

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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March 19, 2014
Start: 1:46 p.m.
Recess: 4:44 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E: ANTONIO REYNOSO
Chairperson

COUNCIL MEMBERS:

Andy L. King
Vanessa L. Gibson
Costa G. Constantinides
Steven Matteo
Ben Kallos
Brad Lander

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

John Doherty
Commissioner
Department of Sanitation and Solid Waste
Management

Bernard Sullivan
First Deputy Commissioner
Department of Sanitation and Solid Waste
Management

Larry Cipollina
Deputy Commissioner
Department of Sanitation and Solid Waste
Management

Ron Gonen
Deputy Commissioner for Recycling and
Sustainability
Department of Sanitation and Solid Waste
Management

Megan Bacigalupi
Chief of Staff
Business Integrity Commission

Jake Kairam
Chief Operating Officer
Business Integrity Commission

Abigail Goldenberg
General Counsel
Business Integrity Commission

Carol Tweedy
Executive Director
Asphalt Green

Eric Bruzaitis
Organizations United for Trash Reduction
and Garbage Equity (OUTRAGE)

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

Bertha Lewis
President
The Black Institute

Gavin Kearney

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2 [background comments]

3 CHAIRPERSON REYNOSO: Alright, thank you.

4 Thank you for your patience, to the folks from DSNY;

5 I really appreciate your time and thank you to the

6 Council Members for being here.

7 Good morning; I am Council Member Antonio

8 Reynoso, Chair of the Committee on Sanitation and

9 Solid Waste Management. This is a hearing on the

10 Fiscal 2015 preliminary budget and FY2014 Preliminary

11 Mayor's Management Report for the Department of

12 Sanitation and the Business Integrity Commission.

13 This is a very special hearing because it

14 is Commissioner John Doherty's last, after an

15 honorable and distinguished career with DSNY dating

16 back... yes... [applause]

17 JOHN DOHERTY: Thank you.

18 [applause]

19 JOHN DOHERTY: Thank you very much.

20 Thank you. Thank you.

21 CHAIRPERSON REYNOSO: after an honorable

22 and distinguished career with DSNY dating back to the

23 1960s, during which time he twice served as

24 Commissioner after rising up through the ranks.

25 Commissioner, we appreciate your service and look

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2 forward to hearing from you shortly. Thank you so
3 much for being here.

4 JOHN DOHERTY: Thank you.

5 CHAIRPERSON REYNOSO: Today we will first
6 hear testimony from the Department of Sanitation
7 about its \$1.5 billion Fiscal 2015 expense budget and
8 \$1.1 billion Fiscal 2014-2017 Capital Commitment Plan
9 and general agency operations. The Committee looks
10 forward to hearing about such important issues as an
11 update on the construction of the Marine Transfer
12 Stations that are an integral part of the City's
13 Solid Waste Management Plan and information on
14 vehicle lifecycles and FY2015 capital funding for
15 various vehicles and equipment, FY2015 staffing
16 levels of uniformed sanitation workers, whom as... just
17 want to remind us... are also critical in keeping our
18 streets clear and New Yorkers safe during snow
19 events.

20 After we hear from DSNY we will hear
21 testimony from the Business Integrity Commission on
22 its \$7.2 million expense budget and general
23 operations. This Committee looks forward to an
24 update on the state of the waste hauling and public
25 wholesale market industries, of particular interest

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2 to me are the investigations of bad actors in the
3 waste hauling industry.

4 The Committee will then hear from members
5 of the public; we thank you in advance for your
6 patience. I would like to introduce my colleagues in
7 the Council who have joined us today -- Council
8 Member Steven Matteo, who was here first; thank you
9 for your timeliness, Council Member Costa
10 Constantinides from Queens as well; we have Council
11 Member Ben Kallos from Manhattan. The Committee will
12 now hear testimony from Commissioner Doherty of the
13 Department of Sanitation. Commissioner, whenever
14 you're ready.

15 JOHN DOHERTY: Thank you. Good
16 afternoon, Chairman Reynoso and members of the City
17 Council Committee on Solid Waste and Sanitation
18 Management. I am John Doherty, Commissioner, New
19 York City Department of Sanitation and I am happy to
20 be here before you today to present to the Mayor's
21 budget for Fiscal 15, preliminary budget I should say
22 for Fiscal 15.

23 The Department of Sanitation delivers
24 essential municipal services to the public by keeping
25 New York City clean and safe and looks forward to

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2 working with the Committee in future sanitation-
3 related issues and of mutual importance. I would
4 like to take the opportunity this afternoon to
5 discuss the Department's portion of the Mayor's
6 FY2015 preliminary budget, the Mayor's Fiscal 2014
7 Preliminary Management Report and our current
8 programs and operations. With me this afternoon is,
9 to my left, First Deputy Commissioner, Bernard
10 Sullivan; to my immediate right is Larry Cipollina,
11 and to my far right is Ron Gonen, Deputy Commissioner
12 for Recycling and Sustainability.

13 As the proposed FY15 preliminary budget
14 allocates \$1.48 million in operating funds to the
15 Department, an increase of 4.1 percent from the
16 current FY14 budget of \$1.42 billion to cover the
17 costs of our cleaning collection and snow removal
18 operations with no service disruptions or a staffing
19 problem. The Department's capital budget proposal
20 for Fiscal 15 is approximately \$119.4 million; this
21 is... \$7.4 million is allocated to construction-related
22 costs, \$1 million for information technology projects
23 and \$111 million for equipment and vehicles that were
24 critical for the support to core services mission.

25

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2 Planning for a long-term sustainability
3 solid waste disposal policy for managing our 12,000
4 tons of refuse and recyclables generated daily in the
5 city is a top priority of the Department. I am
6 pleased to report to you that the Department's
7 accomplishments over the last 12 months to advance a
8 long-term infrastructure of the City's approved Solid
9 Waste Management Plan. As you know, this plan
10 establishes the more equitable waste management
11 system and gradually replaces New York City's
12 predominantly truck-based solid waste export system
13 with one that is primarily rail and barge-based.
14 Construction of both the North Shore Marine Transfer
15 Station and the Queens and Hamilton Marine Transfer
16 Stations in Brooklyn is nearing substantial
17 completion and both facilities are expected to be
18 ready for operation in Fiscal 15. Construction of
19 the East 91st Street Marine Transfer Station in
20 Manhattan commenced last spring and we expect
21 construction of this facility to be completed in
22 2016. The Southwest Brooklyn Marine Transfer Station
23 is fully permitted and the Department of Design and
24 Construction has awarded a construction contract. We
25 expect the Southwest Brooklyn Marine Transfer Station

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2 to be completed in 2017. A demolition contract for
3 the existing facility on the site of the new
4 Gansevoort Street Marine Transfer Station and
5 Environmental Center has been awarded by the
6 Department of Design and Construction and will take
7 approximately 24 months to complete. In the interim,
8 the City will continue working with the State to
9 secure a Memorandum of Understanding being negotiated
10 between the City and the State regarding additional
11 funding with the Hudson River Park Trust.

12 The Department finalized a 20-year
13 service contract for the use of the Waste
14 Management's Review Avenue transfer facility in
15 Maspeth for the containerization and export by rail
16 for a Queens waste shed formerly served by the
17 Greenpoint Marine Transfer Station. A long-term
18 export agreement was finalized in 2012 with the Port
19 Authority of New York and New Jersey for the use of
20 the Essex Resource Recovery facility that will
21 receive a portion of Manhattan's waste.

22 As we continue to advance our Solid Waste
23 Management Plan infrastructure, the Department's
24 long-term and interim export operations remain
25 ongoing. The Fiscal 15 budget would allocate \$392

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2 million to cover costs of export tipping fees for the
3 Department's managed waste on the current interim and
4 long-term export operations. Having a fundamental
5 appreciation for the environment is critical to our
6 long-term and waste management policy and planning
7 strategy, with recycling being an essential component
8 of the City's integrated solid waste management
9 system. Among cities; the nation, whose population
10 exceeds one million, New York City operates the most
11 dynamic and complex residential program in the
12 nation. We are the only city that collects
13 recyclables at the curbside from all residents,
14 serving more than 3.2 million households and over 8
15 million residents across the City, the majority of
16 whom live in large multiple residential buildings and
17 complexes. New York City's residential recycling
18 program is larger in scope and magnitude than any
19 other program in any large city in the United States.

20 Over the last 12 months I'm proud to
21 highlight the numerous accomplishments we have
22 achieved just over the last 12 months to support the
23 continued and ambitious recycling and sustainability
24 agendas which include: expanding recycling
25 collections to include rigid plastic; adding more

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2 public space recycling sites across all five
3 boroughs; piloting a voluntary residential organics
4 collection curbside program pursuant to local laws
5 signed last June, which by next month will have
6 expanded to include approximately 1,000 households in
7 nearly two dozen neighborhoods across Brooklyn,
8 Bronx, Staten Island and Queens, as well as large-
9 scale apartment buildings in Manhattan; expanding our
10 pilot organics collection program to additional
11 public schools in Brooklyn, Manhattan and Staten
12 Island where the diversion percentage in the
13 participating schools at present has more than
14 doubled, with diversion rates in the Manhattan
15 schools increasing to 34 percent and the Brooklyn
16 schools to 38 percent; expanding organics and food
17 scrap drop-off points at green markets; working with
18 the Council on legislation restricting the sale and
19 use of expanded polystyrene foam for single-service
20 food items in packaging, if the Department determines
21 by next January that foam cannot be recycled; working
22 with the Council on legislation requiring separate
23 organic collection from large-scale food generators
24 by July next year if we determine there is sufficient
25 processing capacity; working with the Council on

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2 legislative amendments to enhance the City's
3 recycling scavenging law; launching e-cycleNYC, which
4 is the most expansive e-waste collection service
5 provided by the City in North America at no cost to
6 taxpayers; increasing the number of textile and used
7 clothing drop-off sites in buildings and public space
8 throughout the City; hosting at least one safe event
9 for household hazardous waste in each borough and
10 working to improve and recycling in areas where low
11 diversion rates and encourage better recycling
12 practices.

13 I am also pleased to announce that this
14 last December the new South Brooklyn Marine Terminal
15 Recycling Process Facility, operated by Sims
16 Municipal Recycling of New York, began processing
17 metal, glass and plastic and mixed paper delivered by
18 the Department pursuant to a long-term contract.
19 Most of the material delivered to this new facility
20 will be processed material that leaves it and the
21 processed material that leaves it will be transported
22 by barge. We would be happy to arrange for you to
23 tour the new facility whenever your schedule permits.

24 The Department continues to excel in
25 meeting current air emission standards for our entire

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2 vehicle fleet, which I am proud to report to you is
3 among the greenest in the United States. In 2013,
4 the Department was a recipient of the Federal EPA
5 Northeast Diesel Collaboration Breathe Easy
6 Leadership Award. Ninety-nine percent of the entire
7 DSNY fleet is equipped with the latest available
8 diesel exhaust after-treatment technology. In the
9 current FY14 budget, the Department acquired and put
10 in service 18 new pure electric Nissan LEAF and 23
11 new CNG-powered Mack collection trucks. Today the
12 Department operates 42 electric vehicles and 44
13 dedicated CNG refuse trucks. We also put into
14 service 15 new diesel-powered production-based hybrid
15 electric collection trucks and 32 additional trucks
16 are on order.

17 Also in Fiscal 14 we installed 18
18 additional Level 2, 220 volt, 30-amp electric vehicle
19 chargers in our district facilities. The Department
20 currently has a total of 49 chargers to accommodate a
21 growing number of electronic vehicles. We operate
22 766 light-duty hybrid electric passenger vehicles.
23 We are also now utilizing B20 diesel fuel,
24 biodegradable diesel fuel, B20, citywide on a
25 seasonal basis to all our district facilities from

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2 April to November. And from November through March,
3 during our winter operations, we will be using B5.

4 The Department is also testing the world's first
5 hybrid electric street sweeper; six units are
6 currently under test by the Department today;
7 improving fuel and fuel efficiency of our medium and
8 heavy-duty fleet will plan an important role towards
9 achieving PlaNYC's goals.

10 Vehicular consolidation: In April 2012
11 the Executive Order 161 was signed, consolidating the
12 maintenance of motor vehicle fleet for New York City
13 agencies; the Department also designated the Center
14 of Excellence for medium heavy-duty vehicles. Our
15 Bureau of Motor Equipment is now responsible for the
16 repair and maintenance of approximately 5,500 DSNY
17 department vehicles and 1,150 medium heavy-duty
18 vehicles from the Department of Environmental
19 Protection, Department of Education, Department of
20 Health and Mental Hygiene and New York City Parks
21 Department. As part of this consolidation, repair
22 facilities in the City agencies were either closed or
23 repurposed; this resulted in savings based on greater
24 operating efficiencies in economics of scale, while
25

2 capitalizing on the Department's expertise and
3 ability.

4 One of the most important missions of the
5 Department is street cleaning. Prior to 1975 there
6 was no systematic way to rate the cleanliness of the
7 City. In 1975 the Fund for the City of New York came
8 up with an idea; the Foundation took pictures of
9 gutters and sidewalks having various amounts of
10 litter of them, the public was then asked to rate the
11 cleanliness of these areas based on what they viewed
12 in the photographs; the rating system was named
13 Scorecard and is still in practice today. In 1975,
14 the Mayor's Office of Operations began to use the
15 system to rate streets and sidewalks throughout the
16 City. The first Scorecard rating in 1975 rated the
17 streets at 71.3 percent acceptably clean. Over the
18 next 20 years the ratings dropped as low as 52.9
19 percent with streets being marginally clean; that was
20 1980, and by 1984 it rose to 71.5 percent, just above
21 where it started 20 years earlier. Over the next 19
22 years, cleanliness in the City rose to 94.5 percent
23 of streets acceptably clean in Fiscal 2013, a 32
24 percent increase in the level of cleanliness in the
25 City. Even at 94.5 percent, however, there are still

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2 some areas of the City that are rated in the low 80s
3 and at times during the year have dropped down to 70
4 percent acceptably clean. Although the Department
5 has come a long way in the last 19 years to improve
6 street cleanliness, there is still more to be done.
7 We have to work together to ensure funding is always
8 available in the budget, as it is in this budget, to
9 keep New York City clean and in time to provide
10 additional funding to ensure every community in the
11 City is rated at 95 percent or better.

12 The results of the Scorecard ratings for
13 each month and fiscal year are displayed on the
14 City's website at NYC.gov/scorecard. The website
15 will also explain the system and shows illustrated
16 photographs of each of the rating scale points. I
17 have a plaque that hangs in my office, been there for
18 many years; it was passed down to me, and it says on
19 it: Sanitation's a way of life; it is expressed in a
20 clean street, in your way of life it comes from
21 within the people. And this is I think very
22 important to all of us; we have to believe in it and
23 we have to believe that people and us, and the
24 executive branch of the City government and the City
25 Council itself continue to work and fund street

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2 cleaning; it's one of the most important things I
3 think this department does; one can talk about
4 collection and how important that is to get the
5 garbage off the street, but in many ways it goes very
6 quickly and most people don't notice it, unless we
7 have a snowstorm and we're behind on our collection
8 route, but street cleaning I think from the ordinary
9 citizen's point of view is the most important service
10 this city can provide to them.

11 Here in this unusual winter season that
12 is not yet officially over, I would like to share
13 with you our ongoing snow operations. The
14 Department's proposed preliminary snow budget for
15 Fiscal 15 is approximately \$38.2 million. It is
16 anticipated that this figure will be adjusted in the
17 executive budget to reflect the five-year average as
18 required by the City Charter, which would increase
19 snow funding in Fiscal 15 to \$60.1 million; the
20 adopted snow budget for the FY14 was \$57.3 million,
21 though the current modified FY14 snow budget now
22 stands at \$92.3 million; however, this does not
23 include the last two major snowstorms and therefore
24 we expect to overspend the current modified budget
25 amount by at least another \$35-40 million. The

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2 snowfall total for the City during this year's snow
3 season so far stands at 56 inches. Also to date,
4 during the 2013-2014 snow season, the Department used
5 491,228 tons of road salt.

6 In closing, I want to thank you, again,
7 for our opportunity today to highlight our current
8 program and accomplishments and demonstrate the
9 Department's commitment to an environmental
10 stewardship and promotes a sustainable New York City
11 in the years ahead. I would also like to acknowledge
12 the dedicated men and women at the Department who
13 work each day to keep the City's neighborhoods clean,
14 healthy and safe, oftentimes under difficult
15 conditions, but this is why they are New York's
16 strongest. As the Department continues in its core
17 mission to serving the public, we look forward to
18 working with you constructively in collaborative
19 partnership that helps us meet our challenges and
20 reaffirms our mutual term sustainability policy and
21 objectives.

22 Before I let you get to me and my staff
23 on the questions, I'd just like to add; over my years
24 I've been sittin' before this Council, figured out
25 before about that these budget hearings and other

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2 hearings for over 20 years, 16 years the

3 Commissioner, I'm proud to say, and probably another

4 6-7 as the Deputy Commissioner for Operations sittin'

5 next to the Commissioners, such as Brendon Sexton,

6 Emily Lloyd and Steve Polan and it's always been an

7 honor for me to sit here and work with the Council; I

8 haven't always been able to say yes when they ask for

9 somethin', but I was always thick-skinned when they

10 decided that it was time to give me a little bit

11 more... more of what they felt we should be doing in

12 the department. But I am pleased to sit here this

13 morning and work with you gentlemen and ladies on

14 this budget and I know my predecessor will be in

15 about another week and a couple of days and I know

16 she's lookin' forward to it, Commissioner Kathryn

17 Garcia, and she's on vacation, but she's already

18 taking emails, tryin' to get up to speed, so she's

19 gonna be a wonderful person and a new commissioner

20 for this department and one that I'm very happy to

21 see take over and I'm sure... you'll probably have a

22 better relationship with her than you had with me, so

23 that's always good, [laugh] I think we always wanna

24 see things get better and she's gonna do a lot for

25 this department; I'm very proud to say she's

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2 replacin' me. Okay, thank you and we're ready to
3 answer your questions. [laugh]

4 CHAIRPERSON REYNOSO: Thank you so much.
5 I'd like to acknowledge Council Member Andy King has
6 also joined us. Thank you Council Member from the
7 Bronx. Thank you so much, Commissioner, for your
8 testimony and I am extremely grateful that you're
9 here today to answer our questions; hopefully to
10 something of our liking, as best as possible, but
11 ultimately I'm very grateful for the work that you've
12 done in the City to this capacity, to many capacities
13 and hope that your future is bright and you go on
14 vacation after this, [laughter] when Kathryn comes
15 back, when Commissioner Garcia comes back.

16 JOHN DOHERTY: Thank you.

17 CHAIRPERSON REYNOSO: Absolutely. So I
18 have a question regarding expense. Of the 7,289
19 full-time uniformed positions budgeted for FY2015,
20 how many are sanitation workers who would be
21 responding during a snow emergency?

22 JOHN DOHERTY: Currently the total head
23 count for the sanitation workers in the current
24 budget is 6,172; that number is gonna increase by 40
25 by the final budget; they will be personnel that

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2 we're adding on for relaying trucks to the disposal
3 facilities in the evening, so we're gonna be up to
4 about 6,212 and when we go into next winter season,
5 what we do is we hire above our head count each year,
6 then we trade out as the year goes on so we stay
7 within our budget. So I would expect going into next
8 winter we'll probably be... probably 6,400; out of that
9 number some of them are administrative, some of them...
10 you know, they do different jobs in the Department;
11 support services, stuff like that; when you look at
12 what you're gonna actually get out in the street, the
13 people that drive the plows and push the... drive the
14 plows and the salt spreaders and miscellaneous snow
15 equipment, you're probably gonna end up with, I would
16 say somewhere around 5,500 people total working over
17 two 12-hour shifts. So that's what we look like
18 currently and anticipating what we're gonna see next
19 winter for snow operations.

20 CHAIRPERSON REYNOSO: Okay. So we
21 understand that 6,300 is the absolute minimum that
22 President Nespoli of the U.S.A. Local 831 feels is
23 responsible to keep... is a responsible number to keep
24 New Yorkers safe during a snow event. After the 2010
25 snowstorm it seemed that the Administration agreed

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2 and brought the numbers back up. Where would you
3 like to see the head count back up to as you leave
4 the Department?

5 JOHN DOHERTY: We never really went to...
6 we were at 6,300; even numbers larger than that at
7 various points in the Department's history, but we
8 didn't really go up in our head count after that
9 storm. What we normally do, as I pointed out, when
10 we go into the snow season we add... we hire new
11 sanitation workers and we go above our budgeted head
12 count so we have extra people for snow and then they
13 get traded out during the course of the year. You
14 know, a 63 num... you know, I mean, one looks at how
15 large is a snowstorm; how many snowstorms are we
16 gonna get; that's gonna determine your number. But
17 from a fiscal point of view you have to set some
18 number that works within the budget and right now, as
19 I said, you know, come the winter season we'll
20 probably start off with 6,400, maybe even a little
21 better; we'll see how we go during the course of the
22 year. But here again, it's always a number; you get
23 a 20-inch snowstorm, you could probably double that
24 many to get the streets as clean as quickly as some
25 people would like you to do it, so it's a number you

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2 have to work with and I think it's a fair number and
3 I think the Department does well during most
4 snowstorms.

5 CHAIRPERSON REYNOSO: I just wanna
6 recognize that I'm somewhat concerned about the
7 attrition rate, only because during these snowstorms
8 the streets might get cleared, but when we talk about
9 pedestrians and pedestrian first, the city that we're
10 tryin' to build, the crosswalks are a mess and this
11 is the same work that the sanitation men also do, is
12 clearing crosswalks and making it so that it's
13 pedestrian safe. At this point it's almost,
14 especially in parts of Brooklyn; I can't speak for
15 everyone, the crosswalks are a mess, whether it's
16 puddling water, too much snow or the plows just close
17 them in; folks have to find ways to cross the street
18 either in the middle of the block or in other places
19 where they think that it's comfortable; actually
20 creating their own little pathway after compounding
21 snow in the corners. What work is done outside of
22 plowing that can address this issue with maybe some
23 permanent sanitation men working as opposed to these
24 temporary folks?

25

2 JOHN DOHERTY: Well as you know,
3 temporary... we hire emergency snow laborers when we
4 get into a snowstorm that requires the cleaning of
5 crosswalks around fire hydrants and that sort of
6 thing. This winter at various times we probably
7 hired as much as 800 in a given day as temporary
8 laborers. I think when you look at... and historically
9 we've done that; this is not something new in the
10 Department; this goes way back, there's a long
11 history of hiring emergency snow laborers, just like
12 we hire emergency contractors; we hired emergency
13 contractors to do our tertiary streets [background
14 comment] around the City, 'cause they were always,
15 historically, the last streets to get cleaned, so I
16 think it's providing better service to the public
17 that live in those streets, and we also hire them
18 when we go into major snowstorms and we hired them
19 this past winter to bring in hired trucks, bring in
20 trucks and front-end loading machines to haul... load
21 salt and haul snow rather, and haul it away. So this
22 has basically been in the fabric of the Department
23 for many, many years; it's a good way... I mean if one
24 looks at what it would cost, for example, they often
25 say to us, well what about the sanitation workers

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2 doin' a tertiary street? [background comment] I
3 have no problem with that, but one has to sit down,
4 and this Committee's involved with the budget too,
5 you've gotta sit down; I mean the tertiary streets,
6 we get in 101 pieces of equipment, light-duty pieces
7 of equipment, from private contractors, to handle the
8 snow operations and when you look at that, 102 people
9 would mean if we hired them, because we hire with an
10 absentee factor to make sure we get them, we would
11 have to hire 350 people roughly, 350... yeah, about 350
12 people to hire that. When you look at the cost of
13 that and you look at the cost of what it costs for
14 the tertiary plowing, the tertiary plowing cost us
15 \$1.4 million in the standby fee; sounds like a lot of
16 money, it's \$1.4 million in standby, and for each
17 storm it's just under \$800 million... \$800,000 rather.
18 So you're comin' to about \$2.2 million if you have
19 one storm and you have the standby. If you look at
20 three storms, which is what we normally figure,
21 you're gonna spend about \$3.8 million and if you go
22 into last winter, or this past winter we used them
23 six times, so we spent over \$6.2 million. But if you
24 take that 150 people you'd have to hire; one, you'd
25 have to buy 101 pieces of equipment to service that,

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2 then you've gotta hire mechanics, then you've gotta
3 find places to store that equipment and then you're
4 gonna pay for that over the whole course of the year,
5 'cause you'd have them all year long, [background
6 comment] so you're up anywhere as much as \$12 million
7 [background comment] versus maybe \$6 million in a
8 worse case. So it's a budgetary issue and it's
9 something we've always done in the Department and I
10 think it's a good way to manage snow and still work
11 within the framework of a budget that's affordable,
12 because when you start thinking about the cost of
13 waste disposal -- we'll go into that later -- the
14 cost of getting rid of garbage in the City is gettin'
15 more and more expensive. So one has to try and
16 offset by the way you manage the operation and one
17 way to manage it is in snow and you don't always get
18 snow every year, some years it's good and some years
19 it's a busy year; this year was a little bit busy, so
20 we spent a little bit more, but that's to be expected
21 over time. So one has to look at that when they try
22 to make that decision about; do you bring your own
23 people in, hire people and watch the cost of that or
24 do you use the emergency contractors and have them
25 available should you need them.

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2 CHAIRPERSON REYNOSO: Right. And so
3 speaking to the \$1.4 million, let's say we don't get...
4 there was, maybe two winters ago, if I'm correct,
5 hopefully, or... yeah, two winters ago, there was
6 almost no snow at all and this \$1.4 million; what
7 happens to it when it's not used? Or, or not when
8 it's... [crosstalk]

9 JOHN DOHERTY: No, we... we pay that... they
10 get... they get that money; that goes to the vendors
11 that sign up to do the tertiary streets. We have
12 about, I think six vendors that come in and do
13 different parts of the City that handle it. So that
14 gets paid to them, that's spent right... before it even
15 snows, it's gonna cost the City \$1.4 million.

16 CHAIRPERSON REYNOSO: And is that... is
17 that a necessary item; why don't we have 'em on-call
18 so that if we do have the snow or it's coming in or
19 we anticipate it, that we give 'em a call and contact
20 them then and not, you know, at times lose that money
21 because there is no snow or there's less snow than
22 anticipated?

23 JOHN DOHERTY: We have learned through
24 many years of experience, particularly with the
25 emergency contractors that we normally call in,

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2 [background comment] this thing with the tertiary
3 streets we started after the 2010 storm; prior to
4 that we didn't have them, but we had emergency trucks
5 comin' in and emergency front-end loaders, emergency-
6 hired equipment to come in. We have found that when
7 you want them you can't get them in until they finish
8 doing work in other localities, such as at the
9 airports, the airports are a prime hiring company for
10 these truckers and there are other sites around the
11 City, private sites, that use them; we don't get them
12 right away. When we get into a snowstorm, we want
13 them there at the beginning of the storm, when the
14 snow is coming down, to plow the streets; you don't
15 wanna sit there and wait for two or three days before
16 they show up. [background comment] So that's
17 basically why we do it that way. So... [crosstalk]

18 CHAIRPERSON REYNOSO: And they wouldn't...

19 JOHN DOHERTY: If you don't have them on
20 standby, you're not gonna see them... [crosstalk]

21 CHAIRPERSON REYNOSO: Right.

22 JOHN DOHERTY: you're not gonna have them
23 there until... maybe you'll get them, maybe they'll
24 come; you don't know how many are gonna come, so you
25 don't have a really good plan for managing your snow

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2 operation in a storm where we're gonna... we only bring
3 'em in really... well we pay the standby people... we
4 only bring 'em in when we anticipate six inches or
5 more. If it's six inches or less, then we'll use our
6 own sanitation workers to do it; we can get it done
7 quicker. So you're anticipating fairly good
8 snowstorms that you're gonna bring the tertiary
9 contractors in to work.

10 CHAIRPERSON REYNOSO: Okay. So the \$1.4
11 million guarantees that we're gonna get a certain
12 amount... [crosstalk]

13 JOHN DOHERTY: That's right.

14 CHAIRPERSON REYNOSO: no matter what?

15 JOHN DOHERTY: That's right.

16 CHAIRPERSON REYNOSO: I still think I
17 really wanna look at that more comprehensively; I do
18 think after 2010 we might've moved forward with some
19 band aids, given the circumstances of the situation
20 that we had and I hope this is not one of them and
21 that we don't just have \$1.4 million sitting in
22 another state for out-of-state workers that might not
23 show up or could not show up and if we can use that
24 money to possibly fund more workers here in the City
25 of New York or possibly get more equipment or put us

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2 in a position where we could handle it, we could
3 probably hire more folks locally or here in the City
4 of New York that could probably handle the snow. I
5 would like to test... to see if our sanitation workers
6 could handle that, but still, a conversation that
7 needs to be had and I just hope that it wasn't a band
8 aid. I don't wanna take up too much time because I
9 do have a lot of questions, but I do wanna give
10 opportunity for our council members to also ask some
11 questions. I would like to ask Ben Kallos, give you
12 some time.

13 COUNCIL MEMBER KALLOS: Good afternoon.

14 [crosstalk]

15 JOHN DOHERTY: Good afternoon.

16 COUNCIL MEMBER KALLOS: I want to thank
17 Sanitation Commissioner John Doherty for his 16 years
18 of service as a commissioner and thank you to the
19 Committee, particularly Chair Antonio Reynoso for
20 allowing me to make a statement and ask questions
21 today; I'm not a member of the Sanitation Committee,
22 but marine transfer stations are something that are
23 important to me and my constituency.

24 Our new administration has already done
25 so much, whether it's overturning vetoes on paid sick

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2 leave or ending Stop and Frisk; they must continue to
3 reverse poor policies from the previous
4 administration. I'm here to ask this Committee, the
5 Speaker, the Mayor and the Commissioner of the
6 Department of Sanitation to help reverse yet another
7 bad policy from Mayor Michael Bloomberg. Please join
8 me in stopping the construction of the marine
9 transfer station in Manhattan. Marine transfer
10 stations must not be a waste of money on a billion
11 dollar boondoggle, must not continue a landfill
12 model, must in fact honor five-borough equity, must
13 not be built in high-risk flood zones, must not be
14 built in residential neighborhoods, must not burden
15 environmental justice in low-income communities, and
16 must not harm our children; we must instead adopt a
17 modern approach that reduce costs, increases
18 recycling and pledges to protect our residential
19 communities and our most vulnerable.

20 Our new administration must engage in
21 responsible budgeting; this marine transfer station
22 started with a cost of \$43 million in 2002,
23 quadrupled to \$181 million in 2012 and is now
24 estimated by Pledge to Protect, in their paper
25 "Talking Trash," to cost \$1 billion over 20 years.

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2 This is a billion that we could be spending on other
3 budget priorities. In fact, according to the
4 Independent Budget Office report in 2012, the current
5 waste management costs \$90 per ton, while this marine
6 transfer station will increase costs to \$238 per ton,
7 more than \$148 more per ton. The marine transfer
8 station in question will send our trash to landfills,
9 model that was obsolete the day it was passed in
10 2006, which New York boasts a 15 percent recycling
11 rate and seeks to invest a billion dollars into an 8-
12 year-old landfill plan, other cities like San
13 Francisco are already recycling 75 percent of their
14 waste. This marine transfer station is sited to be
15 built in a FEMA flood zone with the highest flood
16 designation of AE, a location that flooded during
17 Sandy and will flood again. With regards to five-
18 borough equity, Manhattan already has a marine
19 transfer station on 59th Street in an industrial
20 location and this will be Manhattan's second marine
21 transfer station prior to other boroughs having their
22 first. This is the only marine transfer station
23 being built in a residential neighborhood; this
24 reflects poor urban planning by the previous
25 administration that has flipped zoning upside down,

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2 building commercial and residentially in our
3 industrial neighborhoods and placing industrial uses
4 in our residential neighborhoods. This marine
5 transfer station will burden environmental justice
6 communities, a community I represent, as trash from
7 Upper Manhattan makes its way through East Harlem and
8 El Barrio and is taken across the street from a NYCHA
9 development, which I also represent, Stanley Isaacs
10 Home Towers; we're talking about 1,172 units and
11 2,278 low-income residents, according to HPD. This
12 administration, our new administration, cannot allow
13 the construction of a marine transfer station across
14 the street from a NYCHA development; we cannot
15 continue the previous administration's tactic of
16 causing environmental harms to those who are least
17 fortunate and least empowered to fight those harms.

18 Trash truck will drive up to 720 tons per
19 day of residential trash through residential
20 neighborhoods, past numerous schools and up a ramp
21 that will bisect a park where 30,000 public school
22 children from the Bronx, Brooklyn, Manhattan and
23 Queens swim, play and train to actually win medals in
24 the Olympics, like Lia Neal. We can do better. This
25 is the greatest city in the world; we can adopt a

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2 modern approach that reduces costs, increases
3 recycling and protects our community. Do not more
4 forward with this marine transfer station. Please
5 join me in pledging to protect our budget, pledge to
6 protect our neighborhoods, pledge to protect our low-
7 income residents, pledge to protect our economic
8 justice communities, pledge to protect our children
9 and pledge to protect our future. Thank you for the
10 liberty of that opening statement; if I can ask some
11 questions.

12 CHAIRPERSON REYNOSO: Yes, you may.

13 COUNCIL MEMBER KALLOS: What is the
14 projected full cost of the marine transfer station
15 and the projected cost for exporting this waste over
16 the next 20 years?

17 JOHN DOHERTY: The... [background comments]
18 Yeah, okay. The cost of it we project is gonna be
19 \$190 million to build the marine transfer station and
20 that may be adjusted; some of the numbers may be in
21 there already to address the concerns about the
22 flooding that was experienced during Sandy, where
23 there was high water; that's been done; the Corps of
24 Engineers has approved our permits and approved what
25 we're doing, so we are... have a good transfer station,

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2 a safe transfer station; we've pointed out in the
3 past if there is a storm or flooding, and we're
4 concerned about that; all the waste is contained in
5 containers; the containers will be removed off the
6 facility, both empty containers and full containers,
7 so that they would not get out into the waterway,
8 should that catastrophe happen. So we've taken every
9 step to ensure it's a sound, clean and efficient
10 operation. Solid waste management plant is based on
11 borough sustainability; each borough has to be
12 responsible for their waste. This was a plan that
13 was approved by the City Council; this is a plan that
14 we intend to follow and we continue to follow it.
15 That facility is needed; it's all part of the
16 integral part of getting rid of the waste in New York
17 City. If we have a problem in one area we have to
18 offload material to another area to get it out of
19 this city. When we went through Storm Sandy, we had
20 a very difficult time getting waste out of this city
21 because there was problems with the waste disposal
22 network -- railroad lines were washed out in places
23 in this city, places on the Jersey Shore had
24 flooding; we couldn't get it out -- we just about
25 made it every day; we need a good, robust solid waste

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2 management plan for this city if we're gonna pick up
3 the garbage from everybody's home every couple of
4 days and get rid of it; if we can't get rid of it, it
5 sits there. This is part of a very important plan
6 for the future for New York City and although people
7 will disagree about it, nobody likes a sanitation
8 garage next to them, nobody likes a sanitation
9 facility next to them, but they are part of the
10 City's infrastructure; it's something that we must
11 have in the city to provide the service to the public
12 of the city that they deserve.

13 CHAIRPERSON REYNOSO: 'Kay.

14 COUNCIL MEMBER KALLOS: For the purpose
15 of brevity, if you could answer the question I asked;
16 we can go... [interpose]

17 JOHN DOHERTY: Well you took a long time
18 to talk to me, so I figure it'll take a while to get
19 back to you too, sir. [crosstalk]

20 COUNCIL MEMBER KALLOS: No problem. You
21 didn't actually answer my question. So it's \$190
22 million in capital costs;... [interpose]

23 JOHN DOHERTY: Right.

24

25

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2 COUNCIL MEMBER KALLOS: what are the
3 adjustments and then what is the over 20-year cost to
4 run this facility? What is the operation cost?

5 JOHN DOHERTY: I haven't figured out to
6 20 years, but it's gonna be expensive; I never said
7 it was cheap; nobody will ever say it's cheap, this
8 is an expensive operation. [crosstalk]

9 COUNCIL MEMBER KALLOS: Did you... did you
10 see the Pledge to Protect report that indicates it's
11 gonna cost a billion dollars?

12 JOHN DOHERTY: I don't know what the
13 backing is for that, no. But it's expensive; I'll
14 agree it's expensive; I don't know if \$20 million is
15 the number or not; I'm not gonna, you know, go into
16 the details of that, but it is expensive, no question
17 about it, just like every transfer station in this
18 city's expensive.

19 COUNCIL MEMBER KALLOS: So the
20 Independent Budge Office has said it's gonna be
21 expensive; it's gonna go up from \$90 a ton...
22 [crosstalk]

23 JOHN DOHERTY: Right.

24 COUNCIL MEMBER KALLOS: to \$238 a ton, an
25 increase of \$148 per ton; you may not care about

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT 38
2 expensive; we have to, we have to protect \$70 billion
3 and make sure it goes to important uses like
4 education, homeless services; foster care; can you
5 please just address why it's worth spending \$148 more
6 per ton on this? [interpose]

7 JOHN DOHERTY: It's part of the Solid
8 Waste Management Plan that was approved by the City
9 Council, it's one we're gonna follow and yes, the
10 cost is gonna go up from what we're paying now, about
11 \$92 a ton citywide to get rid of waste and all the
12 transfer stations that we build are gonna cost us
13 more to get rid of waste in this city. We decided,
14 the City decided, the Council and the Administration
15 at the time decided that trucking of waste to other
16 parts of the country is not the best way to go and
17 that some communities in the City were inundated with
18 private transfer stations that need not be there.
19 This Solid Waste Management Plan was to address those
20 issues and it is addressing those issues.

21 COUNCIL MEMBER KALLOS: Well how many of
22 the marine transfer stations have been built do date
23 from the Solid Waste Management Plan?

24 JOHN DOHERTY: Hamilton Avenue will be
25 completed by next year and later this year... later

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2 this year it should be completed, actually, and later
3 this year I expect that the North Shore Marine
4 Transfer Station will be operational, probably later
5 this fall we'll start taking material in there. And
6 then we will build 91st Street, we already started
7 it, and then we'll follow it with the Southwest
8 Marine Transfer Station.

9 COUNCIL MEMBER KALLOS: Where do you
10 send... what's gonna happen to the trash, so it's
11 gonna... [crosstalk]

12 JOHN DOHERTY: It's gonna go into...

13 COUNCIL MEMBER KALLOS: go onto the
14 marine transfer station, it's gonna get put on a
15 barge and then where does that barge go?

16 JOHN DOHERTY: The barge is gonna go... in
17 the case of North Shore, it's gonna go to the marine
18 unloading place out in Staten Island, New York
19 Container Terminal, it's a container terminal, ships
20 from all over the world come in there; we will have a
21 berth out there where the barges will come to; it'll
22 be unloaded off the barges, put onto railroad cars,
23 there's a rail line out there, and that waste will
24 probably go to locations in the south and in the west
25 of this city.

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2 COUNCIL MEMBER KALLOS: And what about
3 91st?

4 JOHN DOHERTY: 91st Street will also go
5 to Staten Island in containers and put on rail, going
6 to waste management landfills. No waste management
7 landfill; landfill... [crosstalk]

8 COUNCIL MEMBER KALLOS: So we're gonna
9 take garbage trucks from all over Manhattan, from
10 down at 13 State Street at the tip of Manhattan,
11 drive them all the way up to 91st Street, put it on a
12 barge, take it from a barge, take it to Staten
13 Island; all the barge fumes, all of that are gonna
14 blow all over to Manhattan, Queens, Brooklyn; Staten
15 Island; we're gonna once again go back to putting all
16 of our trash back at Staten Island; we're gonna
17 transfer it from a barge in Staten Island and then
18 put it on various forms of transportation to go... and
19 these are going to landfills?

20 JOHN DOHERTY: Yes it is.

21 COUNCIL MEMBER KALLOS: So is that a
22 modern approach; is that what other cities are doing?
23 [crosstalk]

24 JOHN DOHERTY: Well if one wants to look
25 at the environmental impact, we... I said earlier;

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2 we're takin' probably 50,000... huge number of road
3 miles off; I don't remember off the top of my head,
4 by not using a long haul; 2. we're getting rid of
5 some transfer stations that were not as efficient or
6 were not as good as the ones we are building. The
7 91st Street Marine Transfer Station and the other
8 three marine transfer stations are up-to-date, they
9 have all kinds of air controls on 'em; there's gonna
10 be negative pressure in there, so any air that comes
11 into the building will be sucked in, it'll be
12 filtered out before it leaves the building and there
13 we be nothing escaping from the building. So I mean
14 to say that... plus the fact that when you say you
15 wanna get somethin' from Downtown Manhattan go... where
16 is it gonna go; is it gonna go through the Village;
17 is it gonna go through another part of Manhattan? So
18 in other words, if it comes to you, it's not good,
19 but if it goes over to the West Side of Manhattan
20 it's fine; you can drive the truck that way or you
21 can drive it to Staten Island, so it's acceptable to
22 do it that way. [crosstalk]

23 COUNCIL MEMBER KALLOS: Where are they
24 currently going? Where... where... whe... so where is the
25 waste currently going at \$90 a ton?

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2 JOHN DOHERTY: It's currently going to
3 Jersey.

4 COUNCIL MEMBER KALLOS: Okay, so instead
5 of my waste from Manhattan, us taking care of our own
6 waste in Manhattan and sending it to New Jersey,
7 where they want it; they enjoy getting \$90 a ton for
8 that, you want me to send my waste to Staten Island
9 in the name of five-borough equity? It is equal to
10 sending Manhattan trash... [crosstalk]

11 JOHN DOHERTY: It's goin' by barge...

12 COUNCIL MEMBER KALLOS: to Staten Island?

13 JOHN DOHERTY: It's goin' by barge to
14 Staten Island, it's not going by truck; it's going by
15 barge, with the latest technology of the tugs, we're
16 gonna meet the air standard... we're gonna get new tugs
17 in just to get that to handle the waste that's gonna
18 be barged out over there.

19 COUNCIL MEMBER KALLOS: Are the new
20 environmental controls on the tugs part of the Solid
21 Waste Management Plan?

22 JOHN DOHERTY: No they weren't; we added
23 that on later on, yes. They weren't part of the
24 original plan, no; we've added that on.

25

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2 COUNCIL MEMBER KALLOS: So there... there...
3 so we've amended the Solid Waste Management Plan to
4 require tugs to have...

5 JOHN DOHERTY: I don't know that we
6 amended the plan; we just... we agreed, based on
7 discussions with the community, that we would upgrade
8 the environmental standards on the emissions from the
9 tugs that we would use to barge that waste... to tow
10 the barges away from 91st Street and out to Staten
11 Island.

12 CHAIRPERSON REYNOSO: If you could... Ben,
13 if you could do me a favor, Council Member Kallos and
14 maybe ask one more question, a final, just 'cause we
15 have council members that also wanna speak to this
16 issue.

17 COUNCIL MEMBER KALLOS: I appreciate all
18 of my colleagues indulging me; this is obviously a
19 very important issue to me and I hope some of the
20 answers that have come to light that to my colleague,
21 Council Member Matteo, that I would prefer not to
22 send my trash from my borough to your borough; I
23 don't think that that's environmental justice and I
24 don't think that's five-borough equity; I think it's
25 actually taking a burden from New Jersey, which is

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2 not a borough, as far as I'm aware of, and sending it
3 where it shouldn't be. Los Angeles is at 45 percent
4 recycling, San Francisco's at 75 percent; there are
5 countries that are now waste zero; it is 2014, it is
6 no longer 2006; you do not have that many marine
7 transfer stations operational; I feel that the Solid
8 Waste Management Plan, having taken that long has
9 been a failure; we now have a chance to learn from
10 everyone else in the world, leave the 15 percent
11 recycling rate that we have, which is embarrassing,
12 behind us and achieve something else. Can New York
13 City achieve better recycling and not need to have
14 these marine transfer stations to landfills?

15 JOHN DOHERTY: We are reducing our waste;
16 waste is being reduced each and every day; it's been
17 going down for quite a while now. We are doing
18 recycling; we're gonna do more recycling. I told you
19 all the projects that we're working on in recycling;
20 we're starting food waste composting; how that's
21 gonna work, we will see. And when you talk about 75
22 percent or 80 percent or zero; there is no zero; I
23 don't know where you're goin', but there is no zero
24 getting rid of waste, there's always gonna be
25 something out there that has to be picked up and

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2 disposed of in some manner. But when you look at
3 these other places and they talk about the west
4 coasts, one of the fundamental differences -- do you
5 pay to get rid of your garbage from New York; do you
6 see how much you have to pay every day when you put a
7 can out or a can out? No, you don't see that, it's
8 in the taxes. Every other community out there, they
9 see a bill every month, they wanna recycle, they get
10 a small garbage can; they don't wanna recycle, they
11 get a big garbage can; they pay a lot more money each
12 month for that big garbage can. That's an incentive
13 that is very difficult to put into a city like New
14 York where the waste disposal fee is in your taxes.
15 Nobody's been willing to do that and it's very
16 complicated to do it; how do you do it in an
17 apartment building; you're gonna put a meter there or
18 somethin' for everybody that lives in an apartment to
19 say how many bags of garbage they put out and then
20 charge 'em to get them to recycle?

21 COUNCIL MEMBER KALLOS: So thank... so...

22 [crosstalk]

23 JOHN DOHERTY: It's a difficult program,
24 there's no doubt about it, this city's a difficult
25 city and when you look at these other cities that

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2 have these great recycling rates, you've gotta look

3 what can they count; what are they counting? What

4 does the bill, the recycling bill, Local Law 19,

5 allow us to count when we talk about 15 percent;

6 there's things in there we can't count. I think this

7 Council at some point has to sit down with the next

8 commissioner and talk about Local Law 15 and what can

9 be counted and what should be counted in that

10 diversion rate, the curbside diversion rate. If we

11 look at the City's diversion rate, it's probably over

12 30 percent; a lot of that is material that is...

13 commercial material; these other big cities, when

14 they talk about it, they're talkin' about commercial

15 material; not only that, you have one contractor

16 probably that handles all the residential and all the

17 commercial waste and they count everything, they

18 count anything to the scrap yard, they count

19 everything that's out there that gets recycled; we

20 don't have that ability to do that yet; we're working

21 on it and we have to get better at it; once we start

22 capturing that information, we're gonna see our

23 numbers change and that's something that'll have to

24 be addressed in the local law at some point about

25

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2 what we should count on a curbside program to show
3 what New York City is really doing on recycling.

4 COUNCIL MEMBER KALLOS: You've got my
5 pledge to work with you on that; I'm happy...

6 [crosstalk]

7 JOHN DOHERTY: Thank you.

8 COUNCIL MEMBER KALLOS: to do any
9 incentives that we can; if Los Angeles is doing it
10 and they're doing it better, New York City's better;
11 we can do it.

12 JOHN DOHERTY: Great. Thank... I
13 appreciate that; that's good, that's good.

14 [interpose]

15 CHAIRPERSON REYNOSO: Ben Kallos will...
16 you will be you will tax the Committee... you would tax
17 the City of New York for that; I might not support
18 that. I just do wanna mention that you talked about
19 an increase in the costs of building the waste
20 transfer station; the original \$43 million that was
21 put in the budget to build the waste transfer station
22 was a placeholder; it was not necessarily the exact
23 cost of what the transfer station was gonna cost to
24 build; it was a placeholder put there by the City of
25 New York in an effort to eventually modify the budget

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2 so that it's respective of the actual cost of the
3 waste transfer station. You also spoke about less
4 than 800 tons of trash that would pass through your
5 neighborhood or your community to get, you know,
6 managed or recycled; in my community, we have 20,000
7 tons of capacity and over 4,000 trucks that are
8 currently passing through the community. We talk
9 about not putting waste near residential areas;
10 unfortunately, poor communities were built in and
11 around manufacturing spaces because they were more
12 affordable and no one wanted to live there. So every
13 single poor community that we talk about, when we
14 talk about South Bronx, Southeast Queens and North
15 Brooklyn, all the ones that are overburdened with 70
16 percent of the City's trash, and what we're doing
17 here is, yes, we're gonna pay more to manage our
18 waste, but we're gonna do it where we're respecting
19 communities and environmentally bringing justice to a
20 lot of the issues that we're having. So you know, I
21 would also, just to let you know, we have a lot of
22 work to do, I agree, and I'm here willing to work
23 with you, but you absolutely will not have a pledge
24 from me to support anything that would slow down or
25 stop the SWMP from happening.

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2 So I'm gonna move on to other questions
3 and thank you for your time as well. I wanna just
4 say, today Council Member Vanessa Gibson is
5 celebrating her birthday, so I just want to
6 acknowledge that, happy birthday.

7 [applause, cheers]

8 Council Member Andy King told me we
9 should sing, but I'm gonna hold out on that, Council
10 Member; [laughter] I'm gonna just hold on. I do
11 wanna give an opportunity for someone else to speak
12 and ask some questions; Council Member Matteo from
13 Staten Island. [background comment] Hey.

14 COUNCIL MEMBER MATTEO: Thank you Mr.
15 Chair. Commissioner, thank you for your years of
16 service... [interpose]

17 JOHN DOHERTY: Thank you very much, yeah.

18 COUNCIL MEMBER MATTEO: I wanna thank you
19 for personally getting involved during the storm in
20 Midland Beach; I personally reached out to you and
21 you had the snow removed from Midland Beach within a
22 day in the Sandy area, so I wanna thank you for that,
23 great work by your team. You know I've been Jimmy
24 Oddo's chief of staff before being elected, so I've
25 had a great chance to work with you, and again, thank

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2 you; I wish you well in your retirement, good luck; I
3 wanna just mention a couple of your staffers -- Maria
4 Termini is here, Henry Ehrhardt -- they deserve a
5 vacation just from dealing with me on a daily basis,
6 so I just wanna thank them.

7 I wanna just touch base on a few topics;
8 it's not surprise I just... I do wanna talk snow
9 preparation. You know, sanitation, the men and women
10 do a great job removing snow and my colleagues and I
11 put out a report that you saw; you responded in the
12 advance, but we don't wanna be critical, we wanna
13 work together and work for next year going forward;
14 hopefully there's no more snowstorms this year, I
15 think we're good, but we wanna work together. So
16 with that said I have a few questions on snow
17 removal.

18 In the report we mentioned that we
19 believe that Staten Island is lacking resources and
20 lacking trucks, plows; spreaders and I believe in the
21 advance editorial you had, you responded that there's
22 an additional 37 that we may not be taking into
23 account, so my first question is; the 37 that you
24 mentioned, are they always brought to Staten Island
25 on any storm; what is the threshold that you would

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2 assign the 37 and [background comment] do you think
3 that's adequate?

4 JOHN DOHERTY: Yeah, the equipment... we
5 send equipment there as needed during a storm; we see
6 a major storm coming up that's gonna be a plowable
7 storm, we'll send equipment there, but more so than
8 that, we send... and I looked at three storms this
9 winter that were plowable storms and we sent 150
10 people out, and I was lookin' at Councilman...
11 Councilman's uh...

12 CHAIRPERSON MATTEO: Ignizio?

13 JOHN DOHERTY: evaluation of the
14 Sanitation's operation in Staten Island. I think
15 what you have to look at, and we've got a report that
16 I... I didn't bring with me, unfortunately today, we'll
17 share with you, that points out that our manning... you
18 know, of course, the manning level around us for the
19 Department is based on the waste collection needs in
20 each borough [background comment] and we man for
21 that; that's a... that's... you know, that's a 12-month
22 operation, we have to man for that, so when we get
23 into snow levels we have to adjust; in the case of
24 Staten Island we add 150 more people to Staten Island
25 I said a minute ago, and we base our needs for

2 equipment and manpower and the plow lanes, the
3 primary plow lanes that we have the City; we have
4 about 12,000 miles of primary plow lanes throughout
5 the boroughs and we break it down by borough. I
6 think Staten Island has about 8 percent or something
7 like that. When we start allocating personnel and we
8 look at the personnel allocation throughout the City,
9 Staten Island starts to jump up to about 12 percent
10 of the personnel spread throughout the City. I mean
11 some boroughs are bigger than others, of course, so
12 we look at that. One could say, well maybe you
13 should do it a different way and then you end up with
14 a different set of numbers, no doubt about it, but I
15 think the basis for it is the plow miles that we have
16 to plow, the lane miles and in Staten Island; I mean
17 the lane miles is basically, in many of the streets,
18 is one lane; we don't count the parking on either
19 side of the street, so we have a lot of lanes miles
20 out there.

21 We also looked at... I also had them look
22 at when do they report; when does the field report to
23 headquarters on the percent of streets that are
24 plowed, and this is always an issue with people --
25 did you plow or you didn't plow it -- and we know

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2 when we plow we always leave a little snow on there
3 because the plows are off the street a little bit,
4 off the pavement so they don't get caught on anything
5 and rip the plow up and rip the street up, and we
6 found that Staten Island and the other boroughs... even
7 Queens is another borough we're very concerned about
8 and they also get about the same number of people;
9 they may get a little bit more 'cause they're a
10 bigger zone; they may get 160 out there when I
11 transfer people, or move people over. We found out
12 that, you know, we'll put the people in there and we
13 get the results that we need and we get the plowing
14 done in about the same amount of time. Spreading
15 will sometimes take a little bit longer, no doubt
16 about it, but the plowing will get done, you know
17 about the same time, when we look at each borough;
18 you might have like at most a 12-hour difference
19 between someplace like Manhattan, reporting 100
20 plowed and Staten Island reporting 100 percent, but
21 I've seen that at times it was about a 12-hour
22 difference... [interpose]

23 COUNCIL MEMBER MATTEO: Okay.

24 JOHN DOHERTY: But it's pretty close to
25 that, but still it's a difficult program.

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2 COUNCIL MEMBER MATTEO: Okay. And based
3 on the report that we put out, you know... and you
4 touched on this, that Staten Island is approximately
5 36 more square miles than Manhattan and approximately
6 500 additional streets laid out; we have about... we
7 estimate about 137 fewer trucks, so we've met with
8 the Administration; we'd love to meet with,
9 obviously, the new commissioner when she comes aboard
10 and your staff; we still believe that more trucks are
11 needed on Staten Island and we'd like to discuss that
12 further. And to buttress the Chair's point about
13 tertiaries, you know, we talk about on-call and if we
14 can hire more sanitation men and women and for us,
15 you know, we'd like to have that conversation,
16 because... and we'd love to hire more sanitation men
17 and women and not only they could bring 'em to... we
18 believe, bring 'em to Staten Island to make better
19 use of; add more trucks, add more personnel for
20 Staten Island; you know, 'cause I got a lot of calls
21 this winter that our tertiaries weren't done and when
22 I had to call your staff, Sanitation went out there
23 and did it themselves; again, a great job, and but
24 that's a main... that's a main concern, so if we can
25 look to discuss about hiring more sanitation in

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2 response to the tertiaries, I think Staten Island
3 could use more personnel, so I'd love to have that
4 conversation.

5 I wanna just talk about the condition of
6 the trucks. During Sandy, obviously Sanitation did a
7 great job; they were there for us non-stop and some
8 of the trucks probably had more wear and tear than
9 they need. The condition of the trucks; has that
10 been an issue for these last three storms? I heard
11 that they have to order parts from Fleet Management
12 Repair and there's a backlog; is that an issue; did
13 that come into play maybe this year?

14 JOHN DOHERTY: No; I mean the trucks did
15 get a little bit more of a workout in Sandy and they
16 also got a good workout during a snowstorm, because
17 all the times they were out there plowing and
18 spreading salt and doing miscellaneous snow
19 operations, but we've been able to repair them; we
20 have seen that our outages have climbed a little bit,
21 particularly on the dual bin trucks, the ones we use
22 for recycling. The collection trucks should be... the
23 dual bin or rear loader should be at about 18
24 percent, that's what we peg it at; the recycling
25 trucks have been the biggest problem to me, the dual

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2 bin trucks, they've been running as high as... I think
3 today I've got 29 percent of them out, and that's
4 kinda due to putting more demand on those trucks,
5 there's more need; with recycling going on throughout
6 the city we need more of these dual bin trucks; I
7 have ordered some; they're coming in this year,
8 there's two orders, I think one order for 38 of them;
9 another order for 49 of them gonna be comin' in later
10 this year. But on the rear loading trucks, they've
11 been up around 22 percent, a little bit higher than
12 normal, but we've been handlin' it. And the parts,
13 the parts ordering, it's pretty standard; I mean they
14 have parts in each of the borough shops, but then
15 there are some parts they need to go to the central
16 repair shop to get and order them and they come in
17 fairly quickly. I'm not aware of any condition,
18 either after Sandy or during the snowstorm where
19 parts were not available; we get them in, and the
20 funding is there for them, so I'm not concerned about
21 that either. So the trucks are in good shape; I mean
22 we'd always like to see the trucks bein' a little
23 better, but they get a workout and we get them
24 repaired and, I mean the big thing is, do we make our
25 commitment on the day to day operation of pickin' up

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2 the waste and cleaning the streets and we've been
3 doing that, and it has not affected the snow
4 operation plows. [interpose]

5 COUNCIL MEMBER MATTEO: What is the
6 lifespan of a truck and when are you supposed to
7 replace it? [crosstalk]

8 JOHN DOHERTY: On a collection truck... on
9 a collection truck they run seven years; we expect
10 them for seven years; you get a mechanical broom,
11 it's five years; you get a salt spreader, it's 10
12 years, so the various types of equipment have various
13 lifecycles. One of the things we have to look at as
14 the Department; as the City too, is the regular
15 replacement of our equipment; we in Sanitation
16 probably have the best replacement cycle of all the
17 heavy-duty equipment agencies and when we went into
18 the, the fleet consolidation, one of the little
19 hiccups we had in the beginning was that the other
20 agencies, their primary job was not going out with
21 that truck or that vehicle and gettin' something
22 done; they had a lot of other issues they had to get
23 done, fairness to them, and a lot of work to do, and
24 I think, and this is something that has to be worked
25 on; the other city agencies, we repair their trucks

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2 as part of the fleet consolidation; they have to have
3 a good replacement cycle in their capital budget, so
4 their critical pieces of equipment; say for example,
5 in DEP, a critical piece of equipment is router [sic]
6 type of trucks to clean out sewer lines, or catch
7 basin trucks to clear out catch basins, some of them
8 are a little bit older; they're working now, they've
9 got their budget in line in all of these other
10 agencies, and Parks Department got their budget, but
11 we went through a period there where it was a little
12 difficult tryin' to maintain our fleet and maintain
13 the other city departments' fleet. So we've been
14 working on that, but we, as... you as the Council and
15 the City Sanitation, the City itself for the budget,
16 we have to make sure that we have a good capital
17 replacement program. I think for next year we have
18 \$110 million in our capital budget for equipment;
19 little tight, but we're gonna get through. We have
20 to make some decisions; sometimes you've got some
21 piece of equipment you don't use as often; you go out
22 and you evaluate them; what kinda shape is it in, say
23 okay, we don't need it, we can let it go, another
24 year past the lifecycle, is in good shape...

25 [interpose]

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2 COUNCIL MEMBER MATTEO: 'Kay.

3 JOHN DOHERTY: but we'll use that money
4 to buy a piece of equipment that's more critical or
5 we have some more higher outages. So we're always
6 lookin' at that and we're always adjusting if need
7 be.

8 COUNCIL MEMBER MATTEO: Okay, good. Just
9 stayin' on the equipment topic, and the Chair
10 mentioned crosswalks and during one of the storms
11 when it turned to slush and the Staten Island catch
12 basins were clogged; you couldn't cross the streets.
13 Tell me about... does Sanitation use the smaller
14 holster Bobcats and is there a plan to hire more for,
15 especially a place like Staten Island and I'm sure
16 parts of Queens and other parts of the City that can
17 get these crosswalks, get these basins cleared? We
18 had to ask DEP and they were inundated and they got
19 to as much as they can, but it was a huge problem on
20 Staten Island, you know, causing a lot of ponding
21 conditions; flooding conditions, so is Sanitation
22 looking into investing in these smaller trucks?

23 JOHN DOHERTY: Yeah, in places like
24 Staten Island, parts of Queens and the upper part of
25 the Bronx, and even places in Brooklyn we don't get

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2 the emergency laborers that we get in other parts of
3 the City, so we do need equipment to replace, or to
4 be available. Our fleet of small type vehicles is
5 very limited; I mean we have these little **01:05:49** we
6 use for salting in narrow streets and stuff; they
7 come in handy for that or for bus stops, but we need
8 more. I think next year, when we look at contracts
9 for hired equipment we're gonna have to look at the
10 ability to hire these small little Bobcats. One of
11 the problems we found with them in the past; they
12 don't come with license plates; many of them off the
13 road, and that's somethin' we're gonna have to work
14 out, because we really can't have a vehicle in the
15 street hired by the City not having... we know they're
16 insured, we make sure they're insured, but they all
17 don't have license plates on, so we've gotta look at
18 that, and I think that's an area we have to also
19 consider as part of our hired equipment package to
20 address conditions during a snowstorm that are better
21 handled in the short term by bringing in hired
22 equipment rather than trying to hire more personnel.

23 [crosstalk]

24

25

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2 COUNCIL MEMBER MATTEO: And I appreciate
3 that. Mr. Chair, I would love to discuss that
4 further and...

5 CHAIRPERSON REYNOSO: Absolutely. I do
6 wanna just follow up on one of those questions. We
7 talked about a seven-year lifespan for our trucks; we
8 have 87 that are coming in or you're adding 87 soon?

9 JOHN DOHERTY: That's the dual bin
10 trucks; we're gonna get in... in next year's budget
11 we've got 191 rear loaders comin' in and I have 30
12 salt spreaders, and a whole list of equipment that's
13 comin' in we're buying. [interpose]

14 CHAIRPERSON REYNOSO: But was there a
15 delay? So the lifespan, I'm guessing three-and-a-
16 half years would be the average, the rotation will
17 happen; what is the average age of our trucks now; is
18 it over three-and-a-half years?

19 JOHN DOHERTY: The average age on our
20 rear loading trucks is about... is about three-and-a-
21 half years. The dual bins are a little over, they're
22 about five-and-a-half years, the average age right
23 now. We've got a number of them in there, probably
24 about 15 or 20; I'd have to check with the bureau...
25 our motor equipment commissioner, but about 15 to 20

2 of them are really... they're down right now and that's
3 why I have that higher outage, that 29 percent; they
4 have to be taken out of the fleet as soon as I get
5 some new trucks in; they have to be replaced. But we
6 need to expand that dual bin fleet, because one of
7 the things we'll probably get talkin' about later; we
8 have these recycling bins goin' out into the street,
9 these new recycling bins goin' out there; we have 500
10 out there now, we're gonna get to 4,000. One of the
11 things that we have to do, without using more
12 personnel, is we have to use dual bin trucks, where
13 they go down an avenue where we're collecting litter
14 baskets; in many cases there's a recycling basket
15 there, so we have to use one side of the truck for
16 the litter that's in the litter basket and the other
17 side of the truck on one night for the paper and the
18 next night maybe for metal, glass and plastic. So
19 we're still in that learning curve to see how well
20 these baskets are gonna be used, but we have already
21 started using some of the these dual bins for that.
22 So I think there's gonna be a greater demand for dual
23 bins and we have to see about our next year's budget,
24 because part of the ones I got this year, I think
25 there are 49 of them, I had to move from 15's capital

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2 budget into... from 16's capital budget into 14 rather,
3 from 15 into 14 I had to move 'em in to get them,
4 because I didn't wanna wait that long to get 'em in
5 because if would affect our operation, so we did
6 that. We have to look more at that; I think we need
7 to get more trucks; we have to expand our fleet in
8 that area too [background comment] to be ready for
9 more recycling and to address some of the issues such
10 as this. [interpose]

11 CHAIRPERSON REYNOSO: Yeah. And we'll
12 look into that, 'cause there is a concern here that
13 our equipment is aging and the cycle was... [background
14 comment] was postponed several times and we just
15 wanna make sure that the equipment that our
16 sanitation workers are using is adequate so they can
17 do their job appropriately. I do wanna ask Council
18 Member Brad... yeah... oh you have a few more questions?
19 [interpose]

20 COUNCIL MEMBER MATTEO: Yeah, you... you
21 cut me off there.

22 CHAIRPERSON REYNOSO: Oh, I apologize.
23 [crosstalk]

24 COUNCIL MEMBER MATTEO: Just two more.

25 CHAIRPERSON REYNOSO: Alright, go ahead.

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2 COUNCIL MEMBER MATTEO: Sorry; thank you,
3 thank you. [background comment] Thank you. I
4 appreciate it; sorry about that. And thanks for your
5 comments. I wanna talk about... obviously school
6 closings were a huge issue through the City, but on
7 Staten Island and the argument on Staten Island is we
8 lack mass transit and we have to make sure that if
9 we're gonna have school closing, which is obviously
10 not the decision of Sanitation, but that the streets
11 have to be safe and plowable; not plow... safe and
12 plowed so our parents and teachers can get to the
13 school. It seemed that parts of the City at 7:00,
14 during the last few storms, their streets were a
15 little bit better than Staten Island, not because
16 about plowing, just that it seemed like it hit faster
17 on Staten Island; I know you don't start plowing, I
18 believe till two inches; my question is; you know, do
19 you have to make a citywide call; can you start
20 places that are hit earlier? Like I believe that we
21 were at two, two-and-a-half, three inches before
22 other parts of the City and we were asking for plows
23 early, especially to get our kids to school. Can you
24 comment on that; can Sanitation send out trucks on

25

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2 Staten Island or other parts before say Manhattan if
3 they don't have the... reached the two-inch threshold?

4 JOHN DOHERTY: Absolutely. The first
5 orders we send out in the snowstorm is one; we want
6 the spreaders out there at a starting point,
7 preposition and start salting as soon as the snow
8 comes down; then the next order that goes to the
9 field is assign plows as needed, to start sending the
10 plows out, and matter of fact, a couple times during
11 a storm we had plows even prepositioned, so we were
12 ready as soon as that snow got to a depth where we
13 needed to plow. And the local officer, the borough
14 commander out there, he knows he can start plowing
15 whenever he needs to and his officers know the same
16 thing; they start callin' for plows right away; we
17 get them right out, so there's no hesitation on that.
18 It's not a citywide thing, it's individual conditions
19 in a borough, even from one district to the other,
20 you may get more out in Staten Island 3 than you get
21 in Staten Island 1, so they start plowing out there
22 quicker than they would in 1.

23 COUNCIL MEMBER MATTEO: Okay.

24 CHAIRPERSON REYNOSO: Just one second; I
25 just wanna give an opportunity to Council Member Brad

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2 Lander to make a comment or ask a question right
3 before he heads out.

4 COUNCIL MEMBER LANDER: And I appreciate
5 it; Council Member Matteo, I apologize; I'm already
6 standing up one of the commanding officers at a
7 precinct in my district, but I didn't wanna miss the
8 opportunity of our final hearing with the Sanitation
9 Commissioner to say a couple of things; first to say
10 thank you on a deeply distinguished career and all
11 the work that you've done for so many years and
12 obviously especially this winter; we are very
13 grateful; people in my district appreciate it; people
14 of the City appreciate it, so thank you and good luck
15 to you... [interpose]

16 JOHN DOHERTY: Thank you.

17 COUNCIL MEMBER LANDER: I'm sure you look
18 forward to future winters with some different
19 concerns [laughter] than the ones that you've had
20 this year. [interpose]

21 JOHN DOHERTY: Thank you.

22 COUNCIL MEMBER LANDER: I also wanna
23 thank you for creating the position of and appointing
24 Ron Gonen to Deputy Commissioner for Recycling and
25 Sustainability; it's really been a pleasure to work

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2 with him over the last, I guess almost two years now
3 and to see some real progress on rigid plastics, on
4 organics composting, where one of the pilots is in my
5 district and I've had a chance to see how it's really
6 working on Styrofoam and I really think there's
7 important progress moving forward and I was glad to
8 see you outline some of it, but you're leaving not
9 just a legacy, but an agenda for progress that we
10 have to continue getting organics citywide, really
11 making recycling and diversion increased and
12 improved, banning plastic bags, I hope or at least
13 doing things to reduce plastic bag waste
14 significantly.

15 So I just do wanna ask one question and
16 it relates to the Solid Waste Management Plan of
17 which you know I'm a big supporter, but I live about
18 two blocks from the Hamilton Avenue MTS, I'm on 13th
19 Street, between 4th and 5th Avenue and down to sort
20 of 13th and 14th and 2nd Avenue is the Hamilton
21 Avenue MTS... [interpose]

22 JOHN DOHERTY: Right. Correct.

23 COUNCIL MEMBER LANDER: can you explain
24 to me how that's substantially different than the
25 East 91st Street MTS?

2 JOHN DOHERTY: It's not, it's just
3 larger, it's the same concept; there's basically
4 three floors in these buildings; the top floor
5 there's a ramp goin' up, the trucks come in, they tip
6 into a pit that's on the second floor; then in that
7 pit there is a slot and front end loaders push the
8 garbage down into the slots, below that slot is a
9 container; they tap the garbage down, the container
10 slides out towards the back of the pier; a lid is put
11 on it, it's checked, it's cleaned off, it's locked
12 down; continues out on rails onto the decking
13 outside; it's picked up by a crane and then loaded...
14 you see the two cranes... you can see one of the cranes
15 that are sittin' out there, there's two of them, and
16 it's loaded onto the barge and it's locked down.
17 They're basically shipping type containers that they
18 run on big ships or even trucks, they've got little
19 holes in them, the hooks that locks 'em right down,
20 so they're perfectly safe on there and they're held
21 down real good. But it's the same... similar
22 operation, just the size of the building is
23 different. As I said earlier, they have all the
24 environmental controls in there for negative air
25 pressure to be, you know very little tracked... trucks

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2 on the ramp; we try to get the trucks in and out of
3 the place very quickly. So it's gonna be a very
4 efficient, effective and environmentally sound
5 operation.

6 COUNCIL MEMBER LANDER: And just to be
7 clear, it's actually larger, you're saying than East
8 91st Street? [interpose]

9 JOHN DOHERTY: That's all. Yeah, it's
10 just larger; same thing.

11 COUNCIL MEMBER LANDER: So it'll have
12 more, even more trucks presumably coming in?
13 [crosstalk]

14 JOHN DOHERTY: It... Well that one... the two
15 larger ones in the City that take the most waste are
16 the North Shore and Hamilton Avenue; now Hamilton
17 Avenue is gonna have a strain on it particularly
18 until we get Southwest built; we gotta get that one
19 built next... [interpose]

20 COUNCIL MEMBER LANDER: Right.

21 JOHN DOHERTY: 'cause if something
22 happened, all that material from that area there,
23 Brooklyn, would be comin' up to Hamilton Avenue and
24 we agreed not to bring anymore equipment up there; we
25

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2 would send them down to Southwest and the new
3 transfer down there would handle that.

4 COUNCIL MEMBER LANDER: Alright. So
5 thank you for explaining that to me and I just... with...
6 with... with a lot of due respect to my Upper East Side
7 colleague and his constituents, my neighbors and I in
8 Park Slope, in Red Hook, in Sunset Park, we live
9 blocks from this facility; it's true it's zoned
10 manufacturing, but it is steps from our houses; no
11 one's excited about... we actually... there's an asphalt
12 crushing plant right next door to it; no one's
13 excited about it, but I believe that within the
14 broader Solid Waste Management Plan and the concerns
15 for five-borough equity, along with continued efforts
16 are recycling and diversion and organics composting
17 that the Solid Waste Management Plan remains the
18 right plan and I am happy to see it from my window
19 and I hope that we will stay the course on the Solid
20 Waste Management Plan.

21 JOHN DOHERTY: Yeah, I think it's
22 important that you bring up recycling; it was brought
23 up by a Councilman before about recycling and
24 reducing the waste that goes to the landfill; I fully
25 agree with him; I mean, sending waste to a landfill

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2 is the worst way to get rid of waste, the worst way
3 you can get rid of it, but we don't have too many
4 alternatives; they don't allow waste energy in the
5 City, it's not been acceptable; I don't think it'll
6 be acceptable; in my mind it's a good way to get rid
7 of it, but it's not acceptable to everybody, so we
8 have to ultimately either continue to send waste to
9 landfills or maybe find some waste to energy
10 facilities outside the City, such as the Newark
11 facility in Jersey or we have to recycle more and
12 that's very important. I think that's been very
13 difficult when we talk about the diversion
14 percentage; it's been a difficult program in New York
15 to get people to recycle, even though we give 'em
16 those \$25 summonses, they're only effective in a
17 one-, two- and three-family homes, the big apartment
18 buildings or large units, you really can't do much
19 about it, you know. So it is a difficult program, I
20 think we all have to work together to meet the needs
21 of the community on reducing our waste and reducing
22 waste that wouldn't even go to any of the transfer
23 stations for that matter, so we will have to work
24 together on it. [crosstalk]

25

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2 COUNCIL MEMBER LANDER: And I... I... I'll
3 end here and I just appreciate your ending on that
4 note of unity; there obviously is a disagreement on
5 East 91st Street and I certainly continue to support
6 the full SWMP, but I think your point that your
7 successor and this coming City Council and
8 Administration have to remain very unified and work
9 strongly toward more diversion, more recycle, more
10 composting; you have helped get it started and moving
11 forward in recent years; there's a long, long way to
12 go, so thanks for the work you've done to get it
13 there, and again, congratulations and thank you on
14 your service and thank you to Council Member Matteo
15 and to the Chair for your indulgence.

16 CHAIRPERSON REYNOSO: Absolutely. After
17 Steven Matteo we're gonna... Council Member Matteo,
18 we're gonna make sure... and Council Member Andy King
19 will ask some questions and I just wanted to make
20 sure that we get back to... I think the question he
21 asked was; two feet of snow were already on the
22 ground and we couldn't start plowing until... two
23 inches... I'm sorry, two feet; I apologize... [background
24 comments] two feet is a whole 'nother issue... two
25 inches were already on the ground, but we couldn't

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2 start plowing immediately because there wasn't a
3 citywide... [interpose]

4 JOHN DOHERTY: No, no, no; no you... I'm
5 sorry; I guess maybe I didn't come off to cleatly,
6 but two inches is kind of a guideline for plowing;
7 some of 'em will start out when there's only one
8 inch; you've generally got about one inch between the
9 bottom of the blade and the pavement and it varies a
10 little bit when pavements are, you know a little... not
11 perfectly flat. But they go out, as soon as they see
12 the local officer, the supervisor out there sees he
13 needs the plow, he says put the plow to work and many
14 times during this past winter snowstorms, the plows
15 were already out there sitting waiting, the spreaders
16 had been working, the plows were waitin' there; as
17 soon as they got it, they got radios, they got cell
18 phones in the trucks, start goin' to work, they go to
19 work, right away, there's no hesitation, there's no
20 waiting for citywide operation; the borough
21 commanders get the orders very early in a storm
22 before it's even snowing; they know what they have to
23 do, get out there and do it.

24 COUNCIL MEMBER MATTEO: Thank you, Chair.
25 Just to wrap up on snow; I just... you know, my

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2 colleague, my City Council colleagues from Staten
3 Island, we do believe that we need more resource in
4 Staten Island; Mr. Chair, we look forward to working
5 with the Committee and Sanitation moving forward on
6 that. I just have two quick questions on... two minor
7 issues on Staten Island. Well not minor issues, but
8 two issues. One is the lot cleaning division; the
9 spring is coming, and Maria knows that; she hears
10 from our office all the time on this, you know, the
11 weeds and the City lots that have to be cleaned; can
12 you... do you know offhand the amount of lot... the
13 number of staffers in the lot cleaning division; how
14 fast of a turnaround is it when you receive a
15 complaint and do you have the proper equipment to
16 handle, not only picking up garbage, but can you do
17 the weed... Sanitation usually cuts the weeds on the
18 curbs and stuff and stuff like that; can you just
19 speak to that? [crosstalk]

20 JOHN DOHERTY: Well we have
21 approximately... we probably have approximately 10
22 people at Staten Island lot cleaning unit and a
23 supervisor; they do all the City-owned properties and
24 privately-owned properties; citywide we generally
25 clear... about 25 percent of the lots we clean are

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2 privately-owned lots that we send an order to clean;
3 we have the Health Department that works with us, to
4 clear the lot if we find it dirty; if they don't
5 clean it, we go in and clean it; we bill them. There
6 are some lots that have lot fenced and locked; we
7 have to get a... go to criminal court act... or to court,
8 actually, see a judge and get an order [background
9 comment] to cut that lock and go in there. Luckily
10 we don't have too many of them. They have the proper
11 equipment out there. The turnaround time is fairly
12 quickly; I would probably say... probably around 30
13 days, and I don't know exactly what it is for Staten
14 Island... [crosstalk]

15 COUNCIL MEMBER MATTEO: 'Kay.

16 JOHN DOHERTY: but it's fairly quick out
17 there. And sometimes when we have a priority we have
18 to... as far as the weeds, we can't always do it; we
19 really need to look to see if there's a health hazard
20 in there sometimes; that generally happens more with
21 the privately-owned lots; we can't go in and order
22 them to clean it just because there's weeds; big
23 thing is we find rat infestation; that's... [crosstalk]

24 COUNCIL MEMBER MATTEO: Oh...
25

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2 JOHN DOHERTY: the one that the judge
3 will say, go in and cut the lock and get it right
4 away... [crosstalk]

5 COUNCIL MEMBER MATTEO: They'll get the
6 warning, warning, right.

7 JOHN DOHERTY: so we have to look for
8 that. Yeah.

9 COUNCIL MEMBER MATTEO: Okay. And Chair,
10 again, you know, talkin' 'bout the tertiaries, if we
11 hire more sanitation we could use more lot cleaning
12 staff on Staten Island. And the last question I have
13 is street sweepers; believe we only have one on
14 Staten Island... [interpose]

15 JOHN DOHERTY: No, you've got more than
16 one.

17 COUNCIL MEMBER MATTEO: More than one?
18 Alright. [crosstalk]

19 JOHN DOHERTY: Oh yeah, there's gotta be
20 at least five or six in the house.

21 COUNCIL MEMBER MATTEO: Five or six?
22 Alright, then... [crosstalk]

23 JOHN DOHERTY: Yeah. The problem with
24 Staten Island is that you don't have the off to the
25 side parking, thank god [laugh]... [crosstalk]

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2 COUNCIL MEMBER MATTEO: Side parking.

3 JOHN DOHERTY: for something... [crosstalk]

4 COUNCIL MEMBER MATTEO: We're not lookin'
5 for it either.

6 JOHN DOHERTY: [laughter] so you don't
7 get the sweepers that the other boroughs have...
8 [crosstalk]

9 COUNCIL MEMBER MATTEO: But we do have...
10 we do have spots that... [crosstalk]

11 JOHN DOHERTY: Oh yeah.

12 COUNCIL MEMBER MATTEO: we do request
13 that... [crosstalk]

14 JOHN DOHERTY: Yeah.

15 COUNCIL MEMBER MATTEO: we know that
16 there's no parking around some parks and schools...
17 [interpose]

18 JOHN DOHERTY: Right.

19 COUNCIL MEMBER MATTEO: but you're saying
20 there's five?

21 JOHN DOHERTY: There's at least five or
22 six; I don't know the exact number of spreaders... of
23 mechanical brooms on Staten Island, but there's at
24 least five or six out there. Each one of the
25

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2 districts has a couple of mechanical brooms.

3 [crosstalk]

4 COUNCIL MEMBER MATTEO: I was told
5 different, but I'd love to have further discussions
6 with your staff on... [crosstalk]

7 JOHN DOHERTY: Yeah, they have a number...
8 and the problem is to having the personnel. When we
9 have... and over a period we have budgeted jobs we have
10 to do -- cleaning and collection jobs -- sometimes
11 our personnel are above that, like we are right now,
12 we've got some extra people because we hired for the
13 winter season, it's quiet now, no snow; then we
14 assign them to cleaning jobs and in Staten Island,
15 one of the things they'll do, they'll send out
16 mechanical brooms, extra mechanical brooms, because
17 there's no budgeted line really on Staten Island for
18 mechanical brooms. At one time I was able to have a
19 couple of lines in there, but they... [crosstalk]

20 COUNCIL MEMBER MATTEO: We don't have the
21 budget, the line item budget for it then.

22 JOHN DOHERTY: Yeah, you need a line item
23 budget for that. [crosstalk]

24 COUNCIL MEMBER MATTEO: so we have to get
25 a line item budget for it then... [crosstalk]

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2 JOHN DOHERTY: Yeah, we don't have one
3 for Staten Island.

4 COUNCIL MEMBER MATTEO: Okay. No,
5 that's... that... that'll be our request from the three
6 Council Members and the borough president. Alright.
7 And thank you Commissioner; I wish you the best of
8 luck... [crosstalk]

9 JOHN DOHERTY: Thank you.

10 COUNCIL MEMBER MATTEO: and for the
11 record, when it comes to garbage, you know how
12 sensitive Staten Island is; we don't want any trucks
13 where the landfill will never be open, so [laugh] I
14 just wanna make sure that everyone knows that we're
15 not looking for anymore trucks on our streets to
16 bring in anymore garbage. Thank you.

17 CHAIRPERSON REYNOSO: Thank you very
18 much, Council Member; appreciate your questions. I
19 would like to now call up Council Member Andy King
20 from the Bronx.

21 COUNCIL MEMBER KING: I'll be brief.
22 [background comments] Thank you, Commissioner.

23 JOHN DOHERTY: Oh, sorry sir; I
24 apologize.

25

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2 COUNCIL MEMBER KING: [laughter] That's
3 okay. But I just wanted to just commend you of your
4 years of service for the people of the City of New
5 York, experiences I've had with the Department of
6 Sanitation have been favorable, even though we found
7 our challenges, but we all have our challenges in the
8 daily activities that we engage in, so I understand;
9 I respect the work that you've done, but I just wanna
10 just piggyback a little bit off the Chair, and Chair,
11 thank you for allowing me to speak and Council Member
12 Constantinides, thank you for yielding at this point.
13 But I wanna just ask you this question in regards to
14 snow removal and staffing. I know that during... my
15 district during this monster winter, that even though
16 we had non-Department of Sanitation individuals out
17 there plowing the snow, I would ask you, passing on
18 to your successor, how do we make sure that we have
19 properly trained people who can do snow removal?
20 Because some of the folks that I've seen working out
21 there, I know they didn't go through the training
22 that the Department of Sanitation offers and making
23 sure that snow removal is done correctly. So I'm
24 asking you to help us out with that as you go on to
25 sunny skies and blue waters and all the good stuff

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2 that happens [laughter] when you change your address.

3 So I ask you for that and finally, I just wanna ask;

4 is there three things that you can offer us and your

5 successor from the experiences that you have of what

6 we can do to make the Department of Sanitation a

7 better department?

8 JOHN DOHERTY: I think it's not just

9 being the Department of Sanitation better; I think

10 it's the betterment of the whole city and that's why

11 I kind of centered on street cleaning, because I've

12 always thought street cleaning was so important and

13 we all play a role in it; we in Sanitation have role

14 of cleaning up what other people don't clean up, so I

15 think we all have a responsibility; we have to

16 continue to work with our young people in school to

17 teach 'em not to litter and not to throw the litter

18 out there, we in Sanitation have to make sure there's

19 litter baskets on a corner and try and get them

20 dumped as quickly as possible so they don't overflow,

21 and that's probably one of the weak spots sometimes;

22 we don't have enough of service for some of these

23 litter baskets that we have out there and we in the

24 Department have to work on that and improve our

25 budget for that. But I think the big thing... and of

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2 course recycling is so important, if we wanna reduce
3 the waste that we have to send to landfills in other
4 parts of the country, we don't wanna do that; we
5 wanna reduce it and recycle it as much as possible
6 and we have to look at the economics of that too as
7 we move forward, but it's something that's very
8 important. And I think street cleaning is a big
9 thing and people have to think about that, along with
10 reducing our waste through recycling, they're the two
11 most important things that I can think... and you know
12 as far as snow, we all have to... you know, we have to,
13 internally at Sanitation, always look at our
14 operations to see what we can do better and no matter
15 how good we think we are, there are times when we
16 could probably do better and we have to look at new
17 ways of doing stuff and we talked more about bringing
18 in more hired equipment at times and there's give and
19 take about should we bring them in, who should
20 operate them and you know, what the cost should be
21 for the City, but that's something that, you know
22 both sides of the table have to look at and figure
23 out what's best for the City. So I would say they're
24 the three probably most important things that we

25

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2 collectively all have to work on to make this city
3 even better than it is.

4 COUNCIL MEMBER KING: I wanna thank you
5 for your time, your testimony and god bless you,
6 congratulate you and please, keep us informed in the
7 letters of the big fish that you catch, okay?

8 JOHN DOHERTY: Thank you very much, sir.
9 [laughter] [background comment]

10 CHAIRPERSON REYNOSO: Thank you... thank
11 you Council Member King. I'd like to call on Council
12 Member Costa Constantinides from Queens.

13 COUNCIL MEMBER CONSTANTINIDES: Thank
14 you, Chair Reynoso. Thank you, Commissioner; again,
15 I'll echo my colleagues' statements on thanking you
16 for your years of service and for all the good work
17 for the people of the City of New York. You and I
18 have spoken before about the issue I'm about to raise
19 and you actually just brought it up in your most
20 recent comments. I joined a letter with our State
21 Senator, Michael Ginaris, our Assemblywoman, Aravella
22 Simotas and myself all wrote you about the street
23 litter baskets and keeping our streets clean and I
24 know... and... and as I sort of went through being a
25 community activist and district leader and then, you

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2 know becoming a City Council Member, the thing I kept
3 hearing from my constituents, please help us with the
4 corner cans and the cleanliness of our streets.

5 Sadly, a lot of people in our neighborhood are
6 playing garbage Jinga every weekend 'cause we had
7 that extra litter basket cut, so everyone's tryin' to
8 stack their garbage just one particular way to make
9 sure that their garbage isn't the one that gets blown
10 off, but with it only getting picked up once a day,
11 of course it's getting blown, the wind picks it up,
12 it blows all over the neighborhood and then in the...
13 you know, especially during the weekends we don't
14 have that Sunday pickup; the streets end up being
15 much more of a disaster, with people complaining...
16 it's a bad reflection on our community, a bad
17 reflection on many of our communities; I'm sure we're
18 not the only one having that issue. So my question
19 to you is, if... you know, we had sent you this letter
20 asking for additional... either additional pickups or
21 additional baskets or... how can we better keep the
22 streets of our city clean?

23 JOHN DOHERTY: Well I mean the litter
24 basket service is very important, but the other part
25 of it too is all of us working together. Many

2 people, unfortunately, put some their residential
3 waste in there and there have been times in certain
4 parts of the City that I've had them pull the litter
5 basket off the corner because there was so much
6 residential waste in there and creating a problem
7 because I couldn't service and at times we found that
8 to be a good thing to do, because people are funny,
9 if there's garbage there they'll put more garbage on
10 top of it; if there's no litter basket there [cough]
11 they may not put anything in it. You'll see that
12 with bags of garbage sometimes on a street in
13 business areas and stuff, people go along with a
14 coffee cup, they'll finish it and they'll put it on
15 top of that bag and it blows into the street. So
16 people have to think more about how they dispose of
17 their waste; can they recycle it or can they keep
18 their residential waste for when it's picked up by
19 the sanitation collection trucks? So we have to
20 work... and then I think there is more of a need for
21 litter basket service and I think this administration
22 will be looking at that; I think Sunday basket
23 service... I would like to see some more added for that
24 and you know, it's never gonna be enough in some
25 cases, but I think we have to build up in that area

2 and we have to work towards a better service of our
3 litter baskets in places where they fill very
4 quickly, and at times we've added second litter
5 baskets out there. Hopefully with the new recycling
6 ins being out there, especially in the high
7 pedestrian areas, that people will get use to taking...
8 because a lot of the material that's in there, if
9 they don't put their regular household garbage, you
10 know a lot of material that's in there is paper
11 products that can be recycled or metal, glass and
12 plastic that can be recycled. So if they think about
13 what they're gonna put in that litter basket and say
14 wait a minute, that's paper, that's a paper cup... you
15 know people, a lot of times, is that a Styrofoam cup?
16 Paper. If you have no water in it, throw it out and
17 put it in your paper, your paper cup that you get
18 from Starbucks in many of these place... they're paper,
19 just throw out the coffee if you don't finish it all,
20 drop it in with your paper, that's recyclable. When
21 you start thinkin' about that, and I'm talkin' about
22 people in the street with that coffee cup and many of
23 them are Starbucks or other companies that have 'em
24 in paper cups, maybe the litter's plastic; put that
25 in the garbage, in the litter basket, take that paper

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2 cup, put it into the paper and recycle it and we'll
3 have less in there and we can think about other ways
4 to spend the money rather than require a second
5 collection for that litter basket. So we have to
6 look at those things, we have to work on it. But I
7 fully agree with you, we need more service on 'em
8 right now.

9 COUNCIL MEMBER CONSTANTINIDES: I

10 appreciate that, Commissioner, and I know here at the
11 Council I'm gonna be joining my colleagues to see the
12 fines accelerated on those that do illegally dump in
13 the corner cans, 'cause I wholeheartedly agree with
14 you that it's a community can for, you know small
15 items, not, you know either commercial or
16 residential; everyone... you know, we shouldn't be
17 subsidizing either business or any sort of
18 residential pickups and... [interpose]

19 JOHN DOHERTY: Right.

20 COUNCIL MEMBER CONSTANTINIDES: everyone

21 should be playing by the same rules, so I
22 wholeheartedly agree with you and I look forward to
23 working with your staff and your successor's staff to
24 kinda get things done in that regard. And I just
25 have one quick question related to the North Shore

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2 Marine Transfer Station. Just... I... you know I
3 represent a community very close to... [crosstalk]

4 JOHN DOHERTY: Right.

5 COUNCIL MEMBER CONSTANTINIDES: LaGuardia
6 Airport; I know they're gonna be spending a lot of
7 money on LaGuardia Airport updating it, but I know
8 that this marine transfer station may sort of hinder
9 that, you know, adding additional flights and is that
10 a true statement?

11 JOHN DOHERTY: No, we've been through all
12 the issues with the FAA and that's all been resolved,
13 there's no issues. The last issue they were
14 concerned about was with bird strikes on the planes.
15 These new marine transfer stations, they're so
16 enclosed, as I tried to explain later how is the... you
17 don't get the birds out there, but even with that and
18 the concerns, we have onboard a person... I forget the
19 name, but they... [background comment] wild... Okay,
20 good... wildlife biologist from the Federal Government
21 that monitors out there to make sure there are no
22 birds hangin' out there or seagulls were
23 predominantly the problem out there. The geese never
24 really came in and ducks never really came in and at
25 the garbage [sneeze] but the seagulls were and some

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2 of them are as big as some of these geese and stuff;
3 they could create a problem. So we've addressed that
4 and we're gonna be monitored very closely on that
5 operation, so I think it's gonna be a very safe
6 operation. [crosstalk]

7 COUNCIL MEMBER CONSTANTINIDES: And so
8 let me... you know, Queens is somewhat self-sufficient
9 right now when it comes to removal of trash; I mean,
10 what is this marine transfer station gonna add to the
11 borough of Queens that's currently not there?

12 JOHN DOHERTY: Well it's something that...
13 what's not there... well it's a more environmentally
14 sound way of putting garbage into a barge and taking
15 it somewhere, such as Fresh Kills, many years ago, to
16 Staten Island; now it's gonna go into a container,
17 the container will be barged, in this case out to
18 Staten Island, the container put on a railroad car
19 and everything will go out by rail. But it affects
20 more than the people around Queens, not just the
21 transfer station. Most people in Queens will not
22 notice it, the garbage will get picked up by the
23 truck; it'll go someplace; most people don't know
24 where it goes, all they're interested, you pick it up
25 on time, it's gone, that's all they wanna know, they

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2 don't care where it goes. So it provides, you know,
3 good service in many ways to them because we have a
4 closer land... well, we still have one that we're
5 contracting with in the area. I don't think it
6 really effects the people, it effects everybody in
7 the City more than just a local community, because
8 it's a system that was designed to better manage this
9 waste for the whole city and it affects people within
10 the City and outside the City from an environmental
11 point of view of reducing the number of trucks,
12 tractor trailers that we have to haul out, and two of
13 the transfer stations actually in Queens will be
14 reduced. There's Royal Recycling down in Jamaica
15 area I believe; we won't be dealing with them
16 anymore, so there's gonna be less trucks going in and
17 out of that area down there and less long-haul trucks
18 coming out of there and Action... not Acting Carting,
19 the other one is American Recycling, also in Queens
20 that will no longer be in business when it opens up,
21 at least for our business, and most of these smaller
22 transfer stations, when we start operating and takin'
23 our waste out of their system and puttin' it into the
24 marine transfer station, they'll probably close
25 because most of them, we're their prime client; we

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2 bring in the most waste so they'll probably close.

3 So that's one of the advantages to people that might
4 live near those two transfer stations.

5 COUNCIL MEMBER CONSTANTINIDES: And if
6 the Chair, indulge me one more question before I go.
7 I still wanna echo my colleague's statement earlier;
8 I know that we had the same challenges in Astoria
9 that I've heard from Council Member King, Council
10 Member Matteo, you know and it comes to those... you
11 know the... the crosswalks... [crosstalk]

12 JOHN DOHERTY: Crosswalks; bus stops,
13 yeah.

14 COUNCIL MEMBER CONSTANTINIDES: and them
15 not being... not being swept out, not being, you know
16 cleaned up; people, you know, basically have to be
17 Olympic athletes to jump over some of the snow
18 [background comment] to either get across the street
19 or get to their bus stop, so I definitely would echo
20 the call for additional staff being hired for the
21 Sanitation... you know bring on more sanitation workers
22 and they maybe could help out with some of the street
23 cleaning or some of the weeds or anything that we can
24 think of during the other parts of the year to help
25 keep our streets cleaner to kind of live up to that

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2 motto that you have there with, you know, sanitation
3 is a way of that's expressed in the clean street, so
4 I would echo that statement earlier from my
5 colleagues.

6 JOHN DOHERTY: Thank you very much, sir.

7 COUNCIL MEMBER CONSTANTINIDES: Thank you
8 Mr. Commissioner; I appreciate your time and
9 appreciate all of your service; I wish you all the
10 best of luck.

11 JOHN DOHERTY: Best of luck to you in
12 your new position over here making everything work.

13 [laughter]

14 COUNCIL MEMBER CONSTANTINIDES: Thank
15 you, sir.

16 JOHN DOHERTY: Thank god for Matteo too.
17 [laughter] [crosstalk]

18 CHAIRPERSON REYNOSO: Thank you Council
19 Member. I do wanna say, in my district we removed
20 trash cans from a business corridor completely and
21 the trash is almost comple... it's gone, they no
22 longer... it's no longer in the street in an
23 uncomfortable way, so I guess folks put trash in
24 their pockets until they get home, I'm not sure, but
25 it really solved the problem and now every single

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2 business improvement district is doing it except the
3 one in Queens; Queens likes their trash cans. But
4 thank you guys for your questions and thank you,
5 Council Member, absolutely.

6 I have a couple of other questions,
7 Council Member Gibson had to leave, but did wanna say
8 that there's a huge issue with dog poop and no real
9 solution outside of actually catching the perpetrator
10 while they're doing it or catching the person, not
11 perpetrator; I apologize, catching someone while
12 they're doing it, and also she says there's been a
13 decrease in signs regarding curb your dog; there's
14 been no real effort to actually address that issue
15 and she just wants to know if there's anything in the
16 budget that is gonna speak to reducing, you know, dog
17 poop.

18 JOHN DOHERTY: No, there's nothing new in
19 the budget for putting up signs. I think it's like
20 littering, if you don't know you're not supposed to
21 litter now, a sign isn't gonna make you stop from
22 littering, and it's the same thing with dog owners; I
23 mean the City has come so far with it, but it still
24 has more work to be done. It's one of the most
25 difficult summonses to write because most of the time

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2 dog walkers are out later in the evening or early in
3 the morning, particularly early in the morning; they
4 come out, they may not have identification on 'em,
5 you try to stop them; they'll go into the building
6 and you never see them again and you can't get... we do
7 write some and if they see us in uniform, right away
8 they know they're gonna clean up after their dog;
9 sometimes we put out police officers out there on
10 stakeouts when we know we have a problem; they'll
11 catch 'em and when they see an officer in any
12 uniform, that'll come also to help, their ready.

13 It's something we have to continue to work on and
14 most people I think... I mean where I am, I moved to
15 Brooklyn recently; I have a building... I was surprised
16 how many people have dogs livin' in big apartment
17 houses, but it's small and big; livin' out in Staten
18 Island all my life and havin' plenty of room around
19 the house, I thought people would have dogs, but I...
20 seems to be in these buildings today more people have
21 dogs, and most of them do the right thing, but there
22 are some, once in a while I come out of my building
23 and I'll see somebody that didn't clean up after
24 their dog, I'd love to catch 'em myself and embarrass
25 them, but I haven't been able to get 'em yet, but

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2 maybe when I retire I can spend more time workin' on
3 that, I don't know. [laughter]

4 CHAIRPERSON REYNOSO: We would love... The
5 New York Post would love that. [background comment]
6 A question regarding the Mayor's Management Report.
7 The average outage rate for collection trucks
8 increased to 21 percent; what does that reflect?

9 JOHN DOHERTY: That reflects, you know, a
10 little bit more wear and tear on the trucks due to
11 Sandy and during the wintertime we have a little bit
12 more, and it reflects growing pains in the fleet
13 consolidation a little bit, you know we take on 1,150
14 trucks to do our work and we took on some additional
15 personnel, of course to do that, but it was growing
16 pains. It'll flatten out; it's comin' down. I think
17 this morning it was around 20... but if, you know you
18 use 18 as our guard mark, you know the guideline to
19 get there; the big thing I get concerned about is if
20 I can't make roll call; in other words, have enough
21 trucks either in a snowstorm to put men in and go out
22 plowing, men and women in, or I don't have enough
23 trucks for the workers to go out and collect garbage,
24 then I worry about it. So sometimes even on a day of
25 the week your outage will go a little bit up, but

2 it's not out'a line, 21 percent is not too far out'a
3 line, little higher, but not too far out'a line.

4 Actually, it looked like a jump because we were below
5 the 18 percent at one time, so it looked worse than
6 it was, but we were doing better at one point, so
7 it's not a bad number to be at, actually.

8 CHAIRPERSON REYNOSO: I do wanna speak
9 to... you had talked about the trucks, the dual; the
10 back end trucks... [crosstalk]

11 JOHN DOHERTY: Dual bin trucks, yeah.

12 CHAIRPERSON REYNOSO: There you go... a
13 while ago, long before... I think in 1983, the year I
14 was born, there was a contract and the City decided
15 that they're gonna have two people on trucks, or two
16 sanitation workers on trucks instead of three and in
17 that, I guess with those cost savings, there were a
18 lot of cost savings by removing one person per truck,
19 I'm expecting that some of that money goes back into
20 the Department of Sanitation and allows them to do
21 more; do we even know what benefits the City received
22 from that sacrifice that was made by the workers and
23 now with this new issue that you just talked about
24 with the dual backs of the... whether or not we might
25 need to put three people back on trucks?

2 JOHN DOHERTY: No. We started that
3 program in 1981 as... it was a great partnership
4 between the Department and Local 831, the Sanitation
5 Workers' Union, for a productivity program; I think
6 we were probably the best agency in the City to be
7 able to show clearly that we were more productive by
8 taking one worker off the truck. When that agreement
9 was reached, it was also part of and in following
10 agreements over the years as they went through their
11 contract negotiation with the City; the union agreed
12 to do more productivity and they've increased from
13 the original no productivity level and only getting
14 \$11 extra for working with two people on a truck,
15 taking one away to where they are now with a target
16 of 10.6 tons per truck with two people on. So the
17 workers themselves have done more work and they got
18 paid for it, you know; would they like to get paid
19 for more? Probably. But they are doin' a good job
20 and they're doin' it... we have some issues there we
21 have to work on as far as the productivity goes now
22 and tonnages down, so that has to be looked at; I
23 think that'll be looked at in fairness to the union
24 as they go into their new contract negotiations, all
25 these City unions will be negotiating, and that'll

2 probably be somethin' that'll be on the table to them
3 as to what they can do on productivity and if it's
4 slipping in some areas how they can increase it, and
5 one of the difficult things for them and in fairness
6 to everyone, is that when you have all these
7 recycling trucks; I mean you set up a goal before you
8 take anything off the curb; you've got garbage out
9 there; now you're recycling 15-27 percent of it or
10 higher and lower numbers, depending on a community
11 you're in; now you're also takin' out textiles
12 through voluntary programs; we have bins for
13 electronics. So a lot of things are going on, so the
14 waste they have to pick up has been reduced, so in
15 fairness, they have to work, as part of their
16 contract, to one, to make sure that it's a productive
17 day's work for the two workers that are out there,
18 but it's also a fair work; there's almost so much
19 ground you have to cover too; I mean one thing you
20 say you can put more tonnage on a truck; in some
21 areas of the City they can have 12, 13; 14 tons on a
22 truck because it's right there; you don't have to go
23 too far. Other areas of the City -- Queens or Staten
24 Island -- you have to walk and walk and walk and
25 walk; that's why our recycling routes right now are

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2 twice as long as our collection routes, because
3 there's not much out there and they have to go a
4 distance, so you're only limited to how far you can
5 get them, so that's something that'll have to be
6 worked out in the contracts, but they have been very
7 productive, it's been a good program; we've had our
8 ups and downs, no doubt about it and I've dealt with
9 all the union leaders since DeLorean [phonetic] and
10 I... [laugh] I was here when he was the union leader
11 and I was a sanitation member, but I've dealt with
12 them all and I work now with Harry Nespoli, who is a
13 great leader for the union and does an awful lot and
14 he's the head of Municipal Labor Council; I think
15 that was an honor for him to be selected for that and
16 I think it had to do with what he as a leader and
17 what Local 831 has accomplished for their membership
18 and they selected him hoping these other unions could
19 do as well as the sanitation workers do.

20 CHAIRPERSON REYNOSO: Well that's good to
21 know and I just hope that with your exit or your
22 departure that you leave that history with the Mayor
23 when those negotiations are happening and that new
24 faces don't know about that history or might not know
25 as well as you do the work and the sacrifice that

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2 these folks are doing, so we would really appreciate
3 that. [background comment] There you go. I have a
4 question regarding your role versus the role of the
5 Business Integrity Commission and the inspections of
6 private transfer stations and the various violations
7 that can be issued.

8 JOHN DOHERTY: We have a unit within the
9 Department, it's called the Permit and Inspection
10 Unit that are assigned... they're police officers that
11 are assigned to inspect the transfer stations; they
12 look for certain things as air emissions from the
13 facility, any odors coming from the facilities; is
14 there an overload of garbage on a tipping floor; do
15 they clean it every 24 hours, so they look for
16 violations such as that; tracking of dirt or material
17 out of the transfer station; they work on that. The
18 Integrity Commission, they do the background checks
19 of owners, whoever owns the company, they do the
20 background; we do the enforcement end to make sure
21 they live by the rules; Business Integrity handles
22 the background investigation to make sure there are
23 reputable persons involved in that company or own
24 that company.

25

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2 CHAIRPERSON REYNOSO: The Department's
3 inspection of private transfer stations increased by
4 402, or 24 percent in the first quarter of FY2014 as
5 compared to the same period in FY2013; why that
6 increase?

7 JOHN DOHERTY: That had more to do... we
8 were down on our head count for a while and we hired
9 up... so when you get these fluctuations in your head
10 count your summons numbers are gonna go down, less
11 people writin' summons and when they go up, the
12 numbers will go up. We see the same thing
13 periodically with our sanitation enforcement
14 agencies; you drop off, you get a new class, you drop
15 off, less summonses, you get a new class, it pops up
16 again. So this is one of the things in the cycle
17 that if you lose... officers retire and move on, get
18 promoted, we have to hire a new class of workers from
19 the sanitation workers, train 'em as police officers,
20 train 'em how to do these inspections, get 'em
21 qualified; then we put 'em out to work and they write
22 summonses; it's always driven by the head count
23 basically.

24 CHAIRPERSON REYNOSO: Thank you.

25 [static] And I guess we're getting to the end here;

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2 I just wanna ask you a question regarding, in my
3 district specifically, the private waste transfer
4 stations; the smaller ones are more of a headache
5 than the larger ones, but it seems like the larger
6 ones are the ones that get the scrutiny; I could see
7 why to a certain degree, but in my district the
8 small, very small private waste transfer stations, I
9 can visibly see the conditions and the issues that
10 they're having and if they're continuing to operate
11 that way, in my head I automatically think it's
12 because there's a lack of enforcement happening, so
13 when I see the 402 I'm excited, but are those 402
14 going into the people that are what I consider the
15 most blatant in their disregard for the law, in North
16 Brooklyn, for example? [crosstalk]

17 JOHN DOHERTY: We have a... they... the
18 Permit Inspection Unit has a regular inspection tour
19 of all the facilities; it's not on schedule, it's hit
20 and miss, they ride out there at night, they ride out
21 in there in the morning; they make regular
22 inspections and they have to look at every transfer
23 station, their manager in the unit watches every
24 officer and every tour that goes out to ensure that
25 over time all the transfer stations are getting

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2 inspected and if there are violations they are
3 issued. And we also listen for complaints from the
4 community; I mean that's really what will set up a
5 flag for us sometimes, particularly if I don't see a
6 lot of violations goin' on out there I worry; are the
7 men and women doin' their job and so far I found yes,
8 they are doin' their job, but once in a while
9 somebody in the community will complain, hey I got a
10 problem over here; soon as we see that, we hear that,
11 bingo, we make sure we give 'em a couple of extra
12 inspections to make sure that if they're not living
13 up to the regulations we will get them up to the
14 regulation standards quickly.

15 CHAIRPERSON REYNOSO: Okay, thank...
16 [static] I'll have to... I don't know if that
17 information is public regarding how even or random
18 that these violations are happening or the
19 inspections are happening, because I would like to
20 see... because there's no way these guys are getting
21 ticketed or anything is being enforced if they
22 continue to operate the way... or maybe the tickets are
23 too low or the summonses are too low and we might
24 need to increase them. But I would love to see how
25 the inspectors work, or what the inspectors are doing

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2 in North Brooklyn specifically with the smaller waste
3 transfer stations. [crosstalk]

4 JOHN DOHERTY: Well if you wanna talk... I
5 guess the easiest person to go through so you get to
6 one person, you've worked with Maria Termini in the
7 past; if you want any information you're requesting
8 on that, just let her know and she'll go to the
9 Enforcement Division and get the statistics that
10 you're lookin' for and show what we've done in a
11 particular area and the number of transfer stations,
12 how many times we've inspected them over some period
13 of time; how many violations we found when we did
14 inspect them. That's available, it's just a matter
15 of, you know, just askin'; we'll get it to you.

16 CHAIRPERSON REYNOSO: Alright. So I just
17 once again wanna thank you -- not many commissioners
18 answer every single question that is given to them,
19 they usually defer to some folks; you obviously had a
20 great understanding and a grasp on the issues of your
21 department and I am truly grateful for you and good
22 luck and thank you. [crosstalk]

23 JOHN DOHERTY: Thank you very much.
24 They're a great staff, they get me geared up before I
25 go, give me all the answers to your questions;

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2 [laugh] I've just gotta remember them. Thank you.

3 [laugh]

4 [pause]

5 CHAIRPERSON REYNOSO: Can the Business
6 Integrity Commission come up for their testimony?
7 Thank you.

8 [pause]

9 CHAIRPERSON REYNOSO: Hi. Thank you for
10 giving me those couple of minutes and thank you for
11 your patience. Do wanna ask if you guys can each
12 present yourselves and your role in BIC and then,
13 we'll proceed.

14 MEGAN BACIGALUPI: Hi, I'm Megan
15 Bacigalupi; I'm the Chief of Staff.

16 JAY KAIRAM: Jay Kairam, Chief Operating
17 Officer.

18 ABIGAIL GOLDENBERG: Good afternoon.
19 Abigail Goldenberg, General Counsel.

20 CHAIRPERSON REYNOSO: Thank you so much
21 for being here. So Jay, you're kind of [static] the...
22 the acting Commissioner at the moment [background
23 comment]... [interpose]

24

25

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2 JAY KAIRAM: Yes, I'm Chief Operating
3 Officer, so we felt it was important that I show up
4 for a budget testimony.

5 CHAIRPERSON REYNOSO: Alright. So do you
6 see the... the former... the Commissioner did a great job
7 at answering every question without asking for any
8 assistance, so I hope you... you match that [laughter].
9 But actually, can you just proceed with your
10 testimony and then we'll go to answering questions,
11 to questions and answers? Thank you.

12 JAY KAIRAM: Yes, it's an honor to follow
13 Commissioner Doherty and he will be missed by all the
14 staff at BIC.

15 Good afternoon Chair Reynoso and members
16 of the Sanitation and Solid Waste Management
17 Committee; my name is Jay Kairam and I'm Chief
18 Operating Officer of the Business Integrity
19 Commission. With me today is Deputy Commissioner and
20 Chief of Staff, Megan Bacigalupi and Deputy
21 Commissioner and General Counsel, Abby Goldenberg.
22 Thank you for inviting me to testify before you
23 today. BIC was previously under the oversight of the
24 Consumer Affairs Committee, so we look forward to
25 building a relationship with you, Chair, in your new

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2 appointment, as well as the other members of the
3 Committee.

4 BIC licenses, regulates and oversees the
5 City's commercial waste hauling industry and the
6 businesses that operate in the City public wholesale
7 markets. The Agency's mandate is to make certain
8 these industries are free from organized criminal
9 behavior and corruption and are able to provide
10 services in an open, competitive and fair
11 environment. Commercial waste industry is composed
12 of businesses that provide for the removal of
13 commercial trade waste such as putrescible and
14 recyclable, construction and demolition materials,
15 landscaping waste and other more specialized forms of
16 waste, like yellow and brown grease and nonhazardous
17 electronic waste. BIC also registers wholesale food
18 businesses that operate in the City-owned public
19 markets, as well as the area adjacent to the Hunts
20 Point Produce Market. These businesses supply
21 customers in local, national and international
22 markets. BIC also oversees the shipboard gambling
23 industry, but presently there are no firms licensed
24 to operate in New York.

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2 The Agency's core operations revolve
3 around licensing, in-depth intelligence gathering,
4 rigorous legal analysis and ongoing investigation
5 enforcement of the industries we regulate. We also
6 develop and implement policies designed to further
7 competitive industry growth, increase customer
8 protection and set meaningful standards of services.
9 We routinely coordinate with other law enforcement
10 entities such as the City's five district attorneys,
11 the Southern and Eastern Districts of New York, EDC,
12 Sanitation and DEP on matters of enforcement, policy
13 and regulation. I will now detail a few of the
14 Agency's major accomplishments from the past year.

15 In response to industry concerns, BIC has
16 sought to proactively address the issue of cardboard
17 theft. Unlawful theft of recyclable materials, which
18 are valuable commodities in some cases, is a behavior
19 that negatively and unfairly impacts the business
20 health of commercial operators and BIC supported the
21 previous Administration and Council's legislation to
22 increase penalties for this illegal activity. The
23 Agency has zero tolerance for any type of illegal
24 activity and believes these legislative measures,

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2 coupled with strong investigative and enforcement
3 action will help stem the tide.

4 For example, this past year we have
5 conducted two major investigations into tackling
6 large-scale cardboard theft schemes in the New York
7 City area. First in September 2013 the Commission
8 denied the license renewal application of Diag
9 Express Trucking after a lengthy investigation
10 conducted by BIC legal and enforcement staff proved
11 that Diag was engaged in illegal theft of cardboard.
12 Diag reported nearly \$2 million in gross revenue over
13 a two-year period, much of which appears to have come
14 from the sale of stolen recyclables. The
15 Commission's denial stripped Diag of the ability to
16 operate in the City, an action that was applauded by
17 the trade waste industry.

18 Second, a long-term investigation and
19 audit into the activities of Hector Hours [phonetic]
20 in coordination with the Connecticut State Department
21 of Revenue Services led directly to his indictment by
22 the Office of the United States Attorney. Hours is
23 said to be tried in June on Federal charges of
24 interstate transportation of \$3.8 million in stolen
25 property over a four-year period. These

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2 investigations, as well as a previous long-term
3 investigation involving theft of materials from area
4 big box stores highlight how the Agency has learned
5 to strategically deploy resources, coordinate amongst
6 law enforcement activities across jurisdictions and
7 identify the choke points of these illegal
8 operations.

9 Another standout action from this year
10 was the investigation into the illegal dumping
11 activity of Scaramella Trucking as part of their
12 contract work on the Outerbridge Crossing project in
13 Staten Island. In coordination with the Port
14 Authority of New York and New Jersey's Inspector
15 General, BIC investigators identified that Scaramella
16 was illegally dumping material at sites throughout
17 Staten Island in order to pocket savings from tipping
18 fees. BIC has issued a violation to the company,
19 which after adjudication may result in a monetary
20 penalty of up to \$470,000.

21 On the regulatory front, BIC completed a
22 number of initiatives this past year that will
23 improve the transparency and environmental
24 performance of the trade waste industry. In addition
25 to active support and policy development of both the

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2 Recyclable Theft Law and the Commercial Organics Law,
3 BIC was the primary driver behind the passage of
4 Local Law 145, which requires that all heavy-duty
5 trade waste vehicles operating in the City meet 2007
6 Federal Emission Standards by 2020. These trucks
7 routinely expose residents to particulate matter and
8 nitrogen oxide emissions at street level, two
9 pollutants that are known drivers of respiratory and
10 cardiovascular harm and contributants to smog. The
11 law accelerates the turnover of trucks and will
12 reduce PM and NOx by 35-40 percent by 2030. The PM
13 reduction is the equivalent of taking 27,000 delivery
14 trucks or 1,300 inner city coach buses off the road
15 every years.

16 With the active engagement of groups like
17 the Environmental Defense Fund, the passage of Local
18 Law 145 represents a significant and innovative air
19 quality and public health win that impacts the whole
20 city with particular impacts on areas with commercial
21 corridors, construction activity and transfer
22 stations. It also aligns the commercial fleet with
23 similar standards imposed on the City-owned fleet and
24 will be strongly enforced by BIC in coordination with
25 DEP. This past February BIC co-sponsored a very

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2 well-attended technical workshop on compliance and
3 resources around Local Law 145 and will continue to
4 provide these types of resources with our City and
5 State partners.

6 BIC also completed an analysis of the ray
7 cap and revised the current maximum rates for
8 putrescible and recyclable service to reflect
9 industry costs and inflation while ensuring the
10 important customer protection measure is administered
11 in a clear, more transparent and routinized fashion
12 going forward. The adjustment and administrative
13 changes were supported by the industry and generator
14 community.

15 In the fall of 2013, BIC started
16 participating in a working group that included
17 representatives from Hunts Point adjacent area
18 businesses and Congressman Serrano's office to review
19 the Class B photo ID application issued to market
20 employees. In response to a request from working
21 group members, BIC significantly streamlined the
22 photo ID application requirements and implemented a
23 program to provide applicants with notary services
24 for free. The change and collaborative approach were
25 welcomed by the businesses in the Congressman's

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2 office and we continue to value that open line of
3 communication.

4 Finally, in October 2013, BIC launched
5 NIMBUS, becoming the first City agency to fully
6 transition its IT systems to a cloud-based platform.
7 NIMBUS represents a \$2 million capital project that
8 transforms the way the Agency stores, manages and
9 utilized data in operations. NIMBUS provides an
10 integrated case management system that allows the
11 staff to use heavy amounts of industry information in
12 real time and across units. It also provided mobile
13 capacity for enhanced enforcement operations.

14 With that I would now like to address
15 BIC's preliminary FY2015 budget and FY14 PMMR. When
16 I speak of FY2014 figures I'll be using figures from
17 the 2014 adopted budget and BIC's performance
18 position as of March 1st, 2014.

19 BIC's preliminary expense budget for
20 FY2015 is \$7.19 million, an overall expense increase
21 of \$47,000 from FY2014. Of the \$7.19 million, \$5.07
22 million is dedicated to personnel services and \$2.12
23 million is for other than personnel services. The
24 \$125,000 decrease in BIC's PS budget from 2014 is due
25 to the conclusion of funding for the chief program

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2 officer position, the CPO was brought on to oversee
3 the build and development of the NIMBUS system. BIC
4 has an authorized head count of 82 in 2014 and 80 in
5 2015. The \$172,000 increase in BIC's OTPS budget
6 from 2014 is attributable to the conclusion of an
7 expense peg tied to lease savings BIC accrued in
8 FY 2013, when the Agency renegotiated its lease.

9 On the revenue side, BIC's preliminary
10 projection for FY2015 is \$5.99 million, a decrease of
11 \$367,000 from the FY2014 budget. BIC expects to
12 collect \$3.89 million in trade waste license and
13 registration fees for FY2014; through the end of
14 February 2014 BIC has collected \$3.1 million or
15 approximately 80 percent of target. License and
16 registration fees account of 61 percent of the
17 Agency's revenue, which is consistent with previous
18 years. License and registration fees account for 61
19 percent of the Agency's revenue, which is consistent
20 with previous years. License and registration fees
21 are different, depending on the type of company, but
22 application fees range from \$1,000 to \$5,000 and are
23 granted on a two-year renewal basis. In FY15, BIC
24 has projected to collect \$4.12 million in these fees.

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2 Through February 2015 BIC has issued 544
3 trade waste violations and collected \$1.08 million in
4 administrative fines and forfeitures. Expected
5 revenue for administrative fines which include
6 violations for infractions like unlicensed and
7 unregistered activity, failure to meet reporting
8 requirements and illegal dumping, is \$1.88 million in
9 FY2014 and accounts for 28 percent of the Agency's
10 revenue. BIC issued 947 trade waste violations and
11 collected \$1.39 million in administrative fines and
12 penalties during the same period in FY13. In FY15,
13 BIC is expected to collect \$1.5 million in fines and
14 forfeitures.

15 The remaining portion of the revenue
16 budget relates to charges for services and fees,
17 which include market business applications,
18 investigation fees and other market fees, and
19 accounts for approximately 9 percent of BIC's
20 revenue. Market application fees range from \$3,750
21 to \$7,500 and are issued on a two- or three-year
22 renewal cycle. The 2014 expected revenue for these
23 fees is \$577,000 and as of March 1st, BIC has
24 collected \$340,000. In FY15, BIC is expected to
25 collect \$360,000 in charges for service and fees.

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2 BIC participates in the Federal El Dorado
3 Task Force, along with many other local law
4 enforcement entities; as part of our involvement, the
5 Agency receives shares of settlements achieved by the
6 task force that reflect our participation. BIC has
7 received \$362,000 in Federal forfeiture funds as of
8 March 1st, 2014, which has been used to pay for
9 various law enforcement expenses like trainings and
10 equipment; we are currently funding one replacement
11 staffer with Federal funds.

12 The Agency also received a \$64,000 New
13 York State SARA Grant to complete a record
14 digitization and storage project.

15 With respect to the trade waste industry,
16 as of the end of February 2014 there are 271 active
17 licensees which are granted to traditional
18 putrescible waste haulers, 65 active, Class 2 trade
19 waste brokers, 1,063 Class 2-exempt construction
20 demolition companies and 697 Class 1 registrants,
21 typically known as self-haulers. BIC has approved
22 500 license and registration applications through
23 March 1st. Total of 2,096 active companies in the
24 trade waste industry represents a 3.4 increase from
25 last year. License and registration applications

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2 were processed 5 percent to 30 percent faster when
3 compared to the same period in the previous year and
4 below the target for FY14 by over 30 percent.

5 With regards to the public wholesale
6 markets, there are 38 active businesses in the new
7 Fulton Fish Market, 68 in the Hunts Point Produce
8 Market, 40 in the Hunts Point Meat Market, 43 in the
9 Hunts Point adjacent area, 9 in the Gansevoort Meat
10 Market and 25 in the Brooklyn Wholesale Meat Market.
11 There are a total of 223 wholesalers, unloaders,
12 trade associations and other market businesses
13 operating in the regulated areas. This represents an
14 11 percent decrease in the number of active firms
15 from last year, with the Fulton Fish Market seeing
16 the greatest reduction in active operators. Market
17 applications were processed 20 percent faster than
18 the same period in the previous year and below the
19 target for FY14 by 37 percent. BIC has approved 28
20 percent more market companies over this period in
21 FY14 than the same period last year.

22 In FY2014 to date, 40 ECB violations have
23 been issued in the various market areas; of these, 73
24 percent have been for engine idling infractions, with
25 the remaining issued to entities operating without a

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2 registration in a regulated area. BIC enforcement
3 has issued 174 parking violations in the various
4 market areas in the fiscal year to date; of that, 54
5 percent of these violations were issued for failure
6 to comply with street cleaning rules. The remaining
7 violations were issued for infractions like parking
8 on the sidewalk, failure to display inspection
9 stickers and for commercial parking in restricted
10 areas. BIC does not receive revenue from ECB or
11 parking violations that are issued by Agency staff.
12 BIC issued 149 ECB and 261 parking violations in the
13 market areas in FY2013.

14 Denials remain one of BIC's strongest
15 enforcement tools in a full reflection of the
16 Agency's legal and investigative expertise; to date,
17 BIC denied 15 companies this past fiscal year and is
18 currently engaged in court proceedings regarding the
19 revocation of a license of another company. BIC
20 denies approximately 4 percent of companies for
21 failing to meet the standards of good character,
22 honesty and integrity.

23 This past year has proven to be an
24 extremely fruitful year for BIC, where it capably
25 continued strong oversight of the trade waste and

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2 market industries through strategic and comprehensive
3 enforcement and actively engaging our partner
4 agencies in investigations across regional
5 jurisdictions. We also worked actively and
6 successfully in regulatory and policy measures to
7 reduce the environmental and public health impact of
8 the trade waste industry and continued important
9 customer protection measures.

10 Finally, we launched a transformative IT
11 project that will greatly improve Agency operations
12 and place BIC as a leader in exploring new IT
13 solutions for City agencies.

14 This concludes my testimony; I would be
15 happy to answer any questions you may have.

16 CHAIRPERSON REYNOSO: Thank you for your
17 testimony. It's good to hear [static] from you guys;
18 originally we weren't aware that [static] BIC was
19 gonna be part of the Sanitation Committee; it happens
20 this year, like you said; it just moved on from DCA;
21 I do think it's more appropriate that you guys are
22 here, so I'm happy to have you.

23 It says that the Commission anticipates a
24 revenue increase of 6 percent in license permits and
25

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2 franchises for FY2015 as compared to FY2014 in the
3 adopted budget; why is that?

4 JAY KAIRAM: Due to the two-year renewal
5 cycles of the trade waste licenses, we receive a
6 slightly higher number of renewals in the odd fiscal
7 years; the FY15 target aligns with the \$4.2 million
8 target we had in FY13, so dependant on application
9 type, between 53 to 57 percent renew in odd years.
10 Given the different fee amounts for each type, this
11 distribution accounts for the 5.4 difference in
12 revenue between the fiscals.

13 CHAIRPERSON REYNOSO: [static] Originally
14 BIC was... [static] BIC's responsibility was to oversee
15 and ensure that corruption doesn't happen in the
16 industry, originally; of course, I'm glad you have
17 evolved to some degree, but there's still a lot of
18 work that is done in background checks of employers
19 and employees, I hear; can you speak to that a little
20 more deeply; I'm concerned that we're putting folks,
21 like formerly incarcerated individuals, in a position
22 where they can't receive jobs or they're getting
23 scrutinized to the degree that they don't want the
24 job and preventing that type of work or that type of
25 labor from... or that type of work from happening.

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2 JAY KAIRAM: I'll refer this question to
3 our General Counsel.

4 CHAIRPERSON REYNOSO: Thank you.

5 ABIGAIL GOLDENBERG: As you correctly
6 stated, part of the way which the Commission has
7 historically identified potential for corruption,
8 criminality; organized crime, has been through
9 rigorous vetting of applicants who want to engage in
10 the regulated industries; that continues to be our
11 primary means of sort of understanding the makeup of
12 any company, particularly principals of the company;
13 that being people who are responsible for the control
14 of the company, who engage, you know, with the public
15 on a regular basis. The background checks of
16 principals are, for obvious reasons, crucial to
17 understanding and ensuring that the companies in the
18 regulated industries are run with the requisite
19 honesty, good character and integrity. I think your
20 question relates sort of separately to employees; am
21 I understanding your question correctly?

22 CHAIRPERSON REYNOSO: To a certain
23 degree, yes.

24 ABIGAIL GOLDENBERG: Okay. And with
25 respect to that, again, we do run background checks

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2 on those individuals who are interested in being
3 employees for the regulated companies; however, we're
4 not really looking for... we're really looking for
5 significant issues; we... our main focus is on the
6 principals of the company; I mean, certainly there
7 are some instances where if you had, for example, a
8 member of organized crime, a known member or
9 organized crime who wanted to work in the regulated
10 industry, that would be of great significance to us,
11 but we really agree with the Council Member that we
12 wanna discharge that duty in a way that still permits
13 people of a wide range of backgrounds to be able to
14 have meaningful employment, even in these regulated
15 industries.

16 CHAIRPERSON REYNOSO: So when you do
17 these background checks for the principals, do you
18 find that there is still an intent with organized
19 crime or organized work to continue to be part of
20 this industry?

21 ABIGAIL GOLDENBERG: There is... I mean we
22 obviously are... we believe and hope that our efforts
23 to regulate these industries has to some a large
24 extent kept organized crime and corruption at bay;
25 [background comment] ongoing vigilance is still

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2 required obviously and there are instances where we

3 complete background checks, and it's really... the

4 background checks are part of, you know, a larger

5 evaluation of these applicants and there are still

6 ongoing instances of significant issues which

7 preclude their engagement in the industry and all of

8 those findings are outlined in what we call our

9 "denials," which are the written findings that the

10 Commission issues after a public hearing, which

11 outlines the basis for the denial of a license or

12 registration. So those are really... and as Jay

13 mentioned in his testimony, I think there were 15; is

14 that right... 15 denials issued during this fiscal

15 year; those are extensive documents with extensive

16 narratives about the issues that are significant

17 enough to have the company's application for a

18 license or registration denied.

19 CHAIRPERSON REYNOSO: Okay, I just want

20 to ensure that we're working not to prevent... you

21 know, the issues of recidivism, of folks not being

22 able to find work; if this is where they're going and

23 they're finding it here, I want to ensure that they

24 can continue to come there and that their character

25 and integrity is not being judged or unfairly

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2 scrutinized to a point where they don't even wanna
3 get these jobs or take them. So just being mindful
4 of that; go after the principals all you want, but
5 the workers, they need to find jobs, so I wanna make
6 sure that we support that.

7 I wanna speak to caps as well; there's a
8 cap in the industry; can you explain what the value
9 of having that authority is and we're looking to do a
10 lot of things in the next four to eight years and
11 this cap could be an obstacle or a help to us and we
12 just wanna understand that a little better, so if you
13 could just go into the value of the cap.

14 JAY KAIRAM: Just to clarify, you're
15 referring to the rate cap?

16 CHAIRPERSON REYNOSO: Yes, the rate cap.
17 Thank you.

18 JAY KAIRAM: So the rate cap is
19 administered by BIC, we have statutory authority to
20 set maximum rates for putrescible and recyclable
21 waste services that are picked up, that are provided
22 by carters in the City; we administer it on a per
23 100-pound basis as well as a cubic yard basis. The
24 motivation for providing... having the rate cap is
25 ensuring that carters are operating on a level

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2 playing field and that they're able to compete on

3 price. Previously the system, the way that the waste

4 hauling industry worked was we had cartels that were

5 essentially dictating which customers could be

6 serviced by which carters and it allowed for

7 inflation in price and additional sort of surcharges.

8 The way that we look at the rate cap is ensuring that

9 customers and generators who ultimately are operating

10 as margin-based businesses are able to get a fair

11 price for the services provided and it's transparent

12 and clear; the adjustments we've made recently will

13 allow for a two-year review process where we factor

14 in a number of different factors related to the cost

15 per ton of providing that service, and we would

16 adjust if there is need for it; if we see proper

17 investment, if we see, you know, for example, if the

18 carters are trying to comply with Local Law 145 and

19 it's driving cost-per-ton up, we could consider

20 looking at maybe adjustments are needed on the rate

21 cap provision. But that said, we're also looking as

22 a strong customer protection tool, something that

23 particularly the restaurant community views very

24 fondly, because it helps manage costs on their basis.

25 So it's both a way to prevent cartel-like behavior as

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2 well as offer transparency and clarity for their
3 customer base.

4 CHAIRPERSON REYNOSO: Does the rate cap
5 prohibit competition or is the price... because of it,
6 is the price just set and everyone operates at the
7 highest level possible, and is it preventing larger
8 carters from being able to... or not larger, but any
9 carters from competing in general?

10 JAY KAIRAM: We've actually seen most of
11 the... the vast majority, when we did this analysis
12 leading up to the change in the caps, that over 60
13 percent of carters were operating at previous caps
14 administered in 2008, between 60 and another 25
15 percent were operating between the previous caps and
16 the rates just before we last adjusted it. So it's a
17 very competitive industry; there's over 250
18 licensees; of those, about 100 are subject to the
19 rate cap provisions; that has been a pretty stable
20 number, and they're able to compete on price pretty
21 aggressively, make the investments in their business
22 so that they can provide enhanced services and we're
23 hopeful that the new rate system will allow for
24 continued adjustments so they can compete on service.

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2 CHAIRPERSON REYNOSO: I do wanna say that
3 we wanna encourage the investment to happen,
4 absolutely want to and to know that there's a waiver
5 or at least a process by which a business can go
6 through to justify the need for an increase on the
7 rate cap is good to hear, so I'm glad to hear that
8 and I think we should review that part of BIC's
9 responsibility, especially when it comes to the
10 possibility or the idea of commercial carting or a
11 commercial... what is it... franchising model, a
12 commercial franchising model that we're considering,
13 but we don't wanna go back to the old days when a few
14 dominated and controlled the prices and controlled
15 everything, so we wanna do better there, so I'm
16 looking forward to that conversation. Let's see, I
17 think we have a couple more questions for you guys.
18 [pause] [background comment] We lost some questions;
19 give us [laughter] five seconds; they're important.

20 JAY KAIRAM: Take your time.

21 CHAIRPERSON REYNOSO: Alright. Thank
22 you. [laughter] There you go; I got 'em.
23 [background comment, laugh, static, pause] Okay. So
24 we've heard that the subcontracting process can be
25 prohibitively long and discourages large

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2 organizations from subcontracting with groups that
3 might help them improve efficiency; can you describe
4 this review process; and it's not necessarily a
5 question that you guys might have.

6 JAY KAIRAM: I'll just answer generally
7 and then our General Counsel will provide a little
8 bit more detail.

9 We receive subcontracting applications
10 and we review them thoroughly; without a solid
11 business specification, that may signal non-
12 competitive behavior that sort of reflects behavior...
13 historic behavior in the industry that might result
14 in an extended period of review. But I'll let Abby
15 kind of discuss more on the overall review process.

16 ABIGAIL GOLDENBERG: Actually, during
17 this fiscal year we strove to further regularize,
18 routinize our review process, in fact we started an
19 online application for subcontracting, the request
20 for approval for subcontracting, which I believe has
21 been well-received by the industry and utilized with
22 a great degree of frequency. I mean the process,
23 just generally, is we receive the application from
24 the applicant and just as we do in terms of reviewing
25 our license or registration applications, we look at

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2 the substance of the information disclosed on the
3 subcontracting application to determine whether or
4 not the subcontracting arrangement is inimical to our
5 local laws and whether or not it, you know, is maybe
6 perhaps a signal of unfair pricing or, you know
7 something that might subvert competition in the
8 market, which obviously is what is critical to us.
9 So I guess I would... specifically what other
10 information are you interested in?

11 CHAIRPERSON REYNOSO: How long does the
12 review process take, for example on average if
13 someone is trying to work with a subcontractor?

14 ABIGAIL GOLDENBERG: Right. And just
15 like our license and registration process, the amount
16 of time that it takes to complete any single
17 investigation related to a subcontract can vary
18 widely, depending on the complexity of the issues
19 presented. Again, it's important to vet these
20 carefully on a case by case basis in order to protect
21 the customer; that is, the generator, the restaurant,
22 the business, from things like unjustifiable mark-
23 ups, which is obviously to the detriment of the
24 business. So the answer to your question is, it
25 depends [laugh] depending on the complexity of the

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2 application. I will tell you that the approved
3 subcontracts have taken an average of 50 days to
4 complete.

5 CHAIRPERSON REYNOSO: We were hearing
6 about years for some, [background comment] just to
7 give you a heads up, folks that are working to push
8 for a subcontractor to be more efficient and work
9 outside of their, I guess jurisdiction, so they want
10 to subcontract so that they don't need their trucks
11 to have to move as far or to do certain types of jobs
12 and that they've had year-long waiting periods to
13 approve the subcontractor and it becomes null and
14 void or insignificant at that point, so just to be
15 mindful of that. In a meeting we also had last week,
16 we learned that you track a lot of data, for example,
17 the pickup locations of your haulers, of all of your
18 haulers, yet this information isn't public or
19 analyzed. We would be interested to see this data so
20 we could analyze the efficiency of these routes. Do
21 you have that data?

22 JAY KAIRAM: We require a number of
23 reporting files from the licensee community; the two
24 major reports that we ask for are the customer
25 register, which is a semiannual document which is

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2 submitted to BIC, as well as an annual financial
3 statement which is submitted to BIC. The customer
4 register, which is I believe what you're referring to
5 is a document that includes information on a carter's
6 entire breadth of customers, the prices they charge,
7 the frequency in which they pick up and the locations
8 of disposal, among other pieces of data, including
9 weight and frequency. So yes, that information is
10 collected by us; it is, to an extent, proprietary,
11 trade secret information, so it has to be, you know,
12 properly handled and I'll let sort of Abby again
13 explain the ways in which it represents sort of
14 confidential information.

15 CHAIRPERSON REYNOSO: But before we get
16 to Abby, so that we don't complicate it, what we're
17 trying to find out is, or we were trying to do is
18 ensure that a carter from the Bronx isn't picking up
19 trash from Brooklyn and their truck is... all that
20 mileage is an issue to us, for example, and if you
21 have 10 businesses from Brooklyn and some from Staten
22 Island and some from Manhattan and some from the
23 Bronx, how exactly is that route moving about; how is
24 it working, and if you guys have their client list,
25 we know how many folks from that South... let's say

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2 South Bronx Carting Company, if we know their client
3 list, we can tell where they're going and where
4 they're coming from and it helps us, because we wanna
5 know about truck traffic, we wanna reduce truck
6 traffic and we were just hoping that you can assist
7 us in at least analyzing where they're going and how
8 they're going. So I don't... you don't need to give me
9 the information directly; I don't care who they're
10 contracting with, that's your job, but I just wanna
11 know where they're going and how much truck miles are
12 they putting on our roads.

13 JAY KAIRAM: Yeah, so through the... that
14 information to an extent is included; the data is... it
15 requires a lot of cleanup; is probably not the
16 strongest set of data available, but you know, in
17 terms of how we use the register, we're primarily
18 using it for law enforcement purposes to ensure that
19 companies are complying with the rate caps and that
20 they're not sort of trying to inflate costs to prey
21 upon businesses. In terms of sharing it and working
22 with you or other groups, we would have to have a
23 follow-up conversation to figure out the best way to
24 provide that data.

25

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2 CHAIRPERSON REYNOSO: Sounds great;

3 that's what I wanted to hear and you know, I consider
4 myself a nerd to a certain degree and I have a lot of
5 nerd friends that would love to dig even the most
6 basic data to try to figure out how to better improve
7 the situation, so would love to have that
8 conversation and follow up with it, absolutely.

9 My questions to BIC are completed at this
10 point; I did ask those and they answered them
11 [background comment] by themselves [laughter] in
12 their testimony. So I really appreciate your time, a
13 continuing relationship is extremely important and we
14 have a lot of things we wanna do in the City of New
15 York that is gonna involve the cooperation of your
16 Agency and would really like to see you guys... how do
17 I say... problem-solving is much better than giving
18 excuses or not being able to do something, so just
19 having that type of a relationship is gonna be
20 important to me.

21 JAY KAIRAM: Thank you; we look forward
22 to it too.

23 CHAIRPERSON REYNOSO: Thank you. Oh,
24 actually I've got one more question. Composting -- I
25 have folks what wanna do composting, the most

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2 simplest ways; I'm talking about folks on bicycles or
3 small vehicles and they're saying that the
4 bureaucracy is tough, they're getting fines and
5 summonses; we wanna lower... we want higher recycling
6 rates and they're saying BIC is making it tough for
7 them and I want you guys to support this composting
8 community, because they could help us in increasing
9 recycling rates. So I just wanna know what your role
10 is at all when it comes to these smaller independent,
11 you know non-profit volunteers that are really trying
12 to do this work.

13 JAY KAIRAM: I'll make a few comments and
14 then I'll let Abby sort of clarify a little bit on
15 the regulatory aspect. You know we have met with a
16 number of companies and individuals from the
17 composting community and the conversations have been
18 informative and we have sought to provide them with
19 the information they've requested and we do not want
20 to be perceived as any sort of barrier to innovation;
21 I think through some of the efforts we've completed
22 in the past year there's a strong sense within the
23 Agency that we're interested in policies that reduce
24 the levels of waste diverted to landfill, as well as
25 other public health aspirations and environmental

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2 aspirations that the trade waste industry can
3 achieve. In terms of the fines and violations, to
4 our knowledge and based off our records and as well
5 as from conversations with Sanitation, we have not
6 issued any violations to any community composting or
7 composters in the City, so that is... I'm not sure
8 where that information is coming from.

9 CHAIRPERSON REYNOSO: Have you issued
10 licenses to folks? So they're saying they can't get
11 licenses to do the job.

12 JAY KAIRAM: Anybody can apply for a
13 license; that's...

14 CHAIRPERSON REYNOSO: And get denied or
15 approved? Alright, so you're denying them all...
16 [crosstalk]

17 JAY KAIRAM: Say if they need... if...

18 CHAIRPERSON REYNOSO: the application...
19 [interpose, background comments] And is it
20 expensive? So if they're... [crosstalk]

21 JAY KAIRAM: The license application,
22 which is probably what they would have to apply for,
23 is \$5,000 and that is based off of... [interpose,
24 background comment] it's a two-year license that is
25 based off the cost of administering the service. So

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2 it goes through a review of the licensing unit, the
3 legal unit and the background intelligence unit, so
4 it's how much it costs to provide the application
5 service. [interpose]

6 CHAIRPERSON REYNOSO: So now you can see
7 why some folks that, you know, have a bike with a
8 book bag full of compost [laughter] think maybe
9 \$5,000 is not the way to go. But so I wanna have
10 that conversation with you guys about... you know we
11 can't do this in one shot, right; we gotta look...
12 [crosstalk]

13 JAY KAIRAM: Correct.

14 CHAIRPERSON REYNOSO: at every single
15 area on how we can modify prices and make sure that
16 it's respective of the type of work these folks are
17 trying to do. I'm gonna have a hearing on composting
18 soon and would love to talk to you guys prior to that
19 meeting on ways we're trying to assist this
20 composting community from doing their work the right
21 way, but also assisting us in becoming a better city
22 and moving to the future, so just to give you guys a
23 heads up about that.

24 JAY KAIRAM: Thank you.
25

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2 CHAIRPERSON REYNOSO: Okay. Thank you
3 for your time. [pause] [static] Alright, we have
4 our final panel. Was gonna... Ca... [interpose,
5 background comment] yeah... [background comment] four
6 people. Exciting. [laughter] Carol Tweedy, Bertha
7 Lewis, Eric Bruzaitis and Gavin Kearney... all good
8 friends of mine, [laughter] all four. So I'm gonna
9 have it... I'm gonna do it this way; I'm gonna ask
10 Carol to go first, then Eric to go second, then
11 Bertha to go third and Gavin to go fourth; I'm gonna
12 try to keep it that way... let me do this... Carol, Eric,
13 Bertha and... So Miss Tweedy... [interpose]

14 CAROL TWEEDY: Yeah.

15 CHAIRPERSON REYNOSO: you have the floor.

16 CAROL TWEEDY: Thank you, Mr. Chairman.

17 My name is Carol Tweedy and I'm the Executive
18 Director at Asphalt Green. Since this is a hearing
19 about the Sanitation Department budget, my prepared
20 remarks, which I will submit, address that and some
21 of the hidden costs of the marine transfer station at
22 91st Street; however, if I may, with your permission,
23 there have just been a few things that have been said
24 earlier in this hearing that I would like to go on
25 the record as objecting to; quickly I will do that,

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2 if I may. One is the statement that the Solid Waste
3 Management Plan as a whole falls apart if 91st Street
4 is pulled out; that is incorrect, according to our
5 analysis. Secondly, I wanna state quite strongly
6 that the problem of other communities which are real
7 are not relieved by the 91st Street station; those
8 problems should be addressed, no question, and mostly
9 those problems relate to construction and demolition
10 debris that's going into waste transfer stations in
11 those areas; 91st Street only has commercial and
12 residential. And there is no other transfer station,
13 none, none, none that directly affects 31,000
14 children who are concentrated on that site. The
15 argument was made previously, well, we have our
16 trucks going through Greenwich Village, through other
17 parts of the City; that hurts people and children,
18 but here you have a concentration of 500 trucks a day
19 on children.

20 I will now go to my prepared remarks. Do
21 you want a copy now or?

22 CHAIRPERSON REYNOSO: [background
23 comment] Do you have... You only need three; do you
24 have three at least?

25

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2 CAROL TWEEDY: I've got 20 [background
3 comment]. [laughter]

4 CHAIRPERSON REYNOSO: If we had 20
5 council members it would've been great, but thank
6 you, thank you.

7 CAROL TWEEDY: Thank you. So the costs
8 of the MTS at 91st Street certainly have ballooned
9 and a number of other speakers have spoken quite
10 articulately about them and I believe some in this
11 last panel, well, specifically Council Member Kallos
12 highlighted them with the capital cost increasing and
13 still climbing and even Mr. Doherty's admission that
14 the operating costs go from \$90 to \$238 a ton, with
15 sort of a shrug about that increase. But...
16 [interpose]

17 CHAIRPERSON REYNOSO: Yeah; he didn't say
18 238, he said it will increase; he didn't say how much
19 it would increase to, but he said that I would be
20 more.

21 CAROL TWEEDY: I think the OMB... my
22 numbers come from the Independent Budget Office
23 analysis that was done. I stand corrected; he didn't
24 say that. But there are some hidden costs that have
25 not been discussed and those are costs that impact on

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2 Asphalt Green and also our ability to provide
3 services citywide. I wear this pin; it says, "Fit
4 Kids Fit City," that's the mission of Asphalt Green,
5 to bring health to thousands and thousands of New
6 Yorkers, especially children, through the strength of
7 sports and fitness. But because of the marine
8 transfer station our business model will be directly
9 attacked. Our business model is that our fee-based
10 programs generate a surplus; with that money and some
11 additional funds that we raise privately and also
12 with the help of the City, we are able to fund our
13 free programs citywide; this year that means 30,000
14 children in 26 Council Districts. We know already
15 that our day care registration is significantly below
16 where it was last year; we track every week against
17 the previous year. If that continues to summer,
18 we'll have lost 300 campers; that will translate into
19 a loss of 12,000 free slots that we now provide all
20 over the City, in our learn to swim program, in our
21 recess program and our middle school community sports
22 leagues. And those free services go to those most in
23 need, schools with over 75 percent free or reduced
24 price lunch or communities with high obesity rates.
25 There are other costs besides this loss in revenue.

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2 Asphalt Green and the City have funded capital
3 improvements to the buildings and the property
4 because the property and the buildings are retained...
5 the ownership was retained by the City. The City,
6 over the life of Asphalt Green has contributed \$20
7 million for capital repairs and replacement; Asphalt
8 Green has privately raised even more, \$30 million.
9 The value of the investment on the part of the City
10 and on the part of Asphalt Green will decline, will
11 be negated because of the presence of the marine
12 transfer station. Thank you for giving me the
13 opportunity to present this information, which I
14 think has to be taken into account in the overall
15 costs of the marine transfer station at 91st Street.
16 Thank you.

17 CHAIRPERSON REYNOSO: Thank you for your
18 testimony; I appreciate it. And you know the value
19 of the Asphalt Green you say might decrease because
20 of adding a marine transfer station; again, we might
21 be getting an Asphalt Green on the domino site, if it
22 gets approved and goes up and you will be seeing
23 4,000 trucks a day pass through your site...
24 [interpose, background comment] and... [background
25 comment] Right, but we need to have solutions,

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2 right, and it's a solution-oriented... well we need to
3 be solution-oriented is what... is very important to me
4 and I want what's best for the City of New York, but
5 I don't... I can't tell my people 4,000 trucks have to
6 stay because of a value issue with an Asphalt Green
7 site or people not going to sign up because they're
8 afraid of a marine transfer station, and you won't
9 have that problem in our district because of the
10 need... Yes?

11 CAROL TWEEDY: [background comment] I
12 have to say that by 2016, when that marine transfer
13 station is operating, your constituents are going to
14 say where is the relief for us, because that transfer
15 station is not going to give it to them, they should
16 be relieved... [crosstalk]

17 CHAIRPERSON REYNOSO: It's part of a...

18 CAROL TWEEDY: but that transfer station
19 does not do it.

20 CHAIRPERSON REYNOSO: It's part of a
21 bigger system, right; we're not... it's not just one
22 system, it's a larger system where every single
23 person has, or every single place has to play their
24 part, so by the time yours is up, we already have
25 Hamilton up, North Short is about to get operational,

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2 91st Street will get operational, and as we go down
3 the line and we keep opening these up, the capacity
4 is gonna be reduced in our district and we're at
5 20,000 tons of capacity at the moment, so they will
6 see the reduction and if there is a reduction, I'll
7 make sure that I do my part to educate them on what's
8 happening. But you're one part of a bigger system
9 and that's what is somewhat troubling at times; at
10 one point there are moments when we discuss the
11 impacts on how insignificant it's gonna be to add
12 this to the system and when we say... you're talking
13 about 700 tons and we're talking about 20,000 tons,
14 it just doesn't compare, there's no environmental
15 justice done here and then... [interpose]

16 CAROL TWEEDY: This will not... with all
17 due respect, this will not relieve that; most of your
18 tonnage is construction and demolition which this
19 does not address and I accept the challenge to work
20 with you to reduce what is happening there, no
21 question about it. [interpose]

22 CHAIRPERSON REYNOSO: That conversation...
23 So, the organizing is going on over there; I can't
24 wait till it starts coming down to our district. I'd
25

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2 like to ask... the next person is Gavin. And I'm
3 sorry; no, not Gavin, Eric. Sorry.

4 ERIC BRUZAITIS: Either the way. Thank
5 you, Chairman Reynoso. I have prepared testimony,
6 but I'll keep it informal, just 'cause I was
7 expecting three minutes and to read through this;
8 it's a little dry. So I just wanna respond to also
9 some of the comments that were made today during the
10 testimony; I want to especially thank you for your
11 consideration of enforcement; I should say that I
12 represent OUTRAGE (Organizations United for Trash
13 Reduction and Garbage Equity), which works on the
14 overburdened waste transfer stations in the North
15 Brooklyn community, most of them in your district.
16 Enforcement around, not only the waste transfer
17 stations, but also the truck traffic that moves
18 through the neighborhood is critically important; I
19 noticed that in this year's budget there are 40
20 agents for Brooklyn, in general; it would be great as
21 the discussion about budgetary allocations go forward
22 that more enforcement is given to the Department of
23 Sanitation, especially for Brooklyn and for the
24 Bronx, who handle the most garbage in the City, and
25 also just in terms of keeping your commitment. I

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2 know that you are committed to the SWMP, that's

3 obvious from the testimony today, but your colleagues

4 as well to keep to the implementation back schedule,

5 now that we are past the implementation date; it

6 really is important that we move forward with full

7 implementation, including, unfortunately, for the

8 Upper East Side, the 91st Street station, which is

9 part of a larger goal, it's clear to your

10 constituents, people... my neighbors, the people that

11 live in Cooper Park Houses, that live between Morgan

12 and Vandervoort Avenues that deal with 50 percent

13 waste haul trucks, or the 5,000 that go through out

14 neighborhood every day, that the whole marine

15 transfer station system, as part of the SWMP happens

16 and it slowly begins to reduce the amount of trash

17 that North Brooklyn handles; North Brooklyn

18 understands that we will still be the biggest handler

19 of waste in the City; I think the South Bronx, I

20 think I can speak for them, that they understand that

21 they will share the second largest burden in the

22 City, but as we go forward with innovation in the

23 next couple years, let's get the SWMP fully

24 implemented and then we can tweak around the edges to

25 make it a more efficient system, and I think that's

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2 really OUTRAGE's main goal is to get that SWMP fully
3 working and then also reduce the truck traffic
4 through our neighborhood. So you have my formal
5 testimony and I'll leave it there. Thank you.

6 CHAIRPERSON REYNOSO: Thank you very
7 much, Eric. Bertha Lewis. Miss Bertha Lewis.

8 BERTHA LEWIS: Here we go. Good
9 afternoon...

10 CHAIRPERSON REYNOSO: Good afternoon;
11 nice to see you... [crosstalk]

12 BERTHA LEWIS: Chairman Reynoso,
13 [laughter] members of the Committee; my name is
14 Bertha Lewis and I'm President of The Black
15 Institute. The mission of The Black Institute is to
16 shape intellectual discourse and dialogue to impact
17 public policy uniquely from a black perspective, a
18 perspective which also includes all people of color
19 in the U.S. and throughout the diaspora and we are an
20 action tank, we're a think tank that takes action, we
21 do research, data-gathering, polling, academic
22 partnerships, civic education, training and
23 development, ground organizing and issue-based
24 campaigns. Our four areas of focus are economic
25 fairness, education, environmental justice and

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2 immigration. So I wanna thank you for this

3 opportunity to testify on the Department of

4 Sanitation, DSNY -- I hope we're not goin' into

5 Disneyland -- and their FY15 preliminary budget. I'm

6 here to specifically discuss one cost-driver of

7 DSNY's budget; the implementation of the 2006 Solid

8 Waste Management Plan, which was devised by the

9 Bloomberg Administration. If fully implemented, the

10 2006 Waste Management Plan will cost New Yorkers

11 billions of dollars in taxpayer money; based on our

12 study, "Talking Trash: A Modern Approach," that

13 protects community, increases recycling and reduces

14 costs, one element of the plan, the cost for building

15 and operating the East 91st Street Marine Transfer

16 Station, has ballooned to over \$1 billion since 2006,

17 more than \$600 million more than the status quo to

18 export waste from just four of the 12 Manhattan

19 community districts. The East 91st Street MTS alone

20 will cost taxpayers \$26 million during its first year

21 of operation; \$106 million over the next four years.

22 The overall MTS portion of the 2006 SWMP has nearly

23 tripled 265 percent to \$708 million since 2006 and

24 will raise the cost for transporting trash from \$90

25 per ton to almost \$240 per ton, costing taxpayers

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2 almost three times the amount to process trash as it
3 does today and additionally, Sandy-like Superstorms
4 will only further increase overall costs. These
5 figures, yes, are astonishing; however, they
6 exclusively speak to the East 91st Street Station.

7 As you know, the 2006 SWMP additionally included the
8 building or rehab of eight MTS sites, which were
9 subsequently reduced to four -- so much for the SWMP.

10 Nonetheless, the costs have skyrocketed. Although
11 the IBO has not studied cost escalations at locations
12 other than the 91st Street MTS, we believe that the
13 other MTS projects face similar cost escalations,
14 since they are based on similar designs; in
15 particular, the de Blasio Administration and/or the
16 IBO should review the current costs impact of the
17 Southwest Brooklyn MTS project before proceeding
18 further. Unfortunately an official cost analysis of
19 building and operating the Southwest Brooklyn MTS has
20 not been conducted by the IBO or the de Blasio
21 Administration, nor is one scheduled to be conducted
22 -- maybe our Comptroller can conduct such an
23 analysis. While the 2006 Solid Waste Management Plan
24 [cough] was and is an admirable plan with well-
25 intentioned goals, it falls significantly short, at

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2 astronomical cost that will burden New York City for
3 decades. Building the 2006 SWMP is a significant
4 financial investment, one that requires an adequate
5 financial analysis, and equally as important,
6 sufficiently reduces the impact on communities and
7 needs. There are waste management approaches that
8 will actually reduce costs, reducing tonnage will
9 reduce the need for transfer stations and New York
10 City lags behind any other major U.S. city in
11 recycling rates. The 2006 SWMP, the City committed
12 to achieving 25 percent diversion of recyclables
13 through its curbside program by 2007. Since then, a
14 local law was adopted that increased the long-term
15 recycling goal for resident waste to 33 percent; in
16 2010, PlaNYC set an interim goal to double the DSNY
17 managed waste diversion from 15 to 30 percent by
18 2017, further enhancing the prior year's local laws.
19 Nevertheless, New York City's recycling rate for
20 residential and municipal solid waste is still 15
21 percent. Recycling also is smart job policy;
22 according to the EPA, every 10,000 tons of solid
23 waste sent to a landfill creates only one job.
24 However, that same waste diverted from landfills can
25 create 10 recycling jobs or 75 material reused jobs.

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2 Composting, which was mentioned earlier, is another
3 way that the City can reduce its waste, save money
4 and contribute to a more sustainable and progressive
5 future. While PlaNYC committed the City to
6 delivering 50 percent of its food waste from
7 landfills, that commitment remains unfulfilled.
8 Portland, San Francisco, Seattle; Boulder all have
9 impressive curbside compost pickup programs that
10 should be considered for adaptation to New York City.
11 During his campaign, Mayor de Blasio called for the
12 creation of similarly successful programs in this
13 city within five years. Waste-to-energy is the term
14 that's used for energy recovery processors that
15 convert trash into consumable energy via combusting,
16 digestion, fermentation or hydrolysis. The output of
17 the conversion process is the dramatic reduction in
18 the amount of waste destined for landfill; it also
19 generates electricity, steam or biogas that can be
20 used to further reduce overall energy profile of the
21 original waste.

22 Given all the factors that have changed
23 since the 2006 SWMP approval and that of a compromise
24 the plan's ability to achieve its objective, it seems
25 only necessary and crucial to stop and reevaluate the

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2 2006 SWMP in order to ensure New York City is in fact
3 implementing a progression solution that is
4 environmentally sound, cost-effective and
5 sustainable.

6 Mr. Chairman and members of the
7 Committee, I urge you to pause to do 2006 SWMP,
8 evaluate the costs; impacts of moving forward with
9 the current plan so that we can charter progressive
10 waste management plan. I think you for the
11 opportunity to present this testimony and also look
12 forward to working with you and the new DSNY
13 commissioner, because this plan was conceived under
14 an entirely different administration and it would be
15 good to know from the new DSNY commissioner what
16 their thoughts are, how they view this and give them
17 an opportunity to weigh in on not only the full DSNY
18 plan it comes to transfer stations, but how that plan
19 affects the DSNY budget. So the new commissioner,
20 god bless her, needs our help and our support and I
21 would be very interested in having that commissioner
22 come before this Committee to talk about the SWMP.

23 CHAIRPERSON REYNOSO: Thank you for your
24 testimony [static] and I guess we're at the end here
25 and it concludes our... oh no, Gavin... [background

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2 comments] Gavin, I'm trying to rush you out.

3 [laughter] Your testimony is not... is not important...

4 [crosstalk]

5 GAVIN KEARNEY: Now I really have to be
6 quick. I was gonna be quick, but I'll be really
7 quick now. [laughter]

8 CHAIRPERSON REYNOSO: Sure Gavin, you're
9 allowed your time; I apologize.

10 GAVIN KEARNEY: Fair enough; that's fine.
11 You have written testimony; most of it are things
12 that I've said to you already, including several
13 weeks ago at the last Sanitation Committee hearing,
14 so I won't go through all of it; I just wanna make a
15 few points that I think are relevant to the
16 discussion that's happened today. One is, as I said
17 at the last Sanitation Committee hearing, I wanna
18 thank you for your continued support for the Solid
19 Waste Management Plan; I wanna emphasize, this is a
20 plan that came out of the environmental justice
21 community in New York City, out of the environmental
22 community in New York City; it was supported by
23 public health organizations; ultimately supported by
24 the Council and the Mayor, but this is not a
25 distinctly Bloomberg plan; this is actually something

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2 that is the product of a report that actually came
3 out of the EJ communities in the early 2000s that was
4 embraced and in some ways modified by Bloomberg, but
5 to categorize it as a Bloomberg plan that didn't have
6 that broad swath of support I think is inaccurate and
7 it's support that it's continued to enjoy through its
8 implementation and so I think that's an important
9 kinda framing piece.

10 The one thing I wanted to touch on
11 specifically with respect to the plan is the
12 Gansevoort Recycling Facility in Manhattan; I think,
13 as you guys know, this is a critical piece of the
14 plan; it will handle, metal, glass, plastic and paper
15 generated in Manhattan when it's operational; in the
16 meantime, metal, glass and plastic generated in
17 Manhattan gets trucked to Hunts Point in the Bronx;
18 it gets trucked to Jersey City. Thousands of truck
19 miles every year going from Manhattan to the South
20 Bronx in addition to the regular waste transfer
21 station truck traffic as a result of the continued
22 log jam around the Gansevoort facility. Two things
23 around that -- one, as you know, the City and the
24 State need to agree on a Memorandum of Understanding
25 to get this done; this is very much a priority for

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2 us, for the environmental justice organizations, the
3 community-based organizations we work with and we
4 would really urge the Council to work with us to
5 impress upon the City how high a priority this is; we
6 don't have a clear sense yet where this falls within
7 the City's priority list at the State level.

8 The other piece related to Gansevoort
9 that I wanted to touch on is recently there was a
10 contract that was stalled, temporarily delayed,
11 unclear around the design of the facility; I would
12 urge you to look into that more and find out exactly
13 what's going on; we're hearing mixed things about
14 whether this is just a pro forma sort of postponement
15 or whether this is something more significant that's
16 going on and so I would encourage you to look into
17 that. We would really like, once the MOU is in
18 place, to have everything moving forward as quickly
19 as possible.

20 A few things that I wanted to just touch
21 on very quickly -- earlier today the comment was made
22 that transfer stations are obsolete, that cities are
23 doing better on recycling, and particular cities were
24 cited that have diversion rates -- L.A., 45 percent,
25 other cities 60 percent, etc. When your diversion

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2 rate is 45 percent it means that 55 percent of what
3 you're generating is going to landfills or it's going
4 to incinerators. Waste that goes to landfill and
5 incinerators needs to go through transfer stations
6 for New York City, so transfer stations are not
7 obsolete, they are necessary, they are not gonna be
8 obsolete any time in the foreseeable future; I think
9 the one area where I can agree with our table mates
10 is that we definitely need to recycle more, compost
11 more, but that doesn't mean that we're not going to
12 need transfer stations any time in the foreseeable
13 future. The other thing I just wanted to touch on
14 quickly is this question of waste-to-energy, 'cause I
15 think that this is a path that the Bloomberg
16 Administration did try to go down; it's a path that
17 is opposed by most environmental organizations; by
18 most environmental justice organizations. Waste-to-
19 energy, as folks may know, is generally considered an
20 industry euphemism for incineration, folks in Newark
21 and the Ironbound community of Newark are currently
22 on the receiving end of New York's waste that gets
23 incinerated at the Covanta facility there. Contrary
24 to a characterization made earlier today, they do not
25 enjoy receiving that waste, in fact it's a facility

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2 that has had numerous Clean Air Act violations;
3 incinerators are a known source of very significant
4 airborne toxins and I would encourage folks, if
5 they're thinking about pushing waste to energy as a
6 potential alternative to landfilling as a potential
7 alternative to the marine transfer station, to really
8 look at these technologies; the City started to look
9 into piloting these technologies under the mistaken
10 premise that they had gotten much better over time,
11 that we had newer things that were better than
12 traditional incineration -- plasma arc gasification,
13 hydrolysis, etc., these sort of fancy scientific-
14 sounding names -- when you scratch below the surface
15 of the industry research on these things, they're not
16 real; most of them have not ever operated at a
17 commercial scale, most of their claims about
18 emissions are based on modeling, not based on real-
19 world performance and when they do get into the real
20 world, they don't function very well; in fact,
21 countries that used incineration in the past are
22 distancing themselves from it, particularly the
23 European Union, so I would just caution that if folks
24 see this as a potentially sustainable way to deal
25 with our waste to really think twice about it and

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2 look into it. So thank you for the opportunity to
3 provide testimony.

4 CHAIRPERSON REYNOSO: Thank you, Gavin.
5 I also wanna say; the relationship that you know our
6 Mayor has with the Governor at this point makes it so
7 that we've gotta be more creative about how we deal
8 with Gansevoort; that \$25 million is probably not
9 gonna come to us any time soon and I'm personally
10 making a request that the Mayor just front the money
11 in an effort to let us advocate to get that money in
12 the future, but let's just get it moving now..
13 [crosstalk]

14 GAVIN KEARNEY: Yeah. And...

15 CHAIRPERSON REYNOSO: they need their
16 park, so we'll see what we can do.

17 GAVIN KEARNEY: That's a great point; I
18 think there are a lot of allies in Albany from New
19 York City that would work with us on this; as you
20 know, the legislation that requires the MOU doesn't
21 specify how much money, doesn't specify where it's
22 gotta come from and so there are ways to try to get
23 past this log jam and so...

24 CHAIRPERSON REYNOSO: Okay. Once again,
25 thank you guys on this final table; this is gonna be

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2 a long and fruitful conversation and I'm looking
3 forward to it. Thank you. We are adjourned.

4 [gavel]

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C E R T I F I C A T E

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



Date April 19, 2014