20 odor, in the summer the stench emanating from these
21 waste transfer facilities is so unbearable that
22 residents aren't able to open their window or use
23 their back yard. Odor from municipal waste is
24 primarily caused by volatile organic compounds, VOCs.
25 And many of these compounds are known to negatively

2 impact the health of community members. And this
3 excessive exposure to certain VOCs has been linked to
4 cancer as well as damage to kidneys, liver, central
5 nervous system, and respiratory system issue. This
6 community is already exposed to disproportionate
7 levels of environmental pollutants compared to high-
8 income white neighborhoods across New York City. And
9 this impact is undeniable, as chronic stress and the
10 associated economic impact of nearby [inaudible]
11 facilities affects all aspects of life and the health
12 of community members. In New York City waste
13 transfer stations are all almost exclusively located
14 in environmental justice areas. Expanding these
15 waste transfer facilities only deepens the
16 environmental injustices faced by Jamaica residents
17 and widens environmental inequities. Environmental
18 justice means those most affected by environmental
19 issues should be at the forefront of decision-making.
20 Allowing these facilities to move forward with the
21 waste by rail undermines the Waste Equity Law's
22 environmental justice mandate and assists these waste
23 transfer stations [inaudible] process. These waste
24 transfer stations are meant to operate in M3 heavy
25 industrial zone. Yet again they are inappropriately

2 located in M1, directly adjacent to a public park and
3 residential neighborhood. Additionally, District 12
4 is one of the four overburdened communities of color
5 that the Waste Equity Law is meant to protect from
6 additional waste handling burdens. Allowing more
7 waste into an environmental justice neighborhood
8 would set a precedent for other environmental justice
9 communities across New York City to further
10 industrialize and increase waste as export, which
11 goes against the city's zero waste and environmental
12 justice goals. It is unjust to allow these
13 facilities to bring in more waste into a neighborhood
14 that is already facing environmental racism. The
15 health and well-being of communities...

16 SERGEANT AT ARMS: Time expired.

17 LUZ GUEL: ...[inaudible] prioritize over
18 the interest of polluting waste facilities. I ask
19 this committee to please withdraw this amendment, and
20 thank you for your time.

21 COMMITTEE COUNSEL: Thank you. Next
22 we'll hear from Reverend Doctor Phil Craig, followed
23 by Camile Morgan, followed by Indira Girisankar.

24 SERGEANT AT ARMS: The clock is ready.
25

2 REVEREND DOCTOR PHIL CRAIG: Yes, good
3 morning all. Ah, peace and blessings. Um, my name
4 is Reverend Doctor Phil Craig and I am the senior
5 pastor at the Greater Springfield Community Church.
6 I have lived in southeast Queens all my life, and
7 also most of my congregation resides in southeast
8 Queens. Ah, the area of the facilities in southeast
9 Queens that which we are speaking about has not even
10 had a facelift in decades. The streets, ah, in that
11 area need repair. Um, New York City has neglected to
12 fix these roads and the sewer issues for decades that
13 have gone by without any type of, of, ah, uplift or
14 any type of improvement. Um, and of course these
15 environmental issues will be exacerbated because of
16 this situation. We have to start making progress for
17 our community. I have been an advocate in this
18 community, ah, ever since, ah, my pastor, Reverend
19 Doctor Floyd Flake, ah, has placed me to be his
20 community liaison. I have taken a special interest
21 in this community and, and therefore I am speaking
22 here today in support of Intro 2349. Because it is
23 time for some progress in our communities to actual
24 happen. We do a lot of talking. We have had a lot
25 of pushback. Ah, I have the opportunity to hear

2 about the proposed plan to move garbage out of the
3 community by rail. And I do believe that it is a
4 better idea than what it is, or what, how's it being
5 used right now. I'm also happy to hear about the
6 proposed project that, ah, will have an educational
7 component, um, and it will actually teach our next
8 generation of children, ah, about what recycling is
9 about. This is our future. This is what we should
10 be talking about. Ah, we don't have a current
11 resource in our schools like this in our community.
12 Ah, I have heard, ah, some pushback and the noise
13 about this project, but much of the noise is not
14 coming from the people who live here or work here.
15 Much of the noise is coming from people who really is
16 out of the community. And that's something that I
17 really don't understand. And so while I can
18 appreciate the concerns that people will have and
19 others might have, um, it is now time to let our, our
20 drive come from outside of the community. We need to
21 have our drive from within. And, um, listen. My
22 child live here. I live here. I work here. I
23 advocate here. My parishioners live here. They work
24 here. They advocate here. And they deserve
25 progress. We can, we cannot continue to allow people

2 to want or say about everything about our community
3 rather than what we're saying about ourselves. And
4 so therefore I urge you to support Intro 2349. Thank
5 you.

6 COMMITTEE COUNSEL: Thank you. Next
7 we'll hear from Camile Morgan, followed by Indira
8 Girisankar, followed by Dr. Maria Hubbard.

9 SERGEANT AT ARMS: The clock is ready.

10 CAMILE MORGAN: Good morning, everyone.

11 I want to say thank you to all you for the
12 opportunity to speak. I myself has also grown up in
13 the southeast Queens area. I played on Jamaica
14 Avenue. I remember the bakery. I remember what
15 Jamaica Avenue and that southeast Queens area looked
16 like before we started having a lot of these major
17 changes that have done something to our carbon
18 imprint. So, with that being said, what are we gonna
19 do to fix that? Everybody from outside of committee
20 wants to talk about what's not right about this
21 proposal, but no one's talking about what's good
22 about this proposal, because it's something trying to
23 fix an issue that is an ongoing issue, that the
24 community is aware of. You know, it's, it's strange
25 that a lot of these outside parties have said that,

2 you know, they've heard from the community, they've
3 heard from the community, and I haven't heard from
4 them. I don't know about anybody else, but that,
5 they haven't reached to everybody in the community
6 because I run an organization that has over 250
7 families and no one in my organization was contacted
8 by any outside agency to ask them what their opinion
9 was. But we were very well aware of what this issue
10 was. We brought our concerns to the people who we
11 thought could do something and they're trying to do
12 something about it. I think it's very unfair that
13 we're discussing today the problems with one company,
14 when the problem is generating from more than one
15 entity in that area. The fact that these, that Royal
16 and Regal and American are willing to step up and try
17 to do something about what's happening in our
18 community is something that we need to commend, not
19 from here and try to pick apart something they're
20 trying to do to make the community better. I thank
21 you guys for your time. I, I, I support this
22 amendment, this ruling. I hope that you guys push
23 this through because at least it's an option. And I
24 thank you for your time.

2 COMMITTEE COUNSEL: Thank you. Next
3 we'll hear from Indira Girisankar, followed by Dr.
4 Maria Hubbard, followed by William Scarborough.

5 SERGEANT AT ARMS: The clock is ready.

6 INDIRA GIRISANKAR: Good morning,
7 Chairman Reynoso, Council Member Miller, and the rest
8 of the members of the committee. Thank you for
9 allowing me to the opportunity to speak before you.
10 Good morning. My name is Indira Girisankar and I am
11 a business owner not very far away from the proposed
12 project in southeast Queens. I have been a business
13 owner in southeast Queens for several years. I am
14 here to speak in favor of Intro 2349. I think this
15 project will be of benefit to our community by
16 allowing waste to be transported by rail as opposed
17 to on the roads. I am also in favor of the area
18 getting a much-needed face lift. In this climate
19 there aren't many companies that are willing to make
20 the type of investment needed to improve the
21 facilities and create educational resources for our
22 children. Our community could also use another dose
23 of good-paying jobs, particularly during this time of
24 economic recovery. We should support progress, but
25 we don't have to sacrifice our environment. I

2 believe this bill will allow a fair balance and
3 making sure that southeast Queens is not overburdened
4 by trash and allow innovative ways for trash removal
5 from our neighborhoods. Without the passage of this
6 bill the area will not get the upgrade that we so
7 deserve. I have also worked with these companies and
8 I have seen them work to create a true partnership
9 with the communities and I believe they will do so
10 even more. I urge you to support Intro 2349. Thank
11 you for your time.

12 COMMITTEE COUNSEL: Thank you. Ah, next
13 up is Dr. Maria Hubbard, followed by William
14 Scarborough.

15 SERGEANT AT ARMS: The clock is ready.

16 DR. MARIA HUBBARD: Good morning,
17 Chairman Reynoso, Council Member Miller, and the rest
18 of the members of the committee. Thank you for
19 allowing me the opportunity to speak before you. My
20 name is Dr. Maria Hubbard and I am a CEO of Agape
21 [inaudible]. I'm here to testify in favor of Intro
22 2349 and to urge the members of the council to vote
23 for this bill. This bill will allow two companies in
24 southeast Queens to upgrade their facilities and move
25 garbage out of our community by rail instead of by

2 trucks. I understand that moving garbage by rail and
3 not by trucks is better for the environment because
4 it reduces the amount of miles traveled on our roads,
5 which is in dire need of repairs. I also support
6 this project because there is supposed to be an
7 environmental classroom that will be a part of the
8 design. This will allow our children to learn about
9 recycling. I think this will be tremendously
10 beneficial to our youth and our communities in terms
11 of education and job creation. I have personally
12 worked with these companies in our community for 17
13 years. They have displayed good character and have
14 proved to be trustworthy. They have a history of
15 working with the community whatever they can for our
16 residents and nonprofits. Since the shutdown and
17 throughout pandemic over 42,000 boxes of food were
18 distributed in southeast Queens by my organization to
19 families in need. This was made possible because of
20 these two companies who helped pay the truck rental
21 bills. Without these two companies many seniors,
22 struggling families, and especially undocumented
23 families who have starved during the pandemic. I
24 have numerous testimony of how they have helped our
25 organization with taking care of fire victims to hire

2 individuals released from prison. But back to Intro
3 2349. I, I now understand why this bill is needed,
4 as it will allow the companies to generate the
5 revenue necessary to fund the upgrades for the
6 facility. From what I heard this project will
7 require a significant financial investment. We
8 cannot expect these companies to be able to do better
9 for our communities when we tie their hand and make
10 it impossible for them to fund the upgrades that we
11 want to see happen in our community. I thank you for
12 taking this time to listen and, again, I urge you to
13 support 2349. Thank you.

14 COMMITTEE COUNSEL: Thank you. Next will
15 be William Scarborough.

16 SERGEANT AT ARMS: The clock is ready.

17 WILLIAM SCARBOROUGH: Thank you. Ah,
18 good morning, ah, Chairman Reynoso, Council Member
19 Miller, council members, ah, ladies and gentlemen.
20 My name is William Scarborough. I'm a lifelong
21 resident of southeast Queens, ah, the vice president
22 of Addisleigh Park Civic Organization, and a former
23 state assemblyman, ah, covering the area in question.
24 I'm here to, ah, request that this committee do not,
25 ah, accept Intro 2349 as it is written. Ah, this

2 area, as you know, is an M1 zone. Ah, it is one of
3 the few areas in which a waste transfer station is
4 allowed to exist in an M1 zone, which is supposed to
5 coexist with residences, ah, notwithstanding the
6 admitted efforts of, ah, Mike Reali and, ah, Royal to
7 interact with the community. By its nature this type
8 of, ah, business is going to be a tremendous burden
9 on their, their neighbors. The city recognized this
10 in 2004 by, ah, promulgating, ah, rules that say that
11 these types of facilities could no longer be
12 established in an M1 zone, ah, such as this. Ah, we
13 have been engaged in a 20-year effort to, ah,
14 mitigate the impacts of this, ah, ah, this business
15 in southeast Queens, ah, because of its closeness to,
16 ah, to residences. Back in, um, 2014 the, ah, ah,
17 College Point, ah, Marine Transfer Station was opened
18 with the intent of easing the, ah, the burdens on the
19 southeast Queens, on Liberty Avenue, ah, and, and
20 these areas. That did not happen. Ah, the burden
21 continues. Finally, there was some relief through
22 the Waste Equity bill and the commercial waste zone.
23 And now just as that relief is about to be realized,
24 ah, we're being asked to remove that and go back to
25 allowing these, ah, the increase of trucks and to

2 allow this, um, to, to not be, ah, mitigated. I
3 would say that, ah, there must be guard rails that
4 will allow this to go forward, but there must be a,
5 a, ah, they should be able to, ah, I'm sorry, just
6 give me, in order for this to go forward there has to
7 be a guarantee that this will be able to be done. It
8 should not be, ah, go forward based on intent. The,
9 ah, the Waste Equity Law says that the, ah,
10 mitigation can take place if the location is
11 operating by rail. Ah, this is being asked to, ah,
12 go forward based on the intent to go, ah, to do that.
13 If they are not able to get the funding, if anything
14 goes wrong, ah, there are no guard rails for three
15 years. The community will be forced to accept this
16 increase in truck traffic for three years before
17 anything can be done.

18 SERGEANT AT ARMS: Time expired.

19 WILLIAM SCARBOROUGH: This legislation
20 should be reconsidered so that there are protections
21 for the community. We would love to see the new
22 facility. We'd love to see waste, ah, ah, by rail,
23 but there must be protection to show that this
24 community would not receive this burden and then not
25 receive the benefits. Thank you.

2 COMMITTEE COUNSEL: Thank you. That
3 concludes everyone who has signed up to testify. Um,
4 if we had inadvertently missed anyone who is
5 registered to testify today and has yet to be called
6 on, please use the Zoom raise hand function and you
7 will be called on in the order that your hand has
8 been raised. I don't see any hands, so I'll turn it
9 back over to Chair Reynoso to ask questions or offer
10 any closing remarks.

11 CHAIRPERSON REYNOSO: Yeah. Are there
12 any council members that wish to ask any questions?
13 Um, also please raise your hand so the committee
14 counsel will call on you. Um, just want to say thank
15 you to everyone that has taken the time to come
16 today. We moved the meeting up an hour earlier and
17 to have this turnout, um, really is meaningful. Ah,
18 I've listened to a lot of testimony today and will
19 take it all into consideration as we move forward,
20 um, with subject [inaudible] with the, the
21 legislation. Um, I hope the rest of our colleagues
22 were on and also listened to the testimony. Um, and
23 I want to thank everybody for taking the time, again,
24 to be here today. Um, and with that, ah, we will be,

1 COMMITTEE ON SANITATION AND SOLID WASTE
2 MANAGEMENT

127

3 ah, adjourning or concluding this meeting. Thank
4 you.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 July 31, 2021