

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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February 13, 2015  
Start: 10:10 a.m.  
Recess: 3:28 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

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

Kathryn Garcia  
Commissioner  
City of New York Department of Sanitation

Robert Orlin  
Deputy Commissioner and General Counsel  
Bureau of Legal Affairs  
City of New York Department of Sanitation

Angela Tovar  
Director of Policy and Research  
Sustainable South Bronx

Sean Campbell  
President  
Teamsters Local 813

Laura Hofmann  
Organizations United for  
Trash Reduction and Garbage Equity

Gavin Kearney  
New York Lawyers for the Public Interest

Eddie Bautista  
New York City Environmental Justice Alliance

Jay Peltz  
General Counsel and Vice President  
Government Relations  
Food Industry Alliance of New York

David Hillcoat

President

Cooper Tank and Welding Corp. Operating as:  
Cooper Tank Recycling and Cooper Recycling

Ron Bergamini

Chief Executive Officer

Action Environmental Group

David Biderman

General Counsel & Vice President

Government Affairs and Chapter Operations

National Waste Recycling Association

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[sound check, pause]

CHAIRPERSON REYNOSO: Good morning and welcome, and thank you all for being here on the coldest day of the new year. It just shows how important this is for many people, and how important of an issue it is. I'm excited to get started with this hearing. I just want to just for some initial background I'm from North Brooklyn. I was born and raised on the south side of Williamsburg.

MALE SPEAKER: [off mic] Yeah.

CHAIRPERSON REYNOSO: So, [laughs] I know there are a lot of folks from the community here today. And, when I became--when I got elected, this is the issue that I felt was most near and dear to my community when it came to inequities and injustices. I know there's a lot of issues that we're dealing with as a city including affordable housing, a need for good economic development, for jobs. But in this case, this is really when a friend of mine said a Tale of Two Cities, there's no better place to look at that than North Brooklyn and South Bronx and Southeast Queens when it comes to how we handle trash. So you being here today has really showcased that. So again, good morning and welcome to this

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1  
2 hearing concerning Intro 495, which seeks to reduce  
3 the permanent capacity of private waste transfer  
4 stations in certain overburdened districts in New  
5 York City. As representatives of one of the most  
6 overburdened districts in North Brooklyn, this  
7 legislation is very important to Council Member Levin  
8 and me. Over the last few weeks, a lot of  
9 misinformation about Intro 495 has been shared with  
10 council members and the media. So I want to-- I want  
11 to use my opportunity to open this hearing along with  
12 Council Member Levin to set the record straight about  
13 what this bill does, and what this bill does not do.  
14 First, I want to talk about the problem that this  
15 legislation seeks to address. So, everyone is going  
16 to start trying... If they can see this very  
17 picture? Can we--can we lower the lights in here?  
18 Is that even a possibility? Sorry, guys. I really  
19 want you guys to see this.

20 [pause]

21 CHAIRPERSON REYNOSO: So we're just going  
22 to lower the lights very quickly.

23 [pause, background noise]

24 CHAIRPERSON REYNOSO: Oh, yes, City Hall  
25 is fancy. [laughter]

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[background comments]

CHAIRPERSON REYNOSO: Okay, good. All

right. So the problem is the over concentration of

waste. The vast majority of the city's private waste

transfer stations and permanent processing capacity

is currently located in four community districts:

Bronx Community Districts 1 and 2; Brooklyn Community

District 1, which I represent along with Council

Member Levin; and Queens Community District 12.

Twenty-six of the city's 38 private transfer stations

are located in four districts. Together, they have

80% of the city's total permitted waste capacity, and

they actually handle 70% of the trash processed in

New York City, which is referred to as throughput.

That means that thousands of diesel fuel trucks pick

up waste from all over the city, and come into these

communities everyday to tip at these 26 transfer

stations. The results of this over-concentration is

that the residents in these communities are exposed

to air and noise pollution and suffer the effects of

breathing polluted air, which includes having some of

the highest rates in the country. To demonstrate how

inequitable our current system is, here is a pie

chart that shows the current concentrations of

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1  
2 citywide waste. Thirty-four percent of this waste  
3 goes to North Brooklyn; 32 to the South Bronx; and 9%  
4 goes to Southeast Queens. The rest of the city  
5 combined receives only 25%. These images show  
6 conditions at some of these sites, including open  
7 doors with no mitigation for smell or air quality and  
8 adding new trucks on the streets.

9           Let's take a closer look at each of the  
10 overburdened areas. This slide shows businesses  
11 whose trash is transported to the Hi-Tech Transfer  
12 Station at 130 Varick Avenue in North Brooklyn. As  
13 you can see, waste from four boroughs is trucked to  
14 this facility, including from as far away as Northern  
15 Manhattan and the Bronx. So when you're looking at  
16 this map is all the contracts that High Tech Transfer  
17 Station has, and where the trucks need to go to pick  
18 up that trash or where they come from. So we have  
19 places in the Northern Bronx almost South  
20 Westchester; almost Nassau County in Queens; Rockaway  
21 in Queens, and the southern tip-- Well, we don't--we  
22 can't see Staten Island here, but there is also  
23 Staten Island trips that are taken. Not only does  
24 this illustrate the current inefficiencies in the  
25 system, it gives you an idea of where the over 2,000

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3 truck trips per day that travel these streets or my  
4 community are coming from.

5 A local North Brooklyn organization,  
6 Outreach, studied truck traffic and air quality in my  
7 district. They found that 50% of trucks on North  
8 Brooklyn streets are waste trucks, and that the  
9 quality of the air in the community decreases by 355%  
10 on days when the local transfer stations are open--  
11 are not open. It is no wonder that my community has  
12 one of the highest rates of hospitalization for  
13 asthma in the city. This slide shows businesses  
14 whose trans--whose trash is transported to  
15 Metropolitan Transfer Station in Hunts Point in the  
16 Bronx. It shows waste from all five boroughs being  
17 trucked to this facility including from Staten Island  
18 and Southern Brooklyn. You might hear opponents of  
19 this bill say that trucks don't travel residential  
20 streets to get to the transfer stations in the Bronx.  
21 But as this map shows, that is clearly not the case.  
22 The South Bronx has asthma rates that are eight times  
23 the national average.

24 This slide shows businesses whose trash  
25 is transported by American Recycling Management in  
Jamaica, Queens. It shows waste from four boroughs



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1  
2 being trucked to this facility. Here, trucks also  
3 travel through residential streets to get to these  
4 facilities. Also, I want to point out that these  
5 maps illustrate just how inefficient the current  
6 system of private waste hauling is. You might hear  
7 today an argument that spreading out the burden of  
8 these facilities is more equitable--in a more  
9 equitable way will lead to increased truck miles and,  
10 therefore, increase costs for haulers and developers.  
11 But these maps show clearly that that argument is  
12 based on the false premise that the current system is  
13 efficient as it is--is as efficient as it is.

14           Now, I'm going to turn it over to my  
15 colleague, Council Member Levin, to walk you through  
16 how Intro 495 will address these issues. I also want  
17 to thank Council Member Levin for reintroducing this  
18 legislation, which was originally posed last term by  
19 my predecessor Council Member Diana Reyna. Thank  
20 you.

21           COUNCIL MEMBER LEVIN: Thank you very  
22 much, Chair Reynoso, and I want to begin by thanking  
23 you for your tireless commitment to waste equity  
24 throughout New York City because the issue of equity  
25 is the reason why we are all here this morning. I

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1 also want to offer thanks to the members of the  
2 committee who are with us as well, as well as the  
3 committee staff, Cullen Howe and Rachel Harris who  
4 worked to put this together. I want to thank  
5 Commissioner Garcia and the Department of Sanitation  
6 for joining us this morning, and for providing  
7 testimony and answering questions from the committee.  
8

9 In his opening statement, Chair Reynoso  
10 clearly established the problem that overburdened  
11 communities; severely overburdened communities like  
12 the ones that we represent have been forced to endure  
13 for years. In my opening statement, I would like to  
14 discuss how our proposed legislation would fix this  
15 problem, and would more equitably distribute the  
16 responsibility of solid waste management throughout  
17 our city. Intro 495 sponsored by Chair Reynoso and  
18 myself seek to create more equitable conditions for  
19 waste in New York City. First, it imposes two phases  
20 of waste reductions on transfer stations located in  
21 the four overburdened districts. The first phase of  
22 reductions would reduce total permitted capacity in  
23 the overburdened districts to 125% of average  
24 districtwide throughput, which has the effect of  
25 reducing unused capacity in these districts.

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1  
2 Currently, the capacity permitted in North Brooklyn  
3 is so high that if it were maximized we could have  
4 2,000 more trucks per day on our street exacerbating  
5 the issues previously mentioned. I just want to  
6 reiterate that. If the capacity permitted in North  
7 Brooklyn were maximized right now, permitted  
8 capacity, we could have 2,000 more truck trips per  
9 day on our streets. This legislation would prevent  
10 that potential expansion from occurring, the  
11 devastating potential expansion.

12           The second phase of reductions will  
13 reduce overall permitted capacity in the four  
14 overburdened districts by 18% of average throughput,  
15 which will only go into effect with the city's marine  
16 transfer stations are opened in the corresponding  
17 boroughs. It is important to note that this 18%  
18 reduction will not necessarily apply to every  
19 transfer station in each affected district. Rather,  
20 the reduction is districtwide. The bill establishes  
21 a series of factors that the Commissioner must  
22 consider when implementing these reductions including  
23 the number of violations issues to a particular  
24 transfer station. The amount of traffic generated by  
25 each transfer station. The proximity of each

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1 transfer station to residences, parks, hospitals and  
2 schools. Whether the facility processes recycling or  
3 organics, and importantly working conditions at the  
4 facility. These criteria are designed to reward good  
5 actors and punish bad ones.  
6

7 Chair Reynoso and I both want to ensure  
8 that no other community becomes the next North  
9 Brooklyn, South Bronx, or Southeast Queens. The goal  
10 of this bill is not to move the burden or waste  
11 processing from a few low-income communities of color  
12 to others. Which is why our legislation also  
13 establishes a cap for all community districts in the  
14 city. In particular, the bill sets a cap of 5% of  
15 the total amount of citywide permitted capacity for  
16 all community districts. This means that the  
17 Department of Sanitation permitted capacity in any  
18 community cannot increase if that district has five  
19 percent or more of the total DSNY permitted capacity.

20 The bill exempts certain heavy trash days  
21 from the reductions in the bill as well such as days  
22 after major holidays or three-day weekends. On these  
23 days, effective transfer stations will be allowed to  
24 accept waste up to their previous permit amount. The  
25 legislation also allows the Department of Sanitation

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1  
2 Commissioner to temporarily waive the permit capacity  
3 reductions required by this bill in the event of an  
4 emergency. The slide--this slide shows the total  
5 citywide trash-- Sorry, this slide shows the total  
6 citywide trash once Intro 495 goes into effect. As  
7 this slide shows, North Brooklyn's share will be  
8 reduced from 34% to 28%. South Bronx's share will be  
9 reduced from 22% to 26%, and Southeast Queens' share  
10 will be reduced from 9% to 7%. And the rest of the  
11 city's share is increased from 25% to 39%, which is a  
12 much more equitable share of the pie. Again, capacity  
13 in other districts will be capped by 5% of DSNY total  
14 city capacity. Let me be very clear. If this  
15 legislation passes, three communities will remain  
16 very overburdened, very overburdened. If you look,  
17 as I said, North Brooklyn's share will go down from  
18 34% to 28%, obviously severely overburdened still.  
19 South Bronx's share will be reduced from 32% to 26%,  
20 obviously still very overburdened. But what it does  
21 reduce is those communities burdened. And it takes  
22 the first step towards a systems in which all  
23 communities process their fair share.

24 Now, let me dispel some untruths that  
25 have been spread about this legislation. You may

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1  
2 have heard from this bill's opponents that if it goes  
3 into effect, there won't be enough waste capacity in  
4 the city. This is simply not true. This slide shows  
5 New York City's solid putrescible solid waste stream.  
6 The lower line shows the average daily amount of  
7 putrescible throughput since 2005. And the upper  
8 line shows the citywide capacity after Intro 495 goes  
9 into effect, and all of the marine transfer stations  
10 are open and operating. And the full implementation  
11 of this bill will not go into effect until all the  
12 marine transfer stations are open and operating.

13 CHAIRPERSON REYNOSO: Can you just repeat  
14 that whole thing again, just one more time? I really  
15 want folks to hear that.

16 COUNCIL MEMBER LEVIN: This slide shows  
17 New York City's putrescible solid waste, as you can  
18 see. The lower line shows the average daily amount  
19 of putrescible throughput since 2005 throughout the  
20 city. And the upper line--so that's the lower line  
21 there--the upper line shows the citywide capacity  
22 after Intro 495 goes into effect, and all of the  
23 marine transfer stations are open and operating.  
24 Still, a much greater amount of capacity than  
25 throughput for putrescible waste. The MTSS will add

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1 about 10,000 tons per day of capacity total.

2 Clearly, clearly, there will be enough capacity in

3 the system to handle these reductions. The same is

4 true for construction and demolition waste. The

5 bottom line in this slide shows the average daily

6 amount of C&D throughput since 2005. And granted, it

7 fluctuates with the economy and the amount of

8 building going on. The middle line shows citywide

9 capacity once Intro 495 goes into effect, and the top

10 line shows capacity after the reductions go into

11 effect once the MTS at West 59th opens up. Again,

12 there is clearly enough capacity in the system to

13 handle these reductions, and capacity remains higher

14 than what it--than what was needed even at the height

15 of the last building boom.

16  
17 Next, I want to speak specifically on the

18 issue of jobs, because we've heard that this bill is

19 quote--is called quote "a job killer." The fact is

20 that after Intro 495 is passed, New York City will

21 continue to handle the same amount of waste per day,

22 and we are going to need the same number of workers

23 to make the system work. Instead, this bill is meant

24 to promote improved working conditions at waste

25 facilities. The private transfer station industry

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1 has some of the worst working conditions in the city.  
2 Dangerous working conditions are common with workers  
3 regularly being exposed to dangerous toxins and  
4 unsafe equipment. We've heard stories from workers  
5 about wage theft and exploitation of the  
6 undocumented. If you visit some of these transfer  
7 stations, you can see them--you can see where  
8 regulations are regularly being violated. Workers  
9 without protective gear; toxins in the air; and  
10 vehicles that are not maintained to the point of  
11 being dangers to drive. Intro 495 requires the  
12 Commissioner to consider working conditions when she  
13 decides where reductions will be made so this bill  
14 will support those facilities that comply with  
15 regulations, and provide safe, good jobs for the  
16 workers.  
17

18 Finally, I know you're going to hear from  
19 some of my colleagues today who are upset because  
20 they are about to get one transfer station in their  
21 district. Aside from reminding these colleagues that  
22 Chair Reynoso and I have 16 transfer stations in our  
23 community, I also want to be very clear that Intro  
24 495 will have zero impact on the opening of the  
25 city's marine transfer stations. I want to repeat



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1 that. Intro 495 does not cause the marine transfer  
2 stations to be built. Those were already being  
3 built. Those were already called for under the SWAMP  
4 Plan. These were planned a long time ago, and  
5 approved by a previous administration as part of  
6 SWAMP. But in order to get trucks off the streets of  
7 our communities. And this administration has again  
8 demonstrated its commitment to implementation of that  
9 plan. Again, this legislation has zero impact on the  
10 opening of the city MTSs and I want to make that  
11 absolutely clear at the outset. I want to thank the  
12 Administration for this commitment to environmental  
13 justice, and I hope that we can work together not  
14 only on implementing this bill, but also on  
15 increasing their diversion rates and reducing waste in  
16 order to decrease the need for these facilities, and  
17 the burdens that come with them. Thank you very much  
18 for your time.

20 CHAIRPERSON REYNOSO: Thank you, Council  
21 Member Levin. And I just want to go to the first  
22 one. We could put the lights up now. If you want to  
23 speak, you have to come to the Sergeant-at-Arms, sign  
24 a piece of--a form--a paper, a slip and then we're  
25 going to call you up in rows. Unfortunately, we

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1 don't have like a question manager [sic] opportunity.

2  
3 Now, I want to introduce the Administration, members  
4 of the Administration of DSNY, Deputy Commissioner  
5 Robert Moreland and the Commissioner Kathryn Garcia  
6 of the Department of Sanitation. Thank you guys for  
7 being here, and I look forward to your testimony.  
8 Thank you.

9 COMMISSIONER GARCIA: Good morning Chair  
10 Reynoso and members of the City Council Committee on  
11 Sanitation and Solid Waste Management. As you said,  
12 I am Kathryn Garcia, Commissioner for the New York  
13 City Department of Sanitation. With me today is  
14 Robert Orlin Deputy Commissioner for the Bureau of  
15 Legal Affairs for the Department. I appreciate the  
16 opportunity this morning to testify on Intro 495. As  
17 proposed, this bill will substantially reduce overall  
18 private transfer capacity in the Community Boards of  
19 Brooklyn 1, Bronx 1, Bronx 2, and Queens 12.

20 Before I begin, I want to assure you that  
21 the Department is sensitive to the concerns of these  
22 communities and other areas of the city where  
23 transfer stations are authorized. For reasons I will  
24 explain. however, the Department must respectfully  
25 oppose this bill. We are prepared, though, to

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1 immediately reopen negotiations with the industry to  
2 achieve voluntary reductions of transfer station  
3 capacity at levels that do not endanger public health  
4 and safety in the city. Essential to managing the  
5 city's solid waste over the long term is the  
6 establishment of efficient and reliable transfer  
7 station infrastructure. Including the reconstruction  
8 of four marine transfer stations, a key component of  
9 the city's comprehensive solid waste management plan.  
10 Adopted by the New York City Council and approved by  
11 the New York State Department of Environmental  
12 Conservation in 2006, the Solid Waste Management Plan  
13 allows the City to achieve a more environmentally  
14 friendly and equitable waste transfer system. So  
15 that waste generated by the residents of one borough  
16 will not be transferred to another borough for  
17 handling or disposal as was the city's previous  
18 practice for nearly 50 years.

20 The Solid Waste Manage Plan provides a  
21 framework for managing approximately 13,000 tons per  
22 day of department managed solid waste generated in  
23 New York City. In addition to advancing our  
24 recycling and sustainability initiatives, a key  
25 component of the Solid Waste Management Plan includes

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1 the containerization of waste, and the export of that  
2 waste in containers by barge or rail. This plan was  
3 designed to reduce the city's reliance on a network  
4 of land based transfer stations and long haul  
5 trucking to export residential waste, and to achieve  
6 equity and fairness in communities across the city.  
7 The Solid Waste Manage Plan will greatly reduce truck  
8 traffic from city-managed waste as well as from  
9 commercial carters. Under the Solid Waste Manage  
10 Plan, the Department will utilize a waste energy  
11 facility in New Jersey, four marine transfer station  
12 sites, and one public and three private transfer  
13 stations served by rail in order to eliminate  
14 significant amount of waste hauling truck traffic.  
15 Approximately 55 million vehicle miles traveled  
16 annually from city and regional roadways, including  
17 2.8 million vehicle miles traveled annually by  
18 tractor-trailer trucks within the city. And 2.8  
19 million vehicle miles traveled annually by DSNY  
20 collection trucks. Under the Solid Waste Management  
21 Plan, all tractor-trailer trip carrying Department  
22 managed waste will end.

23  
24 As you know, the Staten Island Transfer  
25 Station was completed several years ago, and all

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1  
2 department-managed waste generated on Staten Island  
3 is transported out of the City by rail. Both the  
4 Hamilton Avenue and North Shore Marine Transfer  
5 Stations are near completion, and construction of the  
6 East 91st Street and Southwest Marine Transfer  
7 Stations are underway. The marine transfer stations  
8 are designed to also handle commercial waste. We  
9 have begun outreach, and preliminary design for the  
10 Gansevoort Recycling and Education Center in order to  
11 proceed with converting the West 59th Marine Transfer  
12 Station to handle commercial construction demolition  
13 waste. In the Bronx and for portions of the Brooklyn  
14 and Queens residential waste streams, the department  
15 has entered into long-term 20-year contracts with  
16 private transfer station vendors for the export of  
17 department-managed waste from the city by rail.

18 Today, all department-managed waste  
19 generated in the Bronx is transported out of the city  
20 by rail at Harlem River Yard. And department managed  
21 waste generated from part of the former Greenpoint  
22 Marine Transfer Station Wasteshed is transported out  
23 of the city by rail by a private vendor from the  
24 Varick Avenue Transfer Station in Brooklyn. Starting  
25 this summer, a portion of the department-managed

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1 waste generated in Queens will be transported out by  
2 rail by a private vendor from Review Avenue Transfer  
3 Station. For waste generated on the West Side of  
4 Manhattan, the City entered into a long-term contract  
5 with a waste energy facility in New Jersey. When the  
6 SWAMP becomes fully implemented, we estimate that 88%  
7 of the city's residential waste will be exported from  
8 the city by rail or barge. The other 12% is  
9 delivered directly to New Jersey. The Solid Waste  
10 Management Plan also recognizes that private solid  
11 waste transfer stations are integral part of New York  
12 City's Solid Waste Management System, and essential  
13 to the city's ability to handle more than 26,000 tons  
14 of residential and commercial waste excluding film  
15 material generated in the five boroughs every day.  
16

17 Since the enactment of Local Law 40 of  
18 1990, which granted the Department regulatory  
19 permitting and enforcement authority over these  
20 facilities, the Department has undertaken several  
21 measures to ensure that lawfully permitted transfer  
22 stations are well managed and compatible with the  
23 surround are. We enacted a stringent and  
24 comprehensive set of operating rules governing the  
25 use, conduct, and operation of the putrescible and

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1 non-putrescible transfer stations. We also adopted  
2 strict siting rules, which restrict both the siting  
3 of any new transfer stations, and the ability of  
4 existing transfer stations to increase their daily  
5 permitted throughput capacity. The large majority of  
6 transfer stations today operate in the city's  
7 manufacturing districts. The Department adopted its  
8 rules after a lengthy and extensive public review  
9 process and careful consideration. In addition,  
10 recognizing that compliance and enhanced enforcement  
11 are key to mitigating any adverse impacts of transfer  
12 station operations in the surrounding community, the  
13 Department's Permit and Inspection Unit aggressively  
14 regulates the activity--the activities of all private  
15 transfer stations operating throughout the city. By  
16 making unannounced visits to conduct thorough  
17 inspections of every putrescible and city transfer  
18 station an average of once per week. The vigorous  
19 inspection enforcement efforts of DSNY have  
20 contributed to an overall reduction in the number of  
21 transfer station permits in the city by nearly two-  
22 thirds from a 153 in 1990 to only 55 today.

23  
24 In accordance with the 2006 Solid Waste  
25 Management Plan that called for that the capacity

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1  
2 being reduced at putrescible and non-putrescible  
3 transfer stations by up to 6,000 tons per day. In  
4 the four community districts covered by Intro No.  
5 495, the Department began negotiations with transfer  
6 station owners almost immediately after the Solid  
7 Waste Management Plan was approved by the Council.  
8 These negotiations continued regularly over a period  
9 of nearly 18 months. By early 2006, the department  
10 and the transfer station owners had met and consulted  
11 on numerous occasions in person and by phone with  
12 council staff participating in many of these  
13 discussions. The City and the industry reached a  
14 verbal agreement to achieve slightly over 6,000 tons  
15 per day of permanent capacity reductions. But these  
16 verbal agreements were never finalized because the  
17 Council ultimately decided not to pursue these  
18 particular reductions.

19 Consistent with Local Law 40 and the  
20 Solid Waste Management Plan, we remain committed to  
21 meeting the goals outlined in the Solid Waste  
22 Management Plan. And as I have outlined, the city  
23 has taken numerous measures to address the effects of  
24 transfer stations especially in the poor communities  
25 that are the focus of today's hearing. However, we



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1  
2 believe that Intro No. 495 is not the best way to  
3 furthering these goals due to its detrimental impacts  
4 on the city's ability to manage its own waste.

5           As was said before, Intro No. 495 imposes  
6 two phases of reductions on transfer stations in four  
7 designated districts of the city that include Bronx  
8 1, Brooklyn 1, Bronx 2 and Queens 12. Under the  
9 first phase by January 1st of 2016, the Department  
10 must reduce the permitted capacity of transfer  
11 stations in these districts to 125% of the average  
12 amount of waste that these facilities handled over  
13 the past three calendar years. Under the second  
14 phase by the later of either January 1st 2017 or the  
15 opening of the Department Maine Transfer Station in  
16 the same borough, the Department must further reduce  
17 permitted capacity in each of these districts to an  
18 amount that is 18% less than the average throughput  
19 handled at these transfer stations during the  
20 preceding year. Collectively, these four community  
21 districts presently have approximately 34,000 tons a  
22 day of transfer station capacity. As written,  
23 however, Intro No. 495 would effectively eliminate  
24 over all private putrescible and C&D capacity in the  
25 city by approximately 23,000 tons per day. This

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1  
2 would amount to a nearly 70% reduction in permanent  
3 capacity in these four districts.

4           Let's now look at the overall total  
5 private putrescible and C&D capacity in the city,  
6 which is approximately 44,000 tons per day. The  
7 effect of this bill would reduce private putrescible  
8 and C&D capacity citywide by over 50%. Specifically,  
9 C&D capacity citywide would substantially drop from  
10 approximately 23,000 tons per day to 10,250 tons per  
11 day. Putrescible capacity would also drop from  
12 approximately 21,000 tons per day to 10,500 tons per  
13 day. This reduction is enough to severely jeopardize  
14 and potentially cripple the city's ability to manage  
15 its waste safely and expediently with resulting  
16 economic consequences beyond the transfer station  
17 industry.

18           I would like to highlight four  
19 significant impacts on the city's waste management  
20 operation if the Council were to pass Intro No. 495  
21 into law. Intro No. 495 would adversely impact long-  
22 term contracts that the city has with private  
23 transfer stations in the impacted districts for the  
24 rail export of residential waste. As I mentioned  
25 earlier, the Department currently has two such long-

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27

1  
2 term contracts with a private transfer station in  
3 Brooklyn 1 at 215 Varick Avenue and one in the Bronx  
4 at Harlem River Yards. Since our long-term vendors  
5 would have to reduce capacity on average by 18% below  
6 existing throughput volumes, they would not be able  
7 to handle all the waste that they were awarded  
8 contractually. Potentially, department managed waste  
9 in the Bronx could go to the Queens North Shore  
10 Marine Transfer Station and perhaps even a nearby  
11 privately operated transfer station in the Flushing  
12 area. Department managed waste from Brooklyn's  
13 District 1 might go to the Brooklyn Hamilton Avenue  
14 Marine Transfer Station expected to open next year.  
15 And to privately operated transfer stations in Red  
16 Hook and in Sunset Park in Brooklyn.

17 Commercial putrescible waste and C&D  
18 would also need to be diverted to transfer stations  
19 in other areas of the city. C&D now going to  
20 transfer stations in Brooklyn 1, for example, would  
21 likely go to East New York or to Staten Island, if  
22 the legislation were enacted. The reduction in  
23 capacity called for by Intro No. 495 could lead to a  
24 shutdown of smaller transfer stations and would have  
25 an enormous impact on our ability to manage the

1 city's solid waste particularly during weather  
2 related or other emergency crises such as Super Storm  
3 Sandy in late 2012. Although Intro No. 495 contains  
4 an emergency waiver that would allow the Sanitation  
5 Commissioner to temporarily waive permit capacity  
6 reductions, the transfer stations are likely to no  
7 longer exist, or to have the infrastructure to meet  
8 an emergency need. A transfer station owner whose  
9 capacity is reduced by this legislation will not  
10 continue making the same capital investment into its  
11 operation as it did in previous years when operating  
12 at a higher capacity. The emergency waiver is  
13 therefore meaningless if a transfer station lacks the  
14 necessary equipment, personnel and operating  
15 infrastructure to handle increased capacity as a  
16 result of an emergency.

17  
18 In the aftermath of Super Storm Sandy,  
19 several facilities the Department uses to process the  
20 city's waste were shut down due to damage, flooding  
21 or lack of power including a major facility in New  
22 Jersey that handles the majority of Manhattan waste.  
23 Fortunately, the Department was still able to find  
24 capacity almost entirely in city capacity to handle  
25 and process 80,000 tons of waste during a seven-day

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1  
2 period. Which is 33% more than the Department  
3 handles in an average seven-day period. The lack of  
4 sufficient in-city capacity to compensate for any  
5 weather or other emergency crisis will cripple the  
6 city's waste disposal network and jeopardize public  
7 health and safety.

8           Organic waste including food scraps,  
9 soiled papers, and leaf and yard trimmings comprise  
10 roughly 37% of the refuse collected by the  
11 Department. Our ambitious goal is to double our  
12 recycling rate, and achieve our landfill diversion  
13 goals cannot be achieved without a robust organic  
14 waste diversion program. Separating organic material  
15 for transfer to other sites for processing into  
16 commodities such as compost and renewable energy  
17 provides a valuable environmental and economic  
18 opportunity for New York City. But this legislation  
19 does not exempt source separate organic material from  
20 the mandated capacity reductions. In order for the  
21 City's residential and commercial organics  
22 initiatives to foster and grow successfully  
23 consistent with Local Law 77 and 146 of 2013 passed  
24 by the Council less than 14 months ago, the City must  
25 have the necessary private infrastructure in place to

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1 support a robust and ambitious residential and  
2 commercial organics program. Intro No. 495 would  
3 severely impede any chance for the city's organic  
4 program to succeed if transfer station capacity is  
5 restricted.  
6

7           The capacity reductions called for by  
8 Intro No. 495 will also have a significant economic  
9 impact on the solid waste transfer station industry  
10 and other private transfer stations. With a shortage  
11 in capacity for waste transfer, one can realistically  
12 expect transfer station owners to increase their  
13 tipping fees, which private carters will pass onto  
14 their business customers such as the bakeries, delis,  
15 restaurants and other small businesses. These small  
16 businesses will in turn be forced to pass this cost  
17 onto their customers and where necessary make up  
18 their workforce. Private carting [sic] companies  
19 whose cost to operate would also rise would likely  
20 seek an increase in their current rate cap set by the  
21 Business Integrity Commission. This ripple effect  
22 would also be felt by the construction industry as  
23 market conditions prompt transfer station owners to  
24 increase their tipping price per ton. Which will  
25 raise prices for new housing including affordable

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1 housing, home and office renovations and other  
2 commercial construction. Additionally, the  
3 reductions called for by this legislation are based  
4 on a depressed generation of waste particularly for  
5 C&D debris. For example, from 2001 to 2007, there  
6 was approximately 30% more C&D debris generated in  
7 the city than had been in the past three years due to  
8 the recession. Consequently, during any major  
9 construction period in the city there will be a  
10 particular shortage of capacity for C&D material,  
11 which gets recycled at high rates.

12  
13 In addition to the operational impacts  
14 I've just outlined, there are also legal implications  
15 of Intro No. 495 that must be considered. The  
16 cumulative traffic, air, and noise impact from  
17 potentially diverting trucks longer distances to  
18 other facilities in other community districts. The  
19 socio and economic impact to the private solid waste  
20 transfer station industry, as well as the overall  
21 change to the city's solid waste infrastructure for  
22 handling solid waste generated in the city will  
23 require a thorough environmental review.

24 Additionally, reducing the City's private transfer  
25 station capacity by 50% called for under Intro No.

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1  
2 495 will likely require modification to the 2006  
3 Solid Waste Management Plan. The Solid Waste  
4 Management Plan specifically includes the public and  
5 private transfer stations that are available to  
6 manage solid waste generated in the city, and the  
7 throughput capacities of all such facilities.

8 I also wish to point out that an  
9 important component of improved air quality in New  
10 York City has been a cleaner, more efficient city  
11 fleet. The Department's Clean Fleet Program together  
12 with Local Law 39 of 2005, has reduced the  
13 Department's truck emissions of particulate matter by  
14 more than 90% and emissions of NOx by more than 75%  
15 since 2005 by the use of diesel particulate filters,  
16 ultralow sulfur biodiesel fuel, and other technology.  
17 Improving our medium and heavy duty fleet continues  
18 to be an important department goal that helps build  
19 on the progress we've achieved to date in  
20 dramatically reducing air pollution across our  
21 communities and across the region. Additionally,  
22 private corridor trucks are getting greener. As well  
23 due to federal and local legislation and fleet  
24 turnover resulting from Local Law 145 of 2013 that  
25 requires emissions retrofits of the best available



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1  
2 technology within five years for all pre-2007 year  
3 trucks. The impacts of truck traffic associated with  
4 solid waste transport operations will continue  
5 improving over the near terms as private companies  
6 upgrade or replace their fleet to achieve Local Law  
7 145's important clean air and energy goals that aim  
8 to protect the health and air quality in all  
9 communities across the city where solid waste trucks  
10 must travel. We understand the concerns of these  
11 communities, many of whose residents are here today,  
12 and the council members who are committed to serving  
13 them. I want to assure that the Department was  
14 serious in its previous effort to negotiate capacity  
15 reductions. And we are equally committed to doing so  
16 today in order to help minimize the impacts of solid  
17 waste operations in these communities.

18           For all the reasons I've outline to you,  
19 the Department cannot justifiably support Intro No.  
20 495 without jeopardizing health and sanitary safety  
21 in the city. Instead, we are prepared to immediately  
22 reopen negotiations with the industry to achieve  
23 higher volume, voluntary reductions of transfer  
24 station capacity in these four community districts at  
25 levels that do not endanger public health and safety

1  
2 in the city. Working with the Council we must  
3 collaborate to accomplish this endeavor responsibly  
4 to ensure New York City has sufficient capacity to  
5 manage all of its solid waste with a goal toward  
6 achieving sustainable communities in the four  
7 districts. As we continue to advance our solid waste  
8 management plan programs that will promote equality  
9 and fairness over the long term. I am happy to  
10 answer your questions.

11 CHAIRPERSON REYNOSO: Thank you for your  
12 testimony, Commissioner. I just want to go back to  
13 my original. So I just want to go back to my  
14 original statement [off mic]. [on mic] So I just  
15 want to speak to the voluntary reductions--

16 COMMISSIONER GARCIA: [interposing] Uh-  
17 huh.

18 CHAIRPERSON REYNOSO: --and the serious  
19 negotiations that the City of New York had. They've  
20 never had any serious conversations with me regarding  
21 voluntary reductions. And from what I understood,  
22 voluntary reductions were more than--that wasn't  
23 something that was done in writing. I've never  
24 received anything in writing that this is going to  
25 happen. No formal negotiation. And now, if you live

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1  
2 in an apartment with four people and they each have  
3 an apartment to live in, and they each have a room to  
4 sleep in. But your apartment has 20 rooms in it, and  
5 the City of New York tells you, you know, we're going  
6 to take out two rooms, is anybody affected when two  
7 rooms get taken out from a 20-room apartment when  
8 only four people live there? No. It doesn't matter.  
9 Six thousand tons is not enough. It doesn't even--it  
10 only--it doesn't even get rid of the unused capacity  
11 that we have in the City of New York let alone reduce  
12 truck traffic in our communities. So I just want to  
13 be very mindful that 6,000 tones is very--it doesn't  
14 do anything for our communities. And so, what is the  
15 total citywide raised capacity for the city  
16 currently?

17 COMMISSIONER GARCIA: So the total  
18 permanent capacity today, which I actually included  
19 in my facility for putrescible and C&D but not for  
20 fill because that has different tonnage is 46,197  
21 tons.

22 CHAIRPERSON REYNOSO: So, we'll say  
23 46,000 just so to keep it to--

24 COMMISSIONER GARCIA: [interposing] Uh-  
25 huh.

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1  
2 CHAIRPERSON REYNOSO: --to keep it  
3 simple. What is the average daily throughput?

4 COMMISSIONER GARCIA: About 20,000,  
5 21,000.

6 CHAIRPERSON REYNOSO: 21,000. So you  
7 have 46,000 tons of capacity, and only 21,000 of that  
8 gets used on a daily basis.

9 COMMISSIONER GARCIA: For both  
10 putrescible and non-putrescible.

11 CHAIRPERSON REYNOSO: So we're-- So the  
12 City of New York is using about 48% of the capacity  
13 that it has, even less? Maybe like 47% of the  
14 capacity it has?

15 COMMISSIONER GARCIA: Yes.

16 CHAIRPERSON REYNOSO: All right, so  
17 you're saying-- So whatever the impacts are right  
18 now, can be doubled if everyone was to work that  
19 capacity?

20 COMMISSIONER GARCIA: If everyone was  
21 working that capacity, the impacts would increase.  
22 Yes.

23 CHAIRPERSON REYNOSO: Okay, double given  
24 that we're not using 50%. So we're not using 20--  
25 How many was it, 26 or 25? 25,000 tons of capacity

1  
2 don't even get used in the City of New York and  
3 they're offering 6,000 tons to get rid of it. They  
4 want to get rid of 6,000 tones. Because I am very  
5 mindful that means that there would still be about  
6 18,000 tons of capacity that is still not going to be  
7 used. What impact does that do for our community?  
8 Nothing. It does absolutely nothing. We're getting  
9 rid of air. Literally nothing. In the last five  
10 years, what has been the highest daily throughput in  
11 the City of New York?

12 COMMISSIONER GARCIA: I don't know what  
13 the highest daily throughput was in the last five  
14 years. I can get you that number, and you probably  
15 have it in front of you.

16 CHAIRPERSON REYNOSO: [laughs] No, I  
17 don't have it in front of me. I would like to know  
18 because in our legislation the first step gets you to  
19 125% throughput. And the information that I do have  
20 says that you've never even reached 125% throughput.  
21 So we're giving you something that you've never even  
22 reached before, which is 125% of the average daily  
23 throughput in this legislation. Which means again  
24 for the City of New York because it is capacity that  
25 they're not using. How much citywide capacity would

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1  
2 there be when all the marine transfer stations are  
3 open?

4 COMMISSIONER GARCIA: All of the marine  
5 transfer stations are open?

6 CHAIRPERSON REYNOSO: Forty-six percent?

7 COMMISSIONER GARCIA: 57,498.

8 CHAIRPERSON REYNOSO: 57,000. So 57,000  
9 tons are going to be available in the City of New  
10 York when we only use about 22,00 tons a day.

11 COMMISSIONER GARCIA: Right. I mean  
12 that I--I think that like one of the things that will  
13 be true is that there will be tonnage that  
14 specifically will move out of North Brooklyn at that  
15 point in time. When we finish completion of the  
16 marine transfer station we will move out of Queens  
17 12.

18 CHAIRPERSON REYNOSO: Again, one-third.  
19 When all the marine transfer stations are open, one-  
20 third. We would only be use about like 35 to 40% of  
21 our--of our capacity. So again, we're going to have  
22 about 30,000 tons that we don't even use. We're just  
23 giving them away for free, the capacity. It makes no  
24 sense. Are you aware of how much excess citywide  
25

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39

1 capacity will exist when the 18% reductions in  
2 throughput go into effect as called for in Intro 495?

3  
4 COMMISSIONER GARCIA: No. This is--

5 CHAIRPERSON REYNOSO: So, just to show  
6 you this slide, it shows what happens on average for  
7 putrescible solid waste in the City of New York.

8 It's about 13,000 tons. Our legislation would make

9 it so that there would be about 23,000 tons still

10 available. So there's 10,000 tons that this

11 legislation would still be giving on top of what the

12 Sanitation Department or I guess the waste transfer

13 stations handle. There would still be 10,000 more

14 tons than they even use. They only use 13,000.

15 We're going to give them 23,000. This legislation

16 would keep them at 23,000. This is for C&D. In 2005

17 and 2006, as you can see, there was a lot, a lot of

18 housing built in the City of New York. And even in

19 2013, and I'll match Bloomberg's error of

20 development to anyone's error of development. We

21 were at about 8,000 tons of capacity on a daily basis

22 for C&D. Under our legislation, it would be almost

23 13,000 tons would still be available under our

24 legislation. Which means that there's 5,000 tons or

25 excess capacity that would still be available to the

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1  
2 City of New York. So I want to be very clear. Even  
3 in its worst-case scenario, where it was 10,000 tons  
4 there in the biggest boom, the biggest housing  
5 development boom in the City of New York, we would  
6 still have more capacity. We would still have 5,000  
7 tons of capacity to be able to handle I guess a 25%  
8 increase on housing from the time when we built the  
9 most housing in the City of New York's history, or in  
10 the last almost 10 years. How many waste transfer  
11 stations are there citywide, Commissioner?

12 COMMISSIONER GARCIA: Fifty-nine, but  
13 that includes that are permitted for more than one.  
14 So there are 55 locations. There are 59 permits.  
15 Some have dual, though. Some have two permits at the  
16 same location.

17 CHAIRPERSON REYNOSO: So there are two  
18 permits. But I think it's--so that's a lot of  
19 permits that are available?

20 COMMISSIONER GARCIA: Right, there are  
21 55 sites.

22 CHAIRPERSON REYNOSO: The amount of waste  
23 transfer stations are like 38 in the City of New  
24 York.

25



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1  
2 COMMISSIONER ORLIN: [off mic] But 55  
3 includes the fill.

4 COMMISSIONER GARCIA: I apologize. The  
5 55 includes the fill stations.

6 CHAIRPERSON REYNOSO: Okay, so without  
7 the fill stations?

8 COMMISSIONER GARCIA: There are 39.

9 CHAIRPERSON REYNOSO: This legislation,  
10 from what I understand, doesn't really affect fill  
11 stations.

12 COMMISSIONER GARCIA: No, it would not  
13 affect fill stations.

14 CHAIRPERSON REYNOSO: Okay, so--

15 COMMISSIONER GARCIA: [interposing] So  
16 fill stations are actually located in different  
17 community districts.

18 CHAIRPERSON REYNOSO: All right , so we  
19 have 38 or maybe we have 39. We'll have to see that  
20 waste transfer station. Out of those waste transfer  
21 stations, how many are from the four affected  
22 communities that we've been talking about?

23 COMMISSIONER ORLIN: [off mic] Twenty-  
24 six.

25 COMMISSIONER GARCIA: Twenty-six.

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1  
2 CHAIRPERSON REYNOSO: We have 27, but  
3 let's say 26. So out of 38, 26 of them are in four  
4 districts. There are about 51 districts in the City  
5 of New York. So I just want to be very mindful, and  
6 four of them handle-- Four of them have 27, and the  
7 rest of the city has about 11. So I would be very  
8 mindful of that. Four out of 50 have 27, and the  
9 rest of the City of New York has 11. You ought to be  
10 very mindful of that. That's 80 to 70% of its  
11 capacity, 70% of its capacity. How many marine  
12 transfer stations do you expect to open in the next  
13 two years?

14 COMMISSIONER GARCIA: I anticipate that  
15 we will open both North Shore and Hamilton Avenue.

16 CHAIRPERSON REYNOSO: Okay. Hopefully.  
17 I'm looking forward to it.

18 COMMISSIONER GARCIA: Actually, I think  
19 North Shore is going to open very soon. I have--we  
20 have a few more things to do, but I think that it  
21 will open very soon. Hamilton we are in the middle  
22 of an RFP that we had to rebate. [sic]

23 CHAIRPERSON REYNOSO: We are 100%  
24 supportive of those stations opening. I look forward  
25 to that happening. What would be the impact of these

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1  
2 marine transfer stations or existing marine transfer  
3 stations that accept that accept residential  
4 putrescible waste?

5 COMMISSIONER GARCIA: So it will have  
6 almost no impact in the Bronx because the Bronx is  
7 served now under a long-term contract. We anticipate  
8 that nearly 900 tons of throughput will come out of  
9 North Brooklyn, out of Brooklyn 1. And we anticipate  
10 that approximately 900, a little bit over 900 tons of  
11 throughput will come out of Queens 12.

12 CHAIRPERSON REYNOSO: Okay. When does  
13 C&D tend to peak during the year?

14 COMMISSIONER ORLIN: [off mic] Late  
15 spring. [sic]

16 COMMISSIONER GARCIA: Well, I would  
17 assume not right this moment, but I think it's late  
18 spring. You would have to ask the industry  
19 specifically for when they see the highest C&D. But  
20 I presume that most construction is timed for when  
21 it's not quite this cold.

22 CHAIRPERSON REYNOSO: So when you speak  
23 of the numbers and the impact that these reductions  
24 would have citywide, in this testimony you don't take  
25 into account the expanded capacity that you would get

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1  
2 under the waste transfer stations, under the opening  
3 of the MTSSs?

4 COMMISSIONER GARCIA: Well, I think that  
5 the--one of the challenges when you look at, when we  
6 open the MTSSs is that it will actually force some of  
7 those where they will be located in Queens and  
8 Brooklyn will actually go above that 5%. I think one  
9 of the things is that we don't know what will happen.  
10 You know, what will happen to the other transfer  
11 stations that have capacity that are located in those  
12 districts. If we project out that will suddenly bump  
13 that 5% over closer to in some cases ten.

14 CHAIRPERSON REYNOSO: So, but what I'm  
15 trying to get to is that you are concerned about the  
16 lack of capacity. And in both--and I would like you  
17 to tell me that the information we're representing to  
18 this crowd is incorrect. Only because I would like  
19 to see that it is. I would like you to speak to this  
20 slide and this slide. Can you just speak to whether  
21 that's real or whether we're just putting pictures  
22 up, and they don't make any sense?

23 COMMISSIONER GARCIA: So I just had  
24 handed to me our peak day--

25

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CHAIRPERSON REYNOSO: [interposing]

Awesome.

COMMISSIONER GARCIA: --throughput was  
23,000 tons.

CHAIRPERSON REYNOSO: Our peak what?

COMMISSIONER GARCIA: Just Sanitation's.

The Sanitation by itself one-day total was 23,000  
tons.

CHAIRPERSON REYNOSO: 25,000?

COMMISSIONER GARCIA: 23.

CHAIRPERSON REYNOSO: 23.

COMMISSIONER GARCIA: 23,000 by our--by  
ourselves, so not including the commercial.

CHAIRPERSON REYNOSO: All right.

[background comments]

CHAIRPERSON REYNOSO: But we have 44,000  
tons of capacity. In the worst-case scenario, you  
got to 26, you said?

COMMISSIONER GARCIA: No, but that's just  
putrescible

CHAIRPERSON REYNOSO: Oh, that's just  
putrescible.

COMMISSIONER GARCIA: That's just  
putrescible

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1  
2 CHAIRPERSON REYNOSO: Well, what happened  
3 during that day that you had that much capacity?

4 COMMISSIONER GARCIA: It was after snow.

5 CHAIRPERSON REYNOSO: After snow? Which  
6 snow? Because we had literally--we had snow like  
7 last week or was it--

8 COMMISSIONER GARCIA: We have been--we  
9 have been very good at staying pretty close to day-  
10 on-day, which keeps us from having high peak days.

11 CHAIRPERSON REYNOSO: Right.

12 COMMISSIONER GARCIA: And we're a little  
13 behind today, but hopefully we'll by Sunday be back  
14 to day-on-day.

15 CHAIRPERSON REYNOSO: All right. So, now  
16 to speak to this slide, and you're talking about New  
17 York putrescible. That's what you're talking about  
18 now, right, putrescible waste?

19 COMMISSIONER GARCIA: I'm talking about  
20 putrescible, but I'm-- You're--you are including,  
21 which is--which is correct, but on-- Yes, the New  
22 York City putrescible.

23 CHAIRPERSON REYNOSO: [interposing] We  
24 only can conclude--

25

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1  
2 COMMISSIONER GARCIA: I think that  
3 included-- That's C&D, but I don't think that makes  
4 sense to me in terms of the--

5 CHAIRPERSON REYNOSO: [interposing] So  
6 on the craziest day that you guys had, there is still  
7 capacity there--here and you have a waiver that would  
8 allow for you to tell people hey you can take on this  
9 more this day because it's a crazy day so--

10 COMMISSIONER GARCIA: Well, I think I'm  
11 actually over that line for this line.

12 CHAIRPERSON REYNOSO: [interposing] You  
13 on the line. That's 23,000 so you're on the blue  
14 line.

15 COMMISSIONER GARCIA: But, I'm on the  
16 blue line for-- But that's only DSNY. You have to  
17 remember there's the whole other piece of putrescible  
18 that's commercial.

19 CHAIRPERSON REYNOSO: Right, but you have  
20 a waiver that makes all this null and void, and it  
21 doesn't matter, and they can take on as much as they  
22 want. And then you said--and then you also talked  
23 about investments made by this industry. There--on  
24 average--there's a study done that on average these  
25 trucks are 13 to 15 years old that are moving around

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1  
2 the City of New York. Thirteen to 15-year-old trucks  
3  
4 bumbling down these streets destroying our roads with  
5  
6 the worst pollution that you could have ever  
7  
8 imagined. And what I hear is that this industry is  
9  
10 going to wait until the last day, December 31st of  
11  
12 the year that we're mandating that they upgrade their  
13  
14 trucks to finally upgrade their trucks. And you  
15  
16 speak about how this would not encourage development  
17  
18 by the industry. There's been no development. We  
19  
20 have the oldest infra--one of the oldest  
21  
22 infrastructures and the oldest systems considering  
23  
24 who we are, and the standard that we want to uphold  
25  
26 as the City of New York than compared to other  
27  
28 cities. So I just want to be very mindful that the  
29  
30 investment has been minimal.

17 Now, there are places like Action Carting  
18 that have recently made investment like into an  
19 optical sorter for paper example. Under your  
20 criteria that we're giving you to give you the  
21 discretion to choose who gets cut and who doesn't.  
22 An organization or a company that did invest like  
23 Action Carting should be or could be protected.  
24 Also, waste management sites that have rail are also  
25 something that you can use as part of your criteria



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1  
2 to not cut. So I just want to say in large companies  
3 that invest in their infrastructure, you have the  
4 ability as Commissioner to award them as good players  
5 by not cutting any of their capacity.

6 COMMISSIONER GARCIA: [interposing] So--

7 CHAIRPERSON REYNOSO: Your testimony it  
8 makes it sound like it's going to be 18% across the  
9 board, and it is not 18% across the board. Some  
10 people will get zero cuts, and some people can get  
11 cut entirely. And you have the discretion to do  
12 that. So, I just want to make sure it's not across  
13 the board 18%.

14 COMMISSIONER GARCIA: Right. No, I  
15 understand that, and perhaps--perhaps the-- You  
16 know, I first want to say that I am completely  
17 supportive of anything that we can work together on  
18 to have it so that the private trucking industry  
19 comes up and meets clean air goals. I mean I think  
20 that that's very important. I know that what passed  
21 I think I look forward to seeing those trucks reach  
22 what we have accomplished in terms of emissions  
23 controls. They are two separate industries, though,  
24 the carting industry and the transfer station  
25 industry.

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1  
2 CHAIRPERSON REYNOSO: Right.

3 COMMISSIONER GARCIA: You know, I have  
4 and Action has done some investment. There are some  
5 other transfer stations that would like to do  
6 investment of their transfer station to reduce the  
7 impacts of the community such as enclosing their  
8 facilities, which I think you're aware of as well.  
9 But, let's talk about the Bronx for a second.

10 CHAIRPERSON REYNOSO: Yes.

11 COMMISSIONER GARCIA: So, when you say  
12 that the permanent putrescible capacity in Bronx 1 is  
13 about 8,000 tons a day. I'm using at Waste  
14 Management where you say I can protect, I use over  
15 2,200 tons a day that I take of all the Bronx. You  
16 know, of the 8,000, I'm keeping Waste Management  
17 protected, so to speak in this scenario, because I'm  
18 protecting the city's ability to move the  
19 residential. Action really is the place I go to  
20 next. You know, they have the other big permit.

21 CHAIRPERSON REYNOSO: [interposing]  
22 Action has permit?

23 COMMISSIONER GARCIA: They have almost  
24 3,000 tons on the putrescible side.

25 CHAIRPERSON REYNOSO: Okay.

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2                   COMMISSIONER GARCIA:  And so, in order to  
3 get an 18% reduction for the district, there are not  
4 a huge amount of putrescible players in that  
5 district.  There are two other small ones.  But those  
6 are the two big players.  And I agree that Action has  
7 made a lot of investment in trying to up their  
8 recycling rates.  I think it's been impressive.  So I  
9 mean I think that's one of the challenges when you  
10 talk about you do have the ability to pick and choose  
11 based on environmental factors, which I appreciate.  
12 I think that we are very--we both very much want to  
13 see things moving by rail.  We both very much want to  
14 see people using new technology.  But this is an  
15 instance in which I'm not sure that we won't be  
16 hurting transfer stations that actually have been  
17 good players.

18                   CHAIRPERSON REYNOSO:  And then the last  
19 thing--because I want to make sure that everybody  
20 gets an opportunity to ask questions--is I'm also  
21 concerned that the Department of Sanitation is so  
22 concerned with maintaining its capacity.  I was  
23 hoping that there would be something in this  
24 testimony that speaks to the increased recycling  
25 rates that we're going to have.  How much less trash

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1  
2 we're going to have, and how you're looking to the  
3 future where this capacity, even the one that we're  
4 using now is not something that we expect to  
5 maintain. Because we're going to go down because  
6 you're going to do an amazing job of being able to  
7 increase diversion rates and increase recycling. So I  
8 just want to be very clear that that wasn't talked  
9 about. And at the end of the day, it's not only  
10 about supporting my community and reducing its trash,  
11 but it's about reducing all of the city's trash. And  
12 if that happens this is also important to talk about  
13 our future. A future in which I hope we're recycling  
14 at a much higher rate, and that this trash--this  
15 permitted capacity won't need to be used.

16 COMMISSIONER GARCIA: So I mean I  
17 actually have that goal as well. And we have been  
18 trending upwards on our recycling rates, and I've got  
19 some districts that are really off the charts in  
20 terms of the amount that they're doing. I do have  
21 some districts that are not. But it is a zero sum  
22 game in the way that I look at it. The more that we  
23 recycle, the less putrescible capacity we need except  
24 on the organic side because they're not designated by  
25

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1  
2 the state as recycled material. It would need to go  
3 through a putrescible station.

4 CHAIRPERSON REYNOSO: All right, and then  
5 the next speaking I'm going to allow for Council  
6 Member Steve Levin to speak. And I just want to say  
7 that the City of New York recently almost--and I  
8 think they're retracting now--shut down one of those  
9 organic sites that were in my district for HPD. And,  
10 you know, I'm so happy that you're concerned about  
11 maintaining composting, but I guess the left hand is  
12 not talking to the right hand. Because the city is  
13 willing to shut that down. So I'm not looking at--

14 COMMISSIONER GARCIA: [interposing]  
15 We're working together. We're making sure we're  
16 flagging our issues in our community gardens as well.

17 CHAIRPERSON REYNOSO: All right. Thank  
18 you very much, and now Council Member Steve Levin.

19 COUNCIL MEMBER LEVIN: Thank you, Mr.  
20 Chairman. Thank you, Commissioner. Council Member  
21 Reynoso, Chair Reynoso covered a lot of ground here,  
22 but I wanted to just as a couple of questions,  
23 Commissioner.

24 COMMISSIONER GARCIA: Uh-huh.  
25

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2 COUNCIL MEMBER LEVIN: I want to drill  
3 down on the issue of voluntary reductions because you  
4 did speak about it in your testimony.

5 COMMISSIONER GARCIA: Uh-huh.

6 COUNCIL MEMBER LEVIN: Under the  
7 framework of voluntary reductions that DSNY was  
8 pursuing with the private industry in previous years  
9 that you made reference to of 6,000 tons per day  
10 voluntary reductions for capacity. How many trucks  
11 would that have taken off of the streets in the  
12 overburdened districts.

13 COMMISSIONER GARCIA: It is unlikely that  
14 that would have taken trucks off in the overburdened  
15 districts.

16 COUNCIL MEMBER LEVIN: Right, so--

17 COMMISSIONER GARCIA: But I think it  
18 would have been a good first step.

19 COUNCIL MEMBER LEVIN: Okay, but what  
20 would then have-- Does the Administration support  
21 the goal of reducing through--reducing through  
22 binding measures the throughput in the severely  
23 overburdened districts?

24 COMMISSIONER GARCIA: So, I mean we do.  
25 I mean that's the reason we're building the transfer

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1 stations. There will be actual throughput and actual  
2 DSNY material that will go to our facilities that is  
3 currently going to Brooklyn 1.  
4

5 COUNCIL MEMBER LEVIN: But not through  
6 binding measures. What we're pursuing here is a way  
7 in which we can have--we can force the city and the  
8 private industry to adhere to throughput reductions  
9 of an 18% goal, which is not an--is not an outrageous  
10 position. It's a reasonable position to say 18%  
11 reduction on the most overburdened district in actual  
12 throughput. That's taking one out of every five  
13 trucks in the overburdened districts off of our  
14 street. It's not--it's not taking two-thirds or  
15 three-fourths of the trucks off the streets. It's  
16 taking 18%. It's one out of five. Does the  
17 Administration support--and the way that we've been  
18 able to determine a binding measure, and this is--  
19 Because with MTSSs there's a--there is economic set  
20 play. There's preference of DSNY of using MTSSs  
21 obviously. That comes into--that comes into effect.  
22 But does DSNY support binding measures such as  
23 legislation, such as permit capacity reduction as a  
24 way to reduction as a way to reduce that throughput  
25 burden on the overburdened communities?

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2           COMMISSIONER GARCIA: So, we actually, as  
3 I think I testified to, support a negotiated  
4 approach, and not to do this legislatively. In part  
5 because I think we don't know what happened. We know  
6 that you will have less trucks. But I don't know  
7 where those trucks-- I mean people will still be  
8 producing refuse. There still will be material that  
9 must be managed, and I don't know what happens to it.  
10 I know what will happen to mine in the future. I  
11 know that it will be moving to marine transfer  
12 stations or through our rail facilities. But I don't  
13 know what happens on the commercial side.

14           COUNCIL MEMBER LEVIN: What is the  
15 initial permitted capacity for the MTSs in total?

16           COMMISSIONER GARCIA: In total. Hold on.  
17 Oh, I did not manage to add those up. [off mic] It's  
18 about 5,000 tons. That's not the permitted capacity.

19           COMMISSIONER ORLIN: [off mic] That's the  
20 throughput. It's roughly 12,000 including  
21 commercial.

22           COMMISSIONER GARCIA: So roughly 12,000  
23 including commercial.

24           COUNCIL MEMBER LEVIN: Okay. so that--and  
25 the reduction in capacity then of 495 in putrescible



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1 is--the overall reduction in capacity is--it's about  
2 20--22,000. So with the MTSs online, the actual  
3 citywide putrescible capacity reduction would only be  
4 around 10,000 tons per day.  
5

6 COMMISSIONER GARCIA: Right, but it  
7 doesn't--it's not evenly distributed, and that's the  
8 challenge.

9 COUNCIL MEMBER LEVIN: Right, but overall  
10 system wide because, and you know, putrescible is  
11 not--I mean obviously emergencies and severe weather  
12 days and things like that will cause fluctuations.  
13 But it's a fairly predictable capacity issue  
14 putrescible. We know what our putrescible is.

15 COMMISSIONER GARCIA: It doesn't--it  
16 doesn't move. It's not as volatile as C&D.

17 COUNCIL MEMBER LEVIN: [interposing]  
18 Right.

19 COMMISSIONER GARCIA: C&D is far more  
20 volatile.

21 COUNCIL MEMBER LEVIN: So if we're--if  
22 we're talking about the system as a whole, if we were  
23 to--if we're in the--if we're looking towards  
24 reducing the overall capacity in the system because  
25 that's what we think needs to happen. We have all

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2 this unused capacity. If we're bringing on 10,000 or  
3 12,000 tons per day, then we're--there needs to be a  
4 significant reduction through legislation just to see  
5 it. I mean we'd have to do--we'd have to do 12,000  
6 tons per day of reduction in capacity just to get to  
7 zero in terms of at the end of the day what the  
8 impact would be with the MTSSs coming on line. Right,  
9 if there's on the one side we're adding 12,000 tons  
10 per day from the MTSSs, we'd have to reduce 12,000  
11 just to stay where we are today. If we want to  
12 reduce we have to take measures further. And that's  
13 a reasonable position, right?

14 COMMISSIONER GARCIA: Well, I mean as I  
15 said, when you're looking at it citywide when I gave  
16 you the Bronx example is that the MTSSs will have much  
17 more benefit in Queens and in Brooklyn than they will  
18 have in the Bronx. There is a real difference for  
19 those two communities. But, you know, the way this  
20 is written, you're talking about for each community  
21 board it's--there's a slightly different way of doing  
22 the math.

23 COUNCIL MEMBER LEVIN: Okay.

24 COMMISSIONER GARCIA: And, I really  
25 don't-- You know, under the vision the Solid Waste

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2 Management Plan, you know, we try and make sure  
3 everyone's waste stays in their own borough.

4 COUNCIL MEMBER LEVIN: With regard to the  
5 Bronx, how much of for instance actions capacity is  
6 used for recycling?

7 COMMISSIONER GARCIA: I have that their  
8 recycling tonnage on their putrescible was a little  
9 bit around 200 tons.

10 COUNCIL MEMBER LEVIN: 200 tons a day out  
11 of their total capacity of--

12 COMMISSIONER GARCIA: I guess just of  
13 their waste stream about 1,700 tons.

14 COUNCIL MEMBER LEVIN: 1,700. And with  
15 Waste Management both in the Bronx and Brooklyn, what  
16 is--how much of their capacity is used for rail?

17 COMMISSIONER GARCIA: The Brooklyn  
18 facility is for our--for DSNY waste is all rail.

19 COUNCIL MEMBER LEVIN: One hundred  
20 percent rail? [sic]

21 COMMISSIONER GARCIA: And for Varick will  
22 be 100% rail by July. I mean that review will be  
23 100% rail by July.

24 COUNCIL MEMBER LEVIN: And is there--  
25 there's not a Bronx Waste Management District?

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1  
2 COMMISSIONER GARCIA: Bronx is 100% rail  
3 and has been.

4 COUNCIL MEMBER LEVIN: Okay. Because  
5 there are preferences in the bill when you're--when  
6 we ask you, Commissioner to--

7 COMMISSIONER GARCIA: [interposing] Uh-  
8 huh.

9 COUNCIL MEMBER LEVIN: --to review where  
10 to make capacity reductions. There's--we ask you to  
11 consider rail and recycling. So those are--that's  
12 capacity that--that we don't believe would be  
13 threatened by 495.

14 [background comment]

15 COMMISSIONER GARCIA: You know, I mean we  
16 look at it slightly differently on that, and  
17 obviously the Bronx we think is different than what  
18 will happen with Brooklyn and Queens 12.

19 COUNCIL MEMBER LEVIN: I think I would  
20 like to--

21 COMMISSIONER GARCIA: [interposing]  
22 Because it's 8,000 tons of capacity between--in all  
23 of in those putrescible for the Bronx, for Bronx 1  
24 and 2, and two of those permits are--are 7,000 tons.

25

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1 So if I say those two facilities are not going to be  
2 in this, I don't know how I get to 18%.

3  
4 CHAIRPERSON LEVINE: I wanted to let you  
5 know just one thing just to bring to your attention,  
6 and I choose this opportunity, with organics-- You  
7 know, I represent Greenpoint. I represent the  
8 Greenpoint Wastewater Treatment Facility.

9 COMMISSIONER GARCIA: Newtown Creek.

10 COUNCIL MEMBER LEVIN: Newtown Creek.

11 Right. And we just had a meeting the other day with  
12 National Grid, DEP and I think you worked on this  
13 before--

14 COMMISSIONER GARCIA: [interposing] Uh-  
15 huh.

16 COUNCIL MEMBER LEVIN: --in your previous  
17 capacity. And there's a significant infrastructure  
18 investment going on right now in bringing capacity to  
19 that facility for organics to come to be made into--  
20 You know, methane gas to turn into a usable gas by  
21 National Grid. Eventually, that will bring  
22 potentially dozens of new truck trips per day to  
23 Community Board 1 in Brooklyn. Our community, an  
24 overburdened community, has welcomed the facility.  
25 Because we believe in organics. We believe in

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2 composting. We think it's the right thing to do. But  
3 it's important for DSNY to keep in mind that we're  
4 going to be taking on that burden as well. So as--as  
5 we're moving towards a better 21st Century system,  
6 the overburdened communities are going to be--  
7 continue to take on additional burdens. So, that's  
8 important to keep in mind because the overall  
9 capacity, and they did tell me the number-- What  
10 they said the other day was that the maximum number  
11 of truck trips per day that we can take on when the  
12 full capacity is built out. But it was significant.  
13 I think it was 250 tons a day of organics coming in.  
14 So it's important, and I would like you to keep that  
15 in mind as we have this discussion because that's  
16 where---that's where we're headed. That's the kind  
17 of--hopefully, the future of our waste, you know,  
18 over Waste Management System here.

19 COMMISSIONER GARCIA: No, I mean that  
20 actually that's an exciting project So I'm glad that  
21 you support it because it really does close the loop  
22 on waste to energy in a way that is an incineration.  
23 And it does mean that it does have to get slurried  
24 and get preprocessed before it gets fed into the  
25 digesters to produce that methane gas. And we're

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1  
2 hoping to see that expand beyond the Newtown  
3 facility. But they actually have the most digester  
4 capacity at the moment.

5 COUNCIL MEMBER LEVIN: Actually, I think  
6 500 tons a day is the max capacity. And we're  
7 talking about-- I mean that's a significant amount of  
8 tonnage obviously. And that's--that's going to--  
9 We're going to take that on. And it's important to  
10 keep that in mind.

11 COMMISSIONER GARCIA: I mean I--we are  
12 very sensitive to the fact that there are a number  
13 of--there are numerous industrial facilities in  
14 Brooklyn 1. We understand that.

15 COUNCIL MEMBER LEVIN: When we're talking  
16 about emergency capacity, you said during Sandy there  
17 were 80,000 tons of seven days.

18 COMMISSIONER GARCIA: Uh-huh.

19 COUNCIL MEMBER LEVIN: That's in C&D or  
20 putrescible or both?

21 [background comments]

22 COMMISSIONER GARCIA: That was all  
23 department collections.

24 COUNCIL MEMBER LEVIN: All department  
25 collections, and--

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2 COMMISSIONER GARCIA: Because about half  
3 the city actually continued to produce garbage like  
4 regular, like regular like they hadn't been hit by a  
5 hurricane.

6 COUNCIL MEMBER LEVIN: Right. So then  
7 daily what did that amount to?

8 COMMISSIONER GARCIA: I don't--I don't  
9 know the answer to what the day-to-day fluctuations  
10 were, but I'm sure we could get you--

11 COUNCIL MEMBER LEVIN: [interposing]  
12 80,000 divided by seven is 12,000, you know, roughly  
13 a day. We clearly would have 12,000 tons a day in  
14 capacity after MTSS come online. With the reductions  
15 of 495 taking place, there's still that capacity  
16 within the system, correct?

17 COMMISSIONER GARCIA: We really don't  
18 think that there is the capacity in terms of like how  
19 it actually ends up logistically operating both for  
20 us and for the commercial side. It's not quite as  
21 linear as the legislation would suggest. And we were  
22 backed up, commercial was backed up, and we had lost  
23 a tremendous amount of our capacity because we lost  
24 Essex. So we lost half of our ability to move  
25 material to Covanta because they were flooded, and we



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2 didn't have the ability to use them. So there were a  
3 lot of things happening in the waste system. We had  
4 challenges with our rail connectivity at that point  
5 in time. So, I mean I think that there were  
6 logistical issues across the system. And if we had  
7 had less capacity, we don't think we would have been  
8 in as good a place.

9 COUNCIL MEMBER LEVIN: But there still  
10 would have--I mean at the--also, when Sandy happened  
11 we didn't have MTSs online with 12,000 tons of  
12 capacity a day, correct?

13 COMMISSIONER GARCIA: Correct.

14 COUNCIL MEMBER LEVIN: Permitted capacity  
15 that could obviously be waived in emergency  
16 circumstances like what the legislation lays out.  
17 We have a waiver for emergency capacity in--in the  
18 legislation. MTSs obviously can absorb some of that  
19 in an emergency circumstance, right?

20 COMMISSIONER GARCIA: Right. Which is  
21 true, but I think that you also-- Like one of the  
22 things that we found at least in emergency situations  
23 if you don't for the commercial sector on the long  
24 haul side who don't use rail. And we had challenges  
25 on the rail side, but if you don't have the truckers

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2 working all the time here, they don't come back  
3 automatically. And like this is all about movement  
4 because it's like every single day-- I know that  
5 everyone here who has been dealing with like the  
6 little bit of snow and ice that we've had this season  
7 in comparison to some place like Boston-- You know,  
8 we very quickly end up with a lot of material on the  
9 street. And that becomes our holding site is the  
10 curb. So we do really think that there--that we need  
11 to make sure that there is more capacity. I mean I  
12 also think that there is a way forward here that  
13 actually is around negotiations, and could be a real  
14 partnership between the Council and the agency. And  
15 I think would likely be well above the 6,000 tons  
16 that was contemplated in the SWAMP. Because I think  
17 that they would be willing to come to the table, and  
18 negotiate this. And I think that would make more  
19 sense as this is really like they're not--they don't  
20 think this is viable. The market will help us in  
21 this particular endeavor.

22 COUNCIL MEMBER LEVIN: Okay, and my last  
23 question, Commissioner--and thank you for your  
24 responses--does the Department of Sanitation support  
25

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2 an 18% reduction in throughput in the overburdened  
3 districts?

4 COMMISSIONER GARCIA: As testified, we do  
5 not support. We want to do a negotiated discussion  
6 of the industry. We think that there is more work to  
7 be done, and that it's not the same in all of these  
8 communities. In all honestly, I would be very  
9 concerned about like all the implications for the  
10 system to just do that.

11 COUNCIL MEMBER LEVIN: Okay, thank you,  
12 Commissioner.

13 CHAIRPERSON REYNOSO: We need to--we need  
14 make sure that all the council members have an  
15 opportunity to speak. I wanted to give him the  
16 courtesy because he's the prime sponsor of the bill.  
17 We're going to put on a three-minute clock, and we're  
18 going to try to see what we can get out of our  
19 Council Member Matteo first from Staten Island.

20 COUNCIL MEMBER KALLOS: A point of order.  
21 It's been an hour and a half, and I believe that  
22 since there are five members in opposition to this  
23 bill in this committee. We should be afforded more  
24 than 15 minutes

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2 CHAIRPERSON REYNOSO: If you want to ask  
3 questions after the first round, you're more than--  
4 entitled to more time, but we're going to give three  
5 minutes in the beginning. And then after that we can  
6 go around. Thank you.

7 COUNCIL MEMBER MATTEO: Thank you, Mr.  
8 Chair. Commissioners, I just want to thank you for  
9 your efforts, these efforts and what you're doing  
10 now. [sic] And your communication with myself and my  
11 staff over the last few weeks. You've done a great  
12 job. I just wanted to make sure that that was on  
13 record, and that I would like to keep working with  
14 you. In regard to the bill, you know, I'm from  
15 Staten Island. We've been the landlord of garbage  
16 for way too long. I don't think my position here is  
17 very surprising to anyone. I will be brief. I will  
18 basically ask one question to you. On the map you  
19 have the arrows pointing to parts of the city, but  
20 obviously parts that I represent. And also  
21 representing my colleagues here today as a member of  
22 the Sanitation Committee. But you have arrows  
23 pointing that there's a projected displacement of  
24 truck traffic. And Council Districts with existing  
25

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2 transfer stations that could accept an increase in  
3 waste pursuant to this bill. Is that correct?

4 COMMISSIONER GARCIA: Right.

5 COUNCIL MEMBER MATTEO: So for me, it's  
6 simple. Myself and my colleagues Ignizio and Rose  
7 and Staten Island residents, you know, we've taken  
8 our fair share over the course of the last 70 years.  
9 We're not willing to take any truck traffic, any  
10 additional waste. I certainly appreciate and respect  
11 my colleagues fighting for their districts, and I  
12 respect the prime sponsor of this bill, Council  
13 Members Levin and Reynoso. But out of complete  
14 respect and out of representing and defending my  
15 community, I'm just a respectful no on this, and in  
16 opposition. I just want to make that clear, and I  
17 know that there are a lot of people and my colleagues  
18 here who want to voice their thoughts. So I'm going  
19 to end with that. And again, thank you, Mr. Chair  
20 and Commissioner.

21 COMMISSIONER GARCIA: Thank you.

22 CHAIRPERSON REYNOSO: Thank you Council  
23 Matteo. Council Member Ben Kallos.

24 COUNCIL MEMBER KALLOS: Could I see the  
25 chart that Council Member Matteo is speaking to? So

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1 good morning. I'm Council Member Ben Kallos. I  
2 represent the East Side, Roosevelt, and the El  
3 Barrio. Introduction 495 is not waste equity. It's  
4 waste inequity. Rather than relieving burdens of  
5 environmental justice communities, it simply creates  
6 new environmental justice communities. Introduction  
7 495 will arbitrarily spread harm to create new  
8 environmental justice communities and equally  
9 distribute waste cap in some communities but not  
10 others. With hidden loopholes allowing an unlimited  
11 burden for districts with marine transfer stations,  
12 and ignores real solutions of reductions and  
13 recycling. Distribution of waste by community  
14 district is arbitrary and capricious. The 59  
15 community districts that make up the city are  
16 organized by neighborhood irrespective of residents.  
17 Some simple math here. In order to achieve a waste  
18 cap of 5% that would require spreading waste to a  
19 minimum of 20 community districts. Yet few of the 59  
20 districts have zoning for manufacturing, meaning the  
21 placement of more than--more transfer stations in 20  
22 additional residential neighborhoods. According to  
23 testimony from the Department of Sanitation, if  
24 Introduction 495 is passed, at least 13 Council  
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2 Districts have existing transfer stations that can  
3 accept increased waste, including but not limited to  
4 District 3, Corey Johnson, Manhattan. District 5, my  
5 district, Manhattan. District 6, Helen Rosenthal,  
6 Manhattan. District 19, Paul Vallone, Queens.  
7 District 21, Julissa Ferreras, Queens. District 26,  
8 Jimmy Van Bramer, Queens. District 30, Elizabeth  
9 Crowley, Queens. District 38, Carlos Menchaca,  
10 Brooklyn. District 42, Inez Barron, Brooklyn.  
11 District 43, Vincent Gentile, Brooklyn. District 45,  
12 Jumanne Williams, Brooklyn. District 49, Debbie  
13 Rose, Staten Island. District 50, Steven Matteo,  
14 Staten Island.

15 In addition, the Department of Sanitation  
16 has identified 12 council districts with  
17 manufacturing zoned areas, quote "Most likely areas  
18 for transfer station development." End of quote.  
19 Including, but not limited to District 10, Ydanis  
20 Rodriguez, Manhattan. District 12, Andy King, Bronx.  
21 District 13, Jimmy Vacca, Bronx. District 14,  
22 Fernando Cabrera, Bronx. District 18, Ritchie  
23 Torres, Bronx. District 20, Peter Koo, Queens.  
24 District 22, Costa Constantinides, Queens. District  
25 31, Donovan Richards, Queens. District 37, Rafael

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2 Espinal, Brooklyn. District 46, Alan Maisel,  
3 Brooklyn. District 47, Mark Treyger, Brooklyn.  
4 District 51, Vinny Ignizio, Staten Island.

5           Were these members and members of their  
6 25 Council Districts properly advised and notified of  
7 what Introduction 495 has in store for them, they  
8 would be here. So while so many speak of the Tale of  
9 Two Cities on behalf of one city against another, I  
10 must speak on behalf of all New Yorkers, one city,  
11 five boroughs--

12           CHAIRPERSON REYNOSO: [interposing]

13 Thank you very much.

14           COUNCIL MEMBER KALLOS: In opposition to  
15 this legislation.

16           CHAIRPERSON REYNOSO: Council Member  
17 Kallos, your time is up, and if you want to speak--

18           COUNCIL MEMBER KALLOS: [interposing]

19 Introduction 495--

20           CHAIRPERSON REYNOSO: --you can go ahead  
21 in the next round.

22           COUNCIL MEMBER KALLOS: --perverts the  
23 very meaning of equity offering a 5% waste cap to  
24 some while providing no waste cap for marine transfer  
25 stations--



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2 CHAIRPERSON REYNOSO: [interposing] Mr.  
3 Kallos, you can go in the next round, because you've  
4 got more time, but you have to finish now.

5 COUNCIL MEMBER KALLOS: You cannot  
6 silence the truth. Please add me to the next list of  
7 speakers.

8 CHAIRPERSON REYNOSO: So, I just want to  
9 say thank you very much, and you've done a good job  
10 of explaining what equity means. Describing all the--  
11 --how everyone should share the burden, not just one  
12 community. Thank you very much for helping us out.

13 [cheers and applause]

14 CHAIRPERSON REYNOSO: I'd like now to--

15 SERGEANT-A-ARMS: [interposing] Quiet  
16 please.

17 CHAIRPERSON REYNOSO: --call on Council  
18 Member Daneek Miller.

19 COUNCIL MEMBER MILLER: Good morning, Mr.  
20 Chair. Good morning Commissioner. I want to thank  
21 you for being here as well this afternoon. And let  
22 me just say for the record as one of the impacted  
23 communities, I reject the notion that there is equity  
24 in the City of New York as it pertains to waste  
25 transfer at this moment.

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[cheers and applause]

COUNCIL MEMBER MILLER: So, Commissioner.

Could you speak more to the specific plan that the Department of Sanitation has to reduce the capacity in these particular communities?

COMMISSIONER GARCIA: Sorry about that.

In Southeast Queens we anticipate that there would be an imminent opening of the North Shore Marine Transfer Station that there is likely to be approximately 933 tons moved out of Southeast Queens that will be handled by the marine transfer station. That's, you know, the year throughput to date, that's about half of the throughput right now.

COUNCIL MEMBER MILLER: And what is the anticipation of the North Shore, the opening day?

COMMISSIONER GARCIA: It will be this spring.

COUNCIL MEMBER MILLER: So in the Plan 495 to consider further actions around this, there is a criteria that should be met that ability to be given to yourself, the Commissioner, that consideration. Such as communities and the communities, the residential capacity, schools, parks

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2 and other-- Is that--had that been a criteria in the  
3 past?

4 COMMISSIONER GARCIA: The criteria for  
5 siting is really around manufacturing zoning, and  
6 that's been true since about 1990.

7 COUNCIL MEMBER MILLER: Okay so therein  
8 lies the problem. In Community District 12 that  
9 happens not to be the case. It lies in the community  
10 that is 65% residential. There's a park right across  
11 the street. There are four churches within 200 yards  
12 proximity as well. And certainly I'm a negotiator by  
13 trade, and I hope to continue to be able to do that.  
14 Prior to this legislation being introduced, there had  
15 been no mechanism, nor any concern or any reason to  
16 negotiate, for anyone to come to the table. And so,  
17 I had not until the legislation was introduced been  
18 approached by anyone on either side about the  
19 reduction of this. And we are very much adamant  
20 about environmental justice in our community, and--  
21 [bell] So we would hope that you would come to the  
22 table along with these vendors to bring some relief  
23 to the community as it pertains to this environmental  
24 justice issue.

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2 COMMISSIONER GARCIA: I think we could  
3 have an effective partnership.

4 CHAIRPERSON REYNOSO: Thank you very  
5 much, Council Member Miller and from Queens, my  
6 neighbor Council Member Elizabeth Crowley.

7 COUNCIL MEMBER CROWLEY: Thank you to  
8 both of our chairs today. Good morning,  
9 Commissioner.

10 COMMISSIONER GARCIA: Good morning.

11 COUNCIL MEMBER CROWLEY: I have a few  
12 questions. I want to thank you for meeting with me a  
13 little over a week ago to discuss the waste transfer  
14 plan. As you know, my district is Council District  
15 30. I have two transfer stations, but I have-- You  
16 know, like Council Member Reynoso and Levin, they  
17 could measure the amount of garbage that gets dumped  
18 in their district via the transfer stations. There  
19 are other ways garbage is moved. That is in trucks.  
20 For instance there is a fairly large company that  
21 moves garbage trucks to these various transfer  
22 stations in my district, and throughout the city that  
23 parks its trucks in my district. So if we're saying  
24 there's too much traffic in one district because  
25 there's too many dumps in that particular district,

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1 we really have to figure out the total impact. If  
2 these trucks are then going to another district and  
3 parking there, then, you know, that district is  
4 burdened by the truck traffic because their garage is  
5 located in that district. Furthermore, there's the  
6 life of garbage that gets moved onto a train. And  
7 while it benefits the whole city, a significant  
8 percentage of garbage is now moving both from  
9 Brooklyn and queens through my district on rail that  
10 was not used for a very long time. Creating a host  
11 of burdens fro the constituents that I have. Noise  
12 pollution, the smell that comes from the garbage  
13 moving through the district. And sometimes these  
14 constituents are even woken up in the middle of the  
15 night with these trains coupling. And their quality  
16 of life has severely been disrupted. But these  
17 trains that are being moved are also using old diesel  
18 engines. So there's another impact that the movement  
19 of garbage has on my district that is not measured.  
20 You know, when I did the math in my head these  
21 commercial trucks can carry 17,000 tons. And if I  
22 have 100 then it's 17,000 tons that's coming into my  
23 district that's accounted for. So, while I  
24 understand the merit of this bill, I believe is  
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2 flawed because it doesn't take in the other areas of  
3 consideration that need to be. And I need to speak  
4 up for my constituents. Secondly, a number of  
5 businesses have reached out to me, and some  
6 businesses in the city have invested a significant  
7 amount of money in machinery that helps them recycle.  
8 It's job creating type of businesses that would have  
9 to limit or not continue their growth even though  
10 they're doing so much good. [bell] Now, do you  
11 believe that this bill would ultimately drive jobs  
12 out of the city?

13           COMMISSIONER GARCIA: I really don't know  
14 if we can predict. I know there are regional  
15 transfer stations. We at Sanitation have used them  
16 in New Jersey before and on Long Island. So I don't  
17 think we know what happens when this bill goes into  
18 effect, but clearly there is competition across the  
19 border.

20           COUNCIL MEMBER CROWLEY: So many people  
21 don't even know about these companies, and they do so  
22 much good in that they're recycling waste that's  
23 never been recycled before. Some of these machines  
24 cost like a million or upwards, a significant amount  
25 of money. And I think it's important that the

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2 Council understands that businesses make this type of  
3 investment, and they create really good union jobs.  
4 And that those jobs could disappear or move out of  
5 the city if we were to limit the amount of waste  
6 those types of businesses do. [applause]. And just-  
7 -and just lastly because I know we're all limited for  
8 time here, recycling. I know that you've been  
9 pushing more and more recycling. I try to encourage  
10 my constituents to do the same. Are there rewards  
11 that you can give to constituent community board  
12 districts? And say maybe if you pick the five--the  
13 five boroughs and highlight one area. And say  
14 something good could happen to that district because  
15 they've won and outbid their neighbors because they  
16 recycle so much.

17 COMMISSIONER GARCIA: I like the idea of  
18 competition between the community boards. We will  
19 have to work together on that.

20 CHAIRPERSON REYNOSO: Thank you. Thank  
21 you, Council Member. So I think that the best way--  
22 I just got a--my sergeant-at-arms said that we've got  
23 to limit clapping, but if you raise your hands and do  
24 this, everybody on the TV can see you do it. And  
25 we'll see you do it. So don't even worry about it.

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2 They'll see just by representation. Just wave your  
3 hands like this on both sides. Thank you very much.  
4 Council Member Mark Treyger from Brooklyn.

5 COUNCIL MEMBER TREYGER: Thank you, Chair  
6 and welcome Commissioner. I certainly want to first  
7 begin by commending you and the entire department for  
8 really some great work in handling this barrage of  
9 snow storms and ice storms. And I--

10 COMMISSIONER GARCIA: [interposing] I'm  
11 very pleased. [sic]

12 COUNCIL MEMBER TREYGER: --will begin by  
13 saying that. Now, I--I'm of the opinion that an  
14 injustice in one place is an injustice everywhere.  
15 And historically when we look to eradicate injustice,  
16 the answer is not to spread injustice. There is no  
17 question that there are communities in Brooklyn,  
18 Queens and elsewhere that have been inundated  
19 historically with too much, but Coney Island and  
20 Gravesend Bay are no strangers to that either. For  
21 the record, an incinerator burning garbage in a  
22 Southwest Brooklyn site for over 30 years, and I  
23 would just commissioner for you for the record just  
24 to state that that incinerator did not even have a  
25 permit by the State Department of Environmental



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2 Conservation, which deprived us of adequate  
3 environmental reviews and checks. Are you aware of  
4 that, Commissioner?

5 COMMISSIONER GARCIA: My understanding is  
6 that Southwest was actually operating under a consent  
7 order with the State at the end.

8 COUNCIL MEMBER TREYGER: Correct. They  
9 got year after year waivers from the State to do  
10 that.

11 COMMISSIONER GARCIA: Which allowed them  
12 to operate legally.

13 COUNCIL MEMBER TREYGER: Again, no  
14 permit. Now, as a result of that decades of cancer-  
15 causing, asthma-causing toxins were released into o  
16 the air into sediments of Gravesend Bay.  
17 Fortunately, to the Department of Sanitation there  
18 was a lawsuit where the residents won back in the  
19 '80s and '90s where they were forced to shut it down.  
20 And they only tore it down, back over ten years ago,  
21 not fully. Now, out of all the proposed new MTS  
22 sites, is it correct to say that this is the only one  
23 out of the new ones they have that requires dredging?

24 COMMISSIONER GARCIA: No, they--most of  
25 them require dredging.

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2 COUNCIL MEMBER TREYGER: This is the site  
3 that in the environmental reviews that were done, did  
4 they mention in any of the environmental studies the  
5 presence of bombs from World War II that fell off a  
6 ship the USS Bennington?

7 COMMISSIONER GARCIA: We have gone  
8 through this and got information from the U.S. Navy  
9 that those--that material and munitions were removed  
10 from the bottom of the harbor many years ago.

11 COUNCIL MEMBER TREYGER: So you have a  
12 letter from the U.S. Navy saying that there are no  
13 bombs from World War II in the same bay where the  
14 city has to dredge?

15 COMMISSIONER GARCIA: That is my  
16 understanding.

17 COUNCIL MEMBER TREYGER: Because we have  
18 a video [bell] of showing residents finding bombs all  
19 across Gravesend Bay. Commissioner, I just want to  
20 say that I--I respect my colleagues' fierce desire to  
21 make sure that we address this issue of waste in our  
22 city. But I am still waiting for a 21st Century  
23 Solid Waste Management plan that takes us to a place  
24 where our recycling rate is comparable to cities like  
25 Los Angeles and Seattle. I am waiting for a plan

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2 that we're not going to use 19th Century technology  
3 to deal with 21st Century complex problems. And with  
4 this SWAMP that we're implementing is a SWAMP that  
5 was initiated by the previous administration. This  
6 new administration is promoting a new era or  
7 progressive governance. We will work with you on a  
8 21st Century Solid Waste Management plan that does  
9 not build new transfer stations. That closes  
10 existing transfer stations that inundates certain  
11 communities. And gives us 21st Century technology to  
12 reduce the waste burdens in all of our city. Thank  
13 you.

14 CHAIRPERSON REYNOSO: Thank you, Council  
15 Member Treyger. And I would join in that--in that  
16 effort in enhancing what we're trying to do here. My  
17 goal is that we shut down all of the waste transfer  
18 stations, but be careful in that effort in enhancing  
19 what we're trying to do here. My goal is that we  
20 shut down all the waste transfer stations, but be  
21 careful. We lose a lot of jobs that way. Be very  
22 mindful.

23 COUNCIL MEMBER TREYGER: We could get  
24 jobs for these folks to use and work in recycling  
25 centers, and ways to make--

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CHAIRPERSON REYNOSO: [interposing] Yes.

COMMISSIONER GARCIA: --sure that they  
are doing things that they--these are workers that we  
have to value and respect--

CHAIRPERSON REYNOSO: [interposing] Yes.

COUNCIL MEMBER TREYGER: --in this  
conversation, but I believe we need a plan that is  
not either or. Where we have to environmentally  
suffer or jobs. We can have both. These are workers  
who are dedicated to their jobs, and I think we could  
work with them on a plan that does not spread  
injustice, that actually resolves this once and for  
all. Thank you.

CHAIRPERSON REYNOSO: Thank you. I think  
both sides will hear that one. I want to call on  
Council Member Wills from Queens.

COUNCIL MEMBER WILLS: Good morning, Mr.  
Chair. Commissioner--

COMMISSIONER GARCIA: Hello.

COUNCIL MEMBER WILLS: --good morning and  
thank you for being here. I just wanted to let you  
know that I have had conversations with my colleagues  
especially those in Southeast Queens and Council  
Member Miller. And we are impressed by the work that

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2 you have done. We are impressed by the work that the  
3 Administration has done going towards making sure  
4 there are equity. I am opposed to this bill. I am  
5 going on record by saying that. I just don't think  
6 that the bill, the construct of the bill does what we  
7 need it to do. Communities, minority communities  
8 have for so long been forced to take negative or  
9 undesired land uses into our communities that we in  
10 the struggle have been able to marry. It's a  
11 dysfunctional marriage, but we've been able to marry  
12 these same negative land uses and come up with  
13 something positive. So when we discuss dealing with  
14 this that would impact private business in our  
15 community, and start to put on the ultimate sacrifice  
16 of two to three hundred jobs, I believe there's a  
17 problem. I think that the proposers of this bill  
18 when it was resubmitted did a great thing. I think  
19 Council Member Miller was right on point when he said  
20 if it were not for this bill, we would not be  
21 discussing this issue. But that has not--that has  
22 nothing to do with the you and your tenure because  
23 you're new. I'm really, really happy that you are  
24 willing to go into negotiations with this. I think  
25 that this environmental justice as it's being coined

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2 is extremely important. But I think that we're  
3 missing the mark when we keep saying environmental  
4 justice or social justice or economic justice and  
5 we're not tying all three together at the same time.  
6 I would ask the Chair to convene, which is in your  
7 power to convene a task force with the Speaker. So  
8 that we can go into negotiations with the  
9 Administration to discuss these issues to come up  
10 with something a lot better. I do not believe that  
11 harming one district to save another district is  
12 something that is plausible, nor something that is  
13 effective. I think that if we sit down to the table,  
14 I know-- I don't remember who it was that said the  
15 best negotiation is when everybody leaves the table  
16 unhappy. Right, nobody should leave the table happy.  
17 I think we can all leave the table after this  
18 negotiation as long as we go into it with respect and  
19 an open mind and a real end result. Making sure that  
20 we protect the citizens. We protect their health.  
21 We have a huge juvenile asthmatic rate in Southeast  
22 Queens, and that is not just truck traffic to these  
23 transfer stations. It's the truck traffic period.  
24 And I think that Council Member Miller is 100% right,  
25 DOT should be here at the table. The infrastructure,

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2 DOT is responsible for the streets that have not been  
3 done. And all of these things causes problems to our  
4 community. [bell] I'm sorry, Mr. Chair. I am  
5 opposed to this bill, but I do-- And it is a  
6 reflection that you--if you are going to be honest  
7 and earnest in negotiating with us, I do applaud  
8 that. And, Mr. Chair, I would ask you to convene  
9 that immediately so as we go into budget negotiations  
10 we can really begin to move this forward. Thank you.  
11 [applause]

12 CHAIRPERSON REYNOSO: Thank you, Council  
13 Member Wills, and I do want to say that--

14 COUNCIL MEMBER WILLS: [interposing] No,  
15 no, you're supposed to do this.

16 CHAIRPERSON REYNOSO: --we're supposed to  
17 wave our hands, right. And I just want to say that  
18 I've asked countless times of the Sanitation  
19 Department to show me how they can significantly  
20 decrease truck traffic in my district, and they  
21 haven't been able to produce that. So, if we have  
22 this task force that you're talking about, and they  
23 can't reduce truck traffic, it kind of defeats the  
24 purpose. So until we can figure that out, you know,  
25 I just want to let you know that we've tried. This

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1 is not a bill that we introduced this year. It's  
2 been something we've been working on for about five  
3 or six years now in the Council. But have been  
4 working in the community for decades.

5 COUNCIL MEMBER WILLS: No, I understand  
6 that--

7 CHAIRPERSON REYNOSO: So, we've tried.

8 COUNCIL MEMBER WILLS: With--with your  
9 predecessor who was--

10 CHAIRPERSON REYNOSO: [interposing]  
11 Right.

12 COUNCIL MEMBER WILLS: --an incredible  
13 advocate for this. But we do have a new  
14 Commissioner. We have a new administration. We have  
15 a new Mayor who has invested in all communities. So  
16 I would just ask if you can go on the record like you  
17 say that. You have already said that you would  
18 reopen negotiations and it's in your testimony, I  
19 don't see how you could back out of it at this point.

20 COMMISSIONER GARCIA: No, I would like to  
21 enter into negotiations.

22 CHAIRPERSON REYNOSO: Thank you. Now,  
23 we're going to go back to round two. So, Council  
24 Member Ben Kallos.  
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2 COUNCIL MEMBER KALLOS: I hope that I'm  
3 afforded the same courtesies as my colleagues. I was  
4 the only one cut off at three minutes. And so, if I  
5 may continue the point, which was that Introduction  
6 495--Introduction 495 perverts the very meaning of  
7 equity offering a 5% waste cap for some while  
8 providing no waste cap for marine transfer stations  
9 throughout the city. Until waste transfer stations  
10 can be built in 12 additional council districts,  
11 where will the waste go? Funny you should ask.  
12 Section 16-495 subsection (b) has a loophole hidden  
13 there. It says, quote, "This section shall not  
14 preclude the commissioner from applying to increase  
15 the capacity of waste permitted by the State  
16 Department of Environmental Conservation at marine  
17 transfer stations operated by the Department." So  
18 while other stations are having their capacity  
19 reduced, marine transfer stations will see an  
20 increase in the amount of waste dumped in their  
21 neighborhood when the Commissioner is forced to apply  
22 for capacity increase. We would all like to see a  
23 city where no community is unfairly burdened with  
24 waste, but the real solution to this problem is not  
25 to spread around the waste, but to reduce the waste

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2 altogether. Waste equity through waste reduction.  
3 Rather than looking backwards by dumping waste  
4 destined for landfills in more than 20 residential  
5 neighborhoods, we must look forward to waste  
6 reduction and improving recycling from a dismal 15%  
7 to a national average of 35%. We can and must do  
8 better.

9           Lastly, it has been my honor to represent  
10 the brothers and sisters of Mason Tenders District  
11 Council as an attorney protecting their members,  
12 contracts, pensions, and benefits. And once again,  
13 my pleasure to represent them in the City Council.  
14 Thank you for joining us here today in support of  
15 Local 108. If I may call upon you to please stand  
16 up. Please stand. Those that are here represents a  
17 small portion of the living wage job you seek to  
18 destroy. I call upon committee members and fellow  
19 council members to oppose this legislation in favor  
20 of legislation that would recycle and reduce harms to  
21 all communities. My last question is to Commissioner  
22 Garcia of whether or not Introduction 495 would  
23 direct more waste to marine transfer stations?

24           CHAIRPERSON REYNOSO: Thank you.

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2 COMMISSIONER GARCIA: I think that we do  
3 not know. We have a plan for how we are intending to  
4 move all of the agency's managed waste by one of the  
5 things that I've testified to repeatedly is that I  
6 don't know what all the implications are of this  
7 bill.

8 COUNCIL MEMBER KALLOS: And in this chart,  
9 which you made, and which I am very fond of, it has  
10 District 5 as one of the locations. Quote, "Council  
11 districts with existing transfer stations that can  
12 accept increased waste pursuant to the Introduction  
13 495." Is that correct? [bell]

14 COMMISSIONER GARCIA: That's correct.

15 COUNCIL MEMBER KALLOS: Thank you very  
16 much.

17 CHAIRPERSON REYNOSO: Thank you, Council  
18 Member Kallos. Council Member Miller.

19 COUNCIL MEMBER MILLER: Commissioner, I'm  
20 going to digress for a moment, and talk about the  
21 rail transfer and any possibilities of that occurring  
22 District 12.

23 COMMISSIONER GARCIA: So from a DSNY  
24 perspective, all of the waste that's handled there  
25 will now move to the North Shore. I do know that

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2 there are private vendors who have raised the  
3 possibility of making those investments. But I think  
4 the question will be whether or not the private  
5 sector is going to support those investments. They  
6 won't be done with a contract from DSNY.

7 COUNCIL MEMBER MILLER: Have you indeed  
8 had that conversation with the private sector?

9 COMMISSIONER GARCIA: I have.

10 COUNCIL MEMBER MILLER: Okay. Was it  
11 something that the Administration is amenable to?

12 COMMISSIONER GARCIA: That waste that has  
13 already been contracted for. So more or less the way  
14 that the Solid Waste Management Plan ends up  
15 functioning is that certain districts more or less  
16 are guaranteed to that provider for the life of those  
17 contracts.

18 COUNCIL MEMBER MILLER: So, you know  
19 that--this is-- You know, I--I beg to differ. This  
20 is an environmental justice issue, and we need to get  
21 to-- This is about lives, and there is no one--there  
22 is no bigger advocate for working men and women here.  
23 But in Southeast Queens there is a serious  
24 environmental problem there, and I take-- I am  
25 disappointed that contracts, and so we-- There are a

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1 lot of contracts that are coming up that are about to  
2 expire. And I'm hoping that we are going to consider  
3 that before renewing them that we are going to  
4 consider our options. And this is not just about  
5 this issue, but I would submit that a quarter of a  
6 mile away from this District 12 location is a bus  
7 depot that sits outside that also is not in--does not  
8 meet emission standards. And we are just as vigilant  
9 about getting them out of there as we are making--  
10 ensuring that anyone who comes into the district, and  
11 does business is in compliance. That is willing to  
12 invest in safe and environmentally friendly equipment  
13 that protects the integrity of the environment and  
14 the community. And when RFPs go out, if necessary  
15 when these contracts expire, we would like to ensure  
16 that those are built in. We talked earlier about the  
17 criteria about where they are. Clearly, that  
18 criteria is not being met because we have parks, we  
19 have churches, we have medical facilities [bell]  
20 within 200 yards. So we must build into this RFPs  
21 protections that protect the communities first and  
22 foremost.  
23

24 COMMISSIONER GARCIA: And may I just do a  
25 little clarification in terms of where the contracts

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1  
2 are. The Solid--the only two pieces of the Solid  
3 Waste Management Plan that are not currently  
4 contracted for is for Hamilton Avenue and Southwest  
5 Marine Transfer Stations. Everything else is in a  
6 current contract for the next 20 years. Those are  
7 the only-- So it is only the sections of Brooklyn  
8 that are served by Hamilton and Southwest.

9 COUNCIL MEMBER MILLER: Well, quite  
10 frankly, unacceptable. That's why these negotiations  
11 and this has to happen because my community doesn't  
12 have 20 years.

13 COMMISSIONER GARCIA: Your--the piece of  
14 Solid Waste Management Plan will go out by barge and  
15 then to rail. So the section--your community will be  
16 served by barge and rail, not by long haul trucks.

17 COUNCIL MEMBER MILLER: This again is  
18 about waste transfer equity. Could you say the same  
19 for the other communities throughout that are being  
20 impacted. The other three communities that are being  
21 impacted in this way? That their capacity is going  
22 to be reduced, or, do they also have to wait 20  
23 years?  
24  
25

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1  
2 COMMISSIONER GARCIA: No, you're--I think  
3 we're misunderstanding this. Right this second,  
4 North Shore isn't open yet.

5 COUNCIL MEMBER MILLER: [off mic] I  
6 know.

7 COUNCIL MEMBER GARCIA: Right. So when  
8 it is open, I anticipate that Southeast Queens will  
9 see about a 50% reduction.

10 COUNCIL MEMBER MILLER: [off mic] I  
11 understand that perfectly well. [on mic] I understand  
12 that, and you articulated that. I understand that  
13 perfectly well. I am now saying that with the same--  
14 do you expect the same reduction in capacity in the  
15 other three communities that are being impacted? Or  
16 do they have to wait 20 years for a contract to  
17 expire to receive the--

18 COMMISSIONER GARCIA: [interposing] So I  
19 do anticipate that there will be reductions in North  
20 Brooklyn with the opening of Hamilton and South West.  
21 And those two actually are on-- We anticipate the  
22 RFP responses to be back at the end of this month.  
23 So those are not currently under contract, and we  
24 anticipate that will happen. The Bronx is moved out  
25

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1  
2 by rail now. That's the contract in Bronx 1 is moved  
3 out by rail.

4 COUNCIL MEMBER MILLER: Are the RFPs out  
5 already?

6 COMMISSIONER GARCIA: The RFPs for  
7 Hamilton and for Southwest are open and on the  
8 street. And I anticipate responses I think next  
9 week.

10 COUNCIL MEMBER MILLER: Again, am I to  
11 understand that the community boards and council  
12 members were a part of those RFPs as well?

13 COMMISSIONER GARCIA: No, it's not  
14 customary for a community board to be part of RFPs  
15 for procurement purposes.

16 CHAIRPERSON REYNOSO: Just so--again we  
17 have a lot of people that want to speak in the crowd  
18 and we don't want to--we want to give them an  
19 opportunity. So I would just to move on to-- And we  
20 can come back to--

21 COUNCIL MEMBER MILLER: [interposing]  
22 Land use.

23 CHAIRPERSON REYNOSO: --that. Thank you.

24 COUNCIL MEMBER MILLER: This is about  
25 land use. Not just procurement.



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1  
2 COMMISSIONER GARCIA: No, we're not  
3 changing any land use.

4 CHAIRPERSON REYNOSO: That's the point.  
5 I think that's the point he's trying to make is that  
6 if there's an issue with the land that is available  
7 to do this work in is only in these communities. So  
8 unless we change the land use or zoning rights, and  
9 add more M3 Zones I guess in other places, we're  
10 going to be in trouble for a long time, and waiting  
11 for ten years for a contract that DSNY has with  
12 private carters, and we don't want to go through  
13 that. But I just want to ask Council Member  
14 Rosenthal followed by Council Member Treyger. Then  
15 we're going to be able to move onto the panels so  
16 that we can keep it moving.

17 COUNCIL MEMBER ROSENTHAL: Thank you,  
18 Chair [bell] Reynoso. And thank you, Commissioner,  
19 for coming today and I was just talking to my  
20 colleague about how much I like this map actually.  
21 It's really helpful and really tells the story well.  
22 I represent the Upper West Side of Manhattan. We're  
23 solid red. And, you know, I've been active. I just  
24 want to sort of give the perspective, my sense of the  
25 perspective of the Upper West Side. You know, the

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1  
2 Upper West Side is eager to recycle, and eager to  
3 compost. And we're looking for good tools to help us  
4 along. So, I want to make that really clear. We've  
5 posted on our website the tonnage of composting that  
6 comes into our green markets now. It's huge.

7 COMMISSIONER GARCIA: It's very  
8 impressive.

9 COUNCIL MEMBER ROSENTHAL: Thank you. We  
10 really encourage it. The waste transfer stations at  
11 59th Street is one that is going through changes--

12 COMMISSIONER GARCIA: [interposing] Uh-  
13 huh.

14 COUNCIL MEMBER ROSENTHAL: --as I  
15 understand it. I think right now it's being used for  
16 recycling. But then recycling will move down south,  
17 and then-- Sorry. And then we'll do construction  
18 waste.

19 COMMISSIONER GARCIA: Uh-huh.

20 COUNCIL MEMBER ROSENTHAL: And there's a  
21 lot of money being poured into retrofitting to  
22 construction waste. And, you know, it's interesting  
23 where that site fits because it's really different  
24 than where Ben Kallos' site sits. It's in an area  
25 that has very little residential, and is next to a--

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1 the Con Ed site. So there's little resistance right  
2 now to what's happening. But, you know, I don't know  
3 what happened 20 years ago. I really don't and over  
4 the last 15 years, but developers have moved very  
5 quickly to get shovels in the ground now to build  
6 what will be, you know, 5,000 luxury units. And I am  
7 not sure the people who move in ten years from now,  
8 you know, know what they're in for. And the  
9 developers who made the original deal are out by the  
10 because they know what the residents are in for. Now  
11 is the time to do something really impactful at West  
12 59th Street. I mean I look at this map and I say,  
13 bring it on and double it up. I would love for this  
14 site not only to maintain the recycling that it has  
15 now, but to then expand for construction waste. Or,  
16 expand to take on some of this waste. We need green  
17 jobs. We want to grow the green-- You know, the  
18 recyclable marketplace [bell] and opportunities for  
19 work. The West Side is hungry to do more with  
20 composting and recycling, and the more-- You know,  
21 we're--we're trying now to-- We have a composting  
22 project that no one can figure out how to implement  
23 because there's no structure for it on the West Side.  
24 Why not take the money that, you know, with no--with  
25

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1  
2 very little increase to the budget, why not take the  
3 money that's in the budget now for retrofitting a  
4 site that's perfectly good for recycling to expand it  
5 to take on whatever needed stuff you need. The West  
6 Side is going to be bummed when the recycling plant  
7 leaves. So that's the challenge that I put out to  
8 you, and I would say I look at this and I see  
9 opportunity for more jobs. I see just--you know,  
10 economic--I see social justice going on. And I look  
11 at my community and say you know developers have  
12 taken advantage of our lack of social justice. And  
13 that's not right.

14 CHAIRPERSON REYNOSO: Right.

15 COUNCIL MEMBER ROSENTHAL: So thank you.  
16 Say yes. I'll take on the challenge.

17 COMMISSIONER GARCIA: I'll definitely  
18 work with you on all your recycling, and we can start  
19 to think about it, you know, on the West Side. We  
20 did try the C&D and paper together, and it didn't  
21 work operationally. But I think there are some ways  
22 to think about it, and you're right. I'm getting--  
23 people are getting much closer to my facility. I  
24 think there's a big giant building going up that  
25 looks like a sail about a block away from where that

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1 facility it that will have I assume thousands of  
2 apartments. So we do--

3  
4 COUNCIL MEMBER ROSENTHAL: [interposing]  
5 And if we're in, we should be all in. [laughs]

6 COMMISSIONER GARCIA: We should talk. We  
7 should find some other opportunities to locate  
8 facilities.

9 COUNCIL MEMBER ROSENTHAL: Thank you.

10 CHAIRPERSON REYNOSO: Thank you.

11 COUNCIL MEMBER ROSENTHAL: And, I really  
12 appreciate it.

13 CHAIRPERSON REYNOSO: Glad to know that--  
14 I hear what you're saying overdevelopment. Go take  
15 more Upper West Side. Thank you. I want to--I think  
16 we're going to--because we want to move along, we're  
17 going to allow for Council Member Mark Treyger, and  
18 then we're going to have our first panel to finally  
19 come up. Sorry panelists and residents and workers.  
20 We'll make it happen.

21 COUNCIL MEMBER TREYGER: Thank you, Chair  
22 and I just--I'll respectfully disagree with some of  
23 my colleagues when they see a map that I think is  
24 simply just in my opinion a spreading of like 18th,  
25 19th Century technology. When we are missing out on

1 tremendous opportunities in the 21st Century.

2 Commissioner, I just have a point of clarification  
3 and question. With regards to the explosives from  
4 World War II and Graysend Bay, were they ore were  
5 they not mentioned in any of-- And by the way, to--  
6 just to point out, the studies were done prior to  
7 this administration. So were they ore were they not  
8 mentioned in any of the EISs, environmental reviews  
9 about explosives in Gravesend Bay?  
10

11 COMMISSIONER GARCIA: So they were not in  
12 the original EIS. They're in the technical memo that  
13 followed up, and I believe that we are currently  
14 operating under a valid U.S. Corps permit.

15 COUNCIL MEMBER TREYGER: And that was  
16 the result of a lawsuit, Commissioner. Because in  
17 the original EIS again that was done by the previous  
18 administration. There was no mention of explosives  
19 from World War II in the same bay where the city  
20 plans to dredge. It was an office intern, a high  
21 school age intern that did a single Google search  
22 that found bombs from World War II are in the bay  
23 that has to be dredged. That troubles me because  
24 consultants were paid millions of dollars to do that  
25 study, but they couldn't find that. Commissioner,

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1  
2 what is holding us back? I mean do you believe the  
3 Mayor is very ambitious about the issue of climate  
4 change and resiliency, and I Chair the Resiliency  
5 Committee in the Council. What is holding us--what  
6 is holding New York City back from reaching the  
7 admirable goals of Los Angeles, Seattle of their  
8 higher recycling rates? Why are we not there yet?

9 COMMISSIONER GARCIA: I think that there  
10 are probably a couple of reasons, and some of them,  
11 you know, obviously hopefully we would be able to  
12 have a longer discussion about this. One, is our  
13 waste is slightly different than theirs. They have  
14 much more yard waste than we do, which is easier to  
15 recycle. And the other thing is we often have much  
16 of our housing stock that was never built, assuming  
17 that there would be different sorting of material.  
18 So there are some portions of the housing stock where  
19 there is not space. So it's very difficult to have  
20 enough space to sort effectively. I actually am  
21 extremely optimistic about where we're going with our  
22 recycling program. And we see some districts  
23 particularly the ones who are participating in  
24 organics where we are seeing even more metal, glass,  
25 plastic and paper out of those districts. So we look

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1 forward to working with you in your district about  
2 how we can make it even better. [bell]

3  
4 COUNCIL MEMBER TREYGER: And just do you  
5 have an updated cost--and this is the final question--  
6 --an updated cost of what it would cost to build the  
7 new Southwest transfer station with all the added  
8 conditions as a result of lawsuits and DEC  
9 regulations?

10 COMMISSIONER GARCIA: I don't have the  
11 exact number right now, but it's probably on the  
12 order of between like \$150 and \$200 million.

13 COUNCIL MEMBER TREYGER: Because I would  
14 say that I look at-- I would say that we're missing  
15 out on an opportunity in my opinion. And I'll work  
16 with you and my colleagues on a--on the de Blasio  
17 Solid Waste Management Plan not to advance the  
18 Bloomberg Solid Waste Management Plan.

19 COMMISSIONER GARCIA: Just remember that  
20 unless we do organics, if every New Yorker is  
21 absolutely perfect at separating out their metal,  
22 glass, plastic, and paper, it will only be a third.

23 COUNCIL MEMBER TREYGER: I have faith in  
24 New Yorkers. I think that if we work--

25



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1  
2 COMMISSIONER GARCIA: [interposing] It  
3 still leaves me two-thirds. [laughs]

4 CHAIRPERSON REYNOSO: Yeah, adding two-  
5 thirds, and our community does not have faith, and  
6 it's been too long. I think one more question from  
7 Council Member Levin, and then the panelists are  
8 going to come up. I apologize. I'm trying to speed  
9 this up.

10 COUNCIL MEMBER LEVIN: Thank you very  
11 much, Mr. Chair. Commissioner, I just want to talk  
12 to you for a second about this map because an issue  
13 was raised to me, and I think it's a little  
14 misleading in one part here. It says that Community  
15 Board 3 in Manhattan--that's Corey Johnson's  
16 District, Chelsea, Hells Kitchen, West Village--will  
17 be accepting-- It says that's one of the council  
18 districts with existing transfer stations that can  
19 accept increased waste pursuant to Intro 495. It's  
20 my understanding that's the Gansevoort Recycling  
21 Transfer Station, which I just want to clarify.  
22 That's not--you're not saying that that is--that that  
23 can take-- that's going to take waste displaced from--

24 -

25

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1  
2 COMMISSIONER GARCIA: [interposing] The  
3 Gansevoort would be--

4 COUNCIL MEMBER LEVIN: --Community Board  
5 1--

6 COMMISSIONER GARCIA: [interposing] No.

7 COUNCIL MEMBER LEVIN: --in Brooklyn  
8 pursuant to 495 are you?

9 COMMISSIONER GARCIA: No, and I think  
10 that the--that was actually were more trying to  
11 illustrate that the trucks would be headed to the  
12 Holland.

13 COUNCIL MEMBER LEVIN: That's what this  
14 map is saying? This map is saying that-- Because  
15 that's not what it says. It says--

16 COMMISSIONER GARCIA: [interposing] We  
17 don't--we don't anticipate Gansevoort being a  
18 putrescible station.

19 COUNCIL MEMBER LEVIN: But I know that,  
20 but my issue is more-- To be totally candid, it  
21 calls into question the veracity of this map. It's  
22 a--it has the DSNY's imprimatur on it, and it says  
23 it's a council district with existing transfer  
24 stations that can accept increased waste pursuant to  
25 495. That's not true.

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1  
2 COMMISSIONER GARCIA: If that's  
3 misleading, we will have it changed.

4 COUNCIL MEMBER LEVIN: It is. It is  
5 misleading. It's not--that's not true. If it was to  
6 say that the trucks would come out the Holland  
7 Tunnel, it should say that. But this is saying it  
8 would take waste transfer displaced from CB1 pursuant  
9 to 495. I mean that's--that's not true.

10 COMMISSIONER GARCIA: So we will clarify  
11 that, and get you a new copy.

12 COUNCIL MEMBER LEVIN: Okay. Thank you.

13 CHAIRPERSON REYNOSO: I think that that  
14 map has been the focus of a lot of conversations that  
15 we've had. And already we've found one issue that we  
16 have with it, and I just want to really look to the  
17 validity of the map entirely. And see whether or not  
18 this is accurate, and it coming from the Department  
19 of Sanitation is a big issue for me. That the  
20 Department of Sanitation would present something  
21 during a hearing that is false regarding my bill.  
22 It's very concerning. So I'll be looking into that  
23 as well. I don't think we can figure it all out now,  
24 but we will eventually. And I want to thank  
25 Commissioner for coming out and your testimony, and

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1 the Deputy Commissioner. And we hope to hear from  
2 you soon.

3 [background comments]

4 COMMISSIONER GARCIA: Thank you.

5 [pause]

6 CHAIRPERSON REYNOSO: So the next panel  
7 that's coming up is Gavin Kearney, Eddie Bautista,  
8 Laura Hofmann, Angela Tovar and Sean Campbell.

9 [background comments]

10 CHAIRPERSON REYNOSO: And this is--this  
11 is going to be followed by in the next round David  
12 Beaterman--Biderman. I'm sorry. Jay Peltz, Michael  
13 Holstrom, Ron Bergamini, and David Hillcoat. Be  
14 ready guys. You guys are next. That gives you time  
15 to go to the restroom. It does.

16 [background comments, pause]

17 CHAIRPERSON REYNOSO: All right. Let's  
18 start right away. We're going to give guys two  
19 minutes. I hope you can do that. I know, Eddie it's  
20 going to be difficult for you, but we need to do it,  
21 Eddie. We're going to give you some time to truncate  
22 your--your statement. So we're going to actually go  
23 from right, my right to left, your left to right.  
24 But let's-- Yeah. So, we're going to start with  
25

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1  
2 you, and we're going to go down this way. Thank you  
3 very much.

4 [pause]

5 ANGELA TOVAR: Okay. My name is Angela  
6 Tovar. I'm the Director of Policy and Research at  
7 Sustainable South Bronx. We're a non-profit  
8 organization that's located on the Hunts Point  
9 Peninsula. I just want to begin by thanking the  
10 Council for the opportunity to testify, and to state  
11 for the record that we are in favor. We support  
12 Intro 495. The South Bronx has a long history of  
13 being overburdened with unfavorable land uses. That  
14 have resulted in health and quality of life issues  
15 for community residents. It's well know that the  
16 South Bronx residents suffer from overwhelmingly high  
17 rates of asthma stemming from pollution producing  
18 facilities. And most significantly from truck  
19 traffic passing through local streets. There has  
20 been a high concentration of waste transfer stations  
21 on the peninsula, Hunts Point. And our neighbors to  
22 the south host nine waste transfer stations, which  
23 are permitted to handle nearly 12,000 tons of waste  
24 each day.

25

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1 On a typical day nearly 6,000 tons are  
2 hauled in and out of the South Bronx resulting in  
3 1,400 diesel truck traffic trips. With this industry  
4 comes a significant burden. We have open air  
5 facilities where dust, chemicals, and debris spew out  
6 into the local community. The proximity of waste  
7 transfer stations to sensitive receptors like parks  
8 and schools is problematic. To give you one example,  
9 there is an open air facility steps from Barretto  
10 Point Park, which is a local pool, park, and  
11 destination for local residents. This is a space  
12 that's meant to be a green sanctuary for residents,  
13 but it is a less desirable space when the wind blows  
14 in a specific direction. Anyone who is uncertain  
15 about why this bill is so critical for community, I  
16 want to personally invite you to come out and visit.  
17 So you can understand what a breath of fresh air  
18 looks like in the South Bronx. We believe that this  
19 important piece of legislation will eliminate several  
20 hundred truck trips in the South Bronx everyday. It  
21 will still handle more waste than most communities.  
22 It will be a significant reduction for us. And that  
23 is a win. We know that this legislation will tie  
24  
25

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1 directly-- [bell] Okay. thank you for your time.  
2  
3 I appreciate it.

4 CHAIRPERSON REYNOSO: Thank you so much.

5 SEAN CAMPBELL: My name is Sean Campbell,  
6 President of Teamsters Local 813. This Intro 495  
7 bill is near and dear to me for several reasons.  
8 First and foremost, I was somebody who was born and  
9 raised in Brooklyn, New York, and I lived for over  
10 ten years in Southeast Queens. I would like to thank  
11 Sanitation Council Committee Chair Reynoso and the  
12 members of the Council for the opportunity to speak  
13 today. For too long, New York City private waste  
14 industry has dictated to the city where the waste  
15 will be transported and how. These decisions are  
16 made without regard to the wear on our road and air  
17 pollution for ineffective truck routes. They are  
18 made without regard for the health and safety of low-  
19 income communities of color where the industry sites  
20 most of their transfer stations. The Teamsters are  
21 working in partnership with communities, environment  
22 justice advocates and elected officials that have a  
23 shared vision in changing the way the private  
24 industry works. If New York City creates a more  
25 equitable system and builds an accountability for how

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1  
2 waste is trucked and deposited and greatly increases  
3 the diversion rate, it will strengthen the industry  
4 and create thousands of new jobs.

5 Intro 495, the Waste Cap Reduction Bill,  
6 is an important step. The Teamsters strongly support  
7 this legislation. Intro 495 significantly furthers  
8 the goals of the 2006 Solid Waste Management System  
9 to handle the waste in a manner that is more  
10 environmentally responsible and fair to all  
11 communities. Under the current system, nearly three-  
12 fourths of all New York City waste goes to just three  
13 neighborhoods: The South Bronx, Williamsburg-  
14 Greenpoint and Southeast Queens. This is unjust and  
15 unfair. It saddles the people who live in the  
16 communities with everyday else--with everyone else's  
17 trash and health and environmental ramifications that  
18 result. The legislation will shift commercial waste  
19 from truck based transfer stations to marine transfer  
20 stations. A move that will benefit the entire city  
21 by eliminating needs of truck miles traveled each  
22 year. The bill also prohibits the overburdening of  
23 any of one community in the future. The Department  
24 of Sanitation marine transfer stations have the most  
25



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1  
2 advanced equipment, and a highly skilled unionized  
3 workforce. I would like to thank this panel.

4 CHAIRPERSON REYNOSO: Thank you. We  
5 really appreciate it. Ms. Hoffman.

6 LAURA HOFFMAN: Thank you. My name is  
7 Laura Hofmann. I'm here to represent Organizations  
8 United for Trash Reduction and Garbage Equity. It's  
9 a coalition of organizations that came together to  
10 fight against the unjust number of waste transfer  
11 stations that are in our community. We fully support  
12 Intro 495. The disproportionate concentration of  
13 waste transfer stations lead to high volumes of truck  
14 traffic, poor air quality, and associated health  
15 problems like the city's asthma rates. While the  
16 targeted reductions in this bill would bring relief  
17 to our community, Intro 495 also protects all  
18 communities from bearing more than their fair share  
19 of waste in the future. This bill is long overdue--a  
20 long overdue step in the right direction toward a  
21 more equitable city. There are over 17 waste  
22 transfer stations in our community. North Brooklyn  
23 alone processes almost 40% of New York City's waste.  
24 The streets in our community are nightmarish with  
25 waste trucks, and the nightmare doesn't end on our

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1 streets. The conditions cause unstudied health  
2 impacts in the community.

3  
4 My older son and his lived and Union and  
5 Metropolitan Avenue for years. I don't know of all  
6 the impacts the waste related truck traffic had on  
7 their health, but out of two sets of twins my  
8 daughter-in-law lost one baby from each set of twins  
9 due to severe birth defects. Right now she is  
10 carrying one live baby and one dead baby. I know  
11 this is due to a poor environment that they were  
12 exposed to. Words like cystic hygroma, Trisomy 18,  
13 Edwards Cystic--Edwards Syndrome are words that no  
14 grandmother should have to know about her  
15 grandchildren. And I believe that this is all due to  
16 the environment. We understand that there is some  
17 waste transfer stations that are being concerned  
18 about being shut down. This legislation will allow  
19 the City of New York to use its discretion to reduce  
20 capacity. And just not to be redundant, there are  
21 also waste transfer stations that are operating the  
22 way they should, recycling and maintaining a clean  
23 fleet. There are others that are just bad neighbors.

24 CHAIRPERSON REYNOSO: Thank you very  
25 much. Gavin.

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1  
2 GAVIN KEARNEY: Good afternoon. My name  
3 is Gavin Kearney with New York Lawyers for the Public  
4 Interest, and I'm proud to be here today with labor  
5 and community fighting to address what we think is  
6 unconscionable, the fact that three communities in  
7 New York City handle 75% of the city's waste. If  
8 somebody proposed that as a plan today, they would  
9 pilloried. And yet, here we are trying to rectify  
10 it, and we're running into significant resistance.  
11 And I think that relief it is long overdue. Rather  
12 than run through all of my testimony, I just want to  
13 hit on a couple of key points. One is Intro 495 and  
14 the marine transfer stations. Intro 495 will not  
15 make the marine transfer stations happen. They're  
16 happening. It won't make them not happen. If anyone  
17 succeeds in not having a marine transfer station in  
18 their district, it will have nothing to do with 495.  
19 Nor will 495 affect how much waste goes to the marine  
20 transfer stations.

21 The second point I want to make is about  
22 recycling. We strongly support increased recycling  
23 in New York City for a whole variety of reasons. It  
24 makes perfect sense. We will recycle our way out of  
25 the need for transfer stations in our lifetime. And

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1  
2 I would also point out that recycling gets hauled by  
3 trucks to infrastructure. Even if we get to a higher  
4 recycling rate, we're going to have the same issues  
5 of localized impacts that need to be fairly  
6 distributed, and that need to be minimized as much as  
7 possible. A third point, you'll hear I think from  
8 industry today that 495 will inefficiency in the  
9 system, that trucks will drive further. I would  
10 refer folks to this map that's up on the screen right  
11 now. The system is grossly inefficient to day. The  
12 map that has been handed out to folks that shows  
13 arrows coming out of North Brooklyn, the South Bronx  
14 and Southeast Queens is also misleading in the sense  
15 that it suggests that that's where the waste is  
16 generated. Currently, waste is generated all over  
17 the city, of course. And no matter where it comes  
18 from, it goes to these three communities. It doesn't  
19 go to them because they are the most conveniently  
20 located. It goes to them because that's where the  
21 overburdening is. [bell] Thank you.

22 CHAIRPERSON REYNOSO: Thank you. Mr.  
23 Bautista.

24 EDDIE BAUTISTA: Hi, I'm Eddie Bautista  
25 from the New York City Environmental Justice

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1 Alliance. You have my testimony. So I'm going to  
2 try to address some different points that may be  
3 overlooked. First, I want to thank Chair Reynoso,  
4 Council Member Levin and Council Member Miller for  
5 their leadership and support on this issue. I also  
6 want to point out and congratulate and commend the  
7 Commissioner for still being here. I've been doing  
8 this for 25 years. I cannot remember a Commissioner  
9 that stayed to actually hear the public. So thank  
10 you, Commissioner for that.

12 CHAIRPERSON REYNOSO: You can clap for  
13 that.

14 [applause]

15 EDDIE BAUTISTA: I just want to point out  
16 a couple of things. People have pointed this out. I  
17 want folks to understand Mayors Bloomberg and de  
18 Blasio very different mayors. Commissioners  
19 Daugherty and Garcia very different mayors or  
20 commissioners. Why is it that we have successive  
21 leaders defending the same status quo? It's the  
22 institutional culture. There is not a ton of  
23 permitted capacity the Department of Sanitation has  
24 not loved. It's just the way the institution is set  
25 up. I want to point out another institution that

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1 needs defending. This City Council institutionally  
2 approved the Solid Waste Management Plan in 2006 with  
3 the clear understanding that it was a fair share  
4 environmental justice imperative that the marine  
5 transfer stations would open. That there would be  
6 some, not all, but some relief for the most impacted  
7 communities. The Council was generous. It gave the  
8 department two years to come up with reductions in  
9 these transfer stations. It is now nine years later.  
10 You guys have show remarkable restraint. Even if you  
11 have problems with the bill, stand up for this  
12 Council this legislative body's institutional  
13 integrity. You guys made a deal. Make them live up  
14 to it. It's just--and it's about the Council's  
15 respect as well.

16 [applause]

17 CHAIRPERSON REYNOSO: So I just wanted to  
18 have a couple of-- I just have several questions.  
19 And when I look at this map that we're seeing here,  
20 the inefficiencies that we're going to increase how  
21 far are haulers going to have to take their trash?  
22 We've got folks from the North Bronx. Instead of  
23 going to the South Bronx that are going to Brooklyn  
24 to drop off their trash. What do you-- Anyone that  
25

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1 wants to answer. Why do you think folks think or  
2 other people think that we're going to increase truck  
3 traffic mileage when doing this?  
4

5 EDDIE BAUTISTA: Just from my perspective  
6 I think there is something that nobody has said  
7 flatly today. This system is broken. The system is  
8 broken because for too long the Sanitation Department  
9 has treated private waste handling as not their  
10 responsibility. They've outsourced this to t the  
11 private sector, and the private sector does what it  
12 does. This is a system that we've inherited from a  
13 previous system that was so mobbed up that they had  
14 to get a commission to break them. So let's be  
15 clear, folks, this is a system that has been broken  
16 for decades. So, you have to ask other people what  
17 boogie men they're grappling with. But I will tell  
18 you that that neck [sic] and some of the  
19 commissioners' own inability to answer some data  
20 questions in a system and a department that craved  
21 data collection under Mayor Bloomberg, they haven't  
22 bothered. It's not that they haven't bothered, but  
23 they have not collected basic data. If you can't  
24 bring data to the party, how can you fix it. So I  
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1 will tell you guys the system is broken, and this is  
2 a way to start achieving justice in the system.

3  
4 GAVIN KEARNEY: I would just quickly add  
5 to that. You know, the argument about inefficiency  
6 that I've seen and the materials that I've seen make  
7 the point that's made by industry who want to hold  
8 onto the current system. I'm sure they're going to  
9 make it again today. I would love to see an analysis  
10 that supports the argument that trucks currently go  
11 to efficiently located transfer stations, and that  
12 they would have to go to an inefficient located one  
13 under 495. I have seen bullet points. I have seen  
14 substantiation.

15 CHAIRPERSON REYNOSO: I just want to say  
16 these maps, these are given to us by the Brook--the  
17 Business Integrity Commission. So these are not our  
18 maps. These are the City of New York's maps.

19 GAVIN KEARNEY: It's their data.

20 CHAIRPERSON REYNOSO: I'm sorry.

21 GAVIN KEARNEY: It's their data.

22 CHAIRPERSON REYNOSO: But I'm sorry. We  
23 made the maps but they gave us the information. So  
24 all those dots are the information that was given to  
25 us by BIC. So, it's just I knew that it was really



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1 bad, but in looking at these maps, it just really  
2 showcased to me that we were--it's worse than we  
3 thought. It's worse than we thought to have someone  
4 from North Bronx come to Southeast Queens to drop off  
5 their trash, and say that that's efficient in any  
6 way, shape, or form. Do any other council members  
7 have questions for the panel. Council Member Levin.

9 COUNCIL MEMBER LEVIN: Thank you, Mr.  
10 Chairman. I want to ask this panel to talk a little  
11 bit about overall capacity and speak to me about what  
12 would happen to overall capacity after MTSSs are  
13 online, after 59th Street, West 59th Street is  
14 online. And after the reductions pursuant to 495  
15 have come online. What would be the overall picture  
16 citywide for capacity. Because I think that may  
17 address some of the concerns raised by the Department  
18 of Sanitation.

19 EDDIE BAUTISTA: So we have quarterly  
20 transfer station--transfer station data that we've  
21 gotten from the Department of Sanitation going back  
22 to 2005. And, we have run calculations based on that  
23 data where we would be left capacity wise after 495's  
24 reductions. And then, where we would be as the MTSSs  
25 come online. Which, as you mentioned earlier, the

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1 reductions are tied to. What we found in the  
2 putrescible system is that with the 12,000 some tons  
3 of capacity that the MTSs are going to bring into the  
4 system, that even after 495 reduction capacity is  
5 well above any foreseeable need. In terms of  
6 construction and demolition we ran--we looked at  
7 quarterly data. We again calculated 495 reductions,  
8 and what that would leave in the system. Our  
9 calculations showed 495 would take about 1,100 tons  
10 of C&D throughput out of the four overburdened  
11 community districts. But we have a system that  
12 currently has 4,000 tons of C&D outside of those  
13 districts that's not used on a typical day. And also  
14 when West 59th Street begins accepting C&D we'll get--  
15 --we'll have even additional capacity. But without  
16 the West 59th Street MTS, our data shows that there  
17 hasn't been a single quarter since 2005 when C&D  
18 generation would go above that threshold, and 495  
19 puts a quarter cap in. So you can go over in a give  
20 day within a quarter, but you have to maintain that  
21 quarterly average. Our analysis of DSNY data shows  
22 that going back all the way to 2005 including the  
23 construction boom that preceded the economic collapse  
24

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1 that we would still be-- We would still have  
2 capacity post-495 reductions.

3  
4 CHAIRPERSON REYNOSO: Thank you. And  
5 what about jobs, this job issues that they're--that  
6 they were speaking to. Do you-- So I see it that,  
7 you know, it doesn't matter the trash goes, 100 tons  
8 of trash takes 100 men to work on it. If it goes to  
9 Sunset Park or whether it's in Williamsburg, you're  
10 stilling to need 100 men to move that trash. So I  
11 just wanted to speak to the jobs issue, and if  
12 anybody thinks they can answer that.

13 SEAN CAMPBELL: Well, you know, I'm a  
14 Teamster and we're here to protect jobs. And the  
15 last thing we want to see is people lose jobs. You  
16 know, we represent people everyday. We want jobs,  
17 but what I would like to see, and one thing that you  
18 guys raised earlier the Commissioner or someone has  
19 spoken about possibly having some negotiations. If  
20 that does happen, one of the things I think that  
21 should happen is because too many times negotiations  
22 happen, but the right players are not in the room. I  
23 think that we need to have labor in the room, as well  
24 as the industry as well as you folks. And then, we  
25 can talk about okay, well, how do we do this? And

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2 now, if a transfer station closes here, what do we do  
3 to protect those jobs. We make sure that those folks  
4 have priority, and make sure that they go over here.  
5 So that they have jobs and, you know, they're either  
6 new jobs or more jobs that are added.

7 CHAIRPERSON REYNOSO: So I think that  
8 that's a strong argument that we figure out a way  
9 like the job retention in those cases. And I just  
10 want to say that I'm under the impression, and I've  
11 been to several waste transfer stations. The ones  
12 I've been to are not the ones that are being  
13 represented here. I just want to be very clear. But  
14 the folks that I went to are the bottom of the barrel  
15 doing the bare minimum to survive. Their trucks, the  
16 people coming into the systems are a disaster. These  
17 guys have face masks that we can buy in the dollar  
18 store. They have chemical coming from the sky that  
19 is supposed to stop the smell that is falling on  
20 they're working. And then the facility itself is  
21 just an empty room, a large empty place where trucks-  
22 -garbage is dumped on one side. And then another  
23 truck picks it up and puts it on the 18-wheeler.  
24 That's all that happens is that transfer. Even in  
25 some cases where I saw a dual truck with two on

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2 either side not Sanitation, a dual private truck,  
3 where I guess they were doing recycling on one side  
4 and regular trash. They just opened up and dumped  
5 both sides in the same pile, and then that pile got  
6 transferred to the 18-wheelers. Those guys are in  
7 trouble. I agree. Where most of these people work  
8 are probably the places that are doing things right.  
9 Where the Commissioner is going to have to look at.  
10 Where we talk about labor practices. Where we talk  
11 about violations. If you have a lot of violations,  
12 it means that you are not taking care of your people  
13 and you're not doing the right thing. So I think  
14 that this legislation would actually make it so a lot  
15 of these businesses start doing the right thing, and  
16 start treating their workers fairly. And I'm excited  
17 to push this bill, and make sure that we can get to  
18 that point. And I just want to-- Council Member  
19 Mark Treyger also wants to say a couple of things.

20 COUNCIL MEMBER TREYGER: Thank you, Chair  
21 and I thank the panel for your passion and your  
22 advocacy. And I just want to begin by saying, Mr.  
23 Bautista, you mentioned before that the previous  
24 Council voted overwhelmingly in favor of the SWAMP.  
25 I'll share with you that I've spoken to many of the

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1 council members that voted for the SWAMP, and they  
2 had no idea about the information that we learned in  
3 my community as the result of a lawsuit. Such as you  
4 had some of the worst toxins known to man in the  
5 heaviest concentrations in Gravesend Bay near Coney  
6 Island Creek. Which has a history of being dumped on  
7 as well with oil spills, gas spills that have never  
8 been cleaned up still to this day. Apparently, an  
9 intern in an office found on a Google search bombs  
10 from World War II, USS Bennington capsized in the  
11 bay, the same bay where they planned to dredge. So  
12 the public--the council members voted for the bill.  
13 They didn't have that on the record when they voted  
14 on some of these things. Secondly, not only the  
15 public in my communities in Coney Island and  
16 Gravesend and Southern and Southwest Brooklyn, which  
17 had an incinerator burn garbage without a permit for  
18 many years. Which also led to cancer and asthma.  
19 May of the same problems we heard about in other  
20 communities, which by the way, I'm going to fall in  
21 the trap of pitting my community against yours.  
22 Because an injustice in my community is an injustice  
23 everywhere. And the same I would hope goes for Coney  
24 Island as well. An injustice in Coney Island is an  
25

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1  
2 injustice everywhere. So I just want you to speak to  
3 the fact that many people of the public, including  
4 members of the Council did not have the full record  
5 when they voted for that SWAMP.

6 EDDIE BAUTISTA: Just to reply. I mean,  
7 you know, this isn't an MTS hearing. So I've done  
8 plenty of those, and welcome. We can talk about this  
9 in New York or anywhere you want, Councilman. I'm  
10 fine with that. I will say that this is not about  
11 spreading injustices. This is about--do you want to  
12 talk about marine transfer stations, it's about a  
13 smarter system. Each barge will remove 48 tractor-  
14 trailer trucker. These barges will be enclosed.  
15 They could be carrying diamonds because they will be  
16 enclosed. Nobody knows that because they will be  
17 enclosed, they happen to be carrying garbage. I  
18 can't imagine how any New Yorker would oppose a  
19 system that removes 6.5 million vehicle miles  
20 traveled from the region. So it's not just our  
21 communities. And by the way, we will have marine  
22 transfer stations and rail transfer stations in our  
23 communities. So we're not talking about shifting the  
24 burden. We're talking about an equity and a  
25 decentralized smarter system. And we're completely

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1  
2 with you on recycling and waste reduction. Nobody  
3 has worked harder for that than us. But even the  
4 Commissioner said, We recycle to the max on  
5 residential. We're still two-thirds of the way.  
6 We're not even talking about what we're doing fairly  
7 recycling on commercial waste. Which is where the  
8 burden is being felt most acutely in our  
9 communities. So we welcome a deeper and smarter  
10 system Councilman. But I would submit to you that  
11 the marine transfer stations are key to that.

12 COUNCIL MEMBER LEVIN: I would just add  
13 to that that I see the optimism in this  
14 administration when it comes to reducing our carbon  
15 footprint. The Mayor and actually my colleague right  
16 next to me has an outstanding bill that he has  
17 advanced in the council about reducing emissions. I  
18 don't see that same ambitions--that same ambition and  
19 that same optimism when it comes to waste reduction.  
20 I disagree with the notion that we're somehow capped  
21 at how much waste we can produce. I hear in other  
22 there's a Vision Zero when it comes to zero related  
23 transportation deaths. I think we should set up a  
24 new goal of reducing waste to the point of Vision  
25 Zero in that as well. Other cities have found



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1  
2 capacity. They have found a way. New York is a  
3 leader. We don't follow. We lead.

4 EDDIE BAUTISTA: Absolutely. And  
5 Councilman, just so you know there's a coalition  
6 called Transform Don't Trash New York City. We think  
7 you're going to like that plan, and we look forward  
8 to working with you on that. Because we're  
9 completely in agreement. We have to and we will do  
10 better as a city. So thank you for that.

11 COUNCIL MEMBER LEVIN: Thank you, Chair.

12 CHAIRPERSON REYNOSO: Just to say we  
13 expected reductions in two years. It's been nine  
14 years, and there's zero reductions. So exactly what  
15 you're asking for is to show some progress. They  
16 haven't been able to do it. The Sanitation  
17 Department hasn't been able to get us because the  
18 Solid Waste Management Plan takes a long time. I do  
19 want to say a good part of it has to do with losses  
20 coming from people like the East 91st Street Transfer  
21 Station on the Upper East Side. But we just haven't  
22 seen any results. So my community just stands there  
23 waiting to see change. We enact it into law and it  
24 still doesn't happen so--

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COUNCIL MEMBER LEVIN: [interposing] But

Chair, I'll submit to you respectfully that my community is still dealing with the aftermath of years of illegal incineration as well. So, my point to you--my point to you is that I think that we're falling into the trap of pitting communities against communities. And whether it's Yorkville or Bushwick or Coney Island. We're in this together, and we all have responsibility to reducing the amount of waste that we have to move to a 21st Century plan, and not use 19th Century technology, and I'll close that there. Thank you, Chair.

CHAIRPERSON REYNOSO: Hey, listen, I

would love to be the Mayor and invest millions of dollars into building an updated waste management system, but we're not there to be perfectly honest. To overhaul what we're trying to do would be my overall goal. I would--I would jump in on it with the--

COUNCIL MEMBER LEVIN: [interposing]

CHAIRPERSON REYNOSO: --amount of money that we have to put in.

CHAIRPERSON LEVINE: All right.

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2 CHAIRPERSON REYNOSO: All right. Let's  
3 get the next group in here. David Hillcoat, Ron  
4 Bergamini, Michael Houston, Jay Peltz and David  
5 Biderman.

6 [background comments, pause]

7 CHAIRPERSON REYNOSO: All right, guys.  
8 We're going to let you guys start right away. In  
9 this panel we're going to go from your right to your  
10 left, and we're going to keep flipping it back and  
11 forth. So just to keep it--just for fun. Exactly.  
12 From right to left, please. So you go ahead, sir.

13 [background comment]

14 CHAIRPERSON REYNOSO: We'll find the  
15 guys. Don't worry about it. Thank you.

16 JAY PELTZ: Thank you for the opportunity  
17 to testify at today's public hearing. My name is Jay  
18 Peltz and I'm the General Counsel and Vice President  
19 of Government Relations for the Food Industry  
20 Alliance of New York. FIA is a non-profit trade  
21 association that promotes the interest statewide of  
22 New York's drug stores, grocery stores, and  
23 convenience stores. Many of our members are small  
24 businesses struggling to survive as we muddle through  
25 the sixth year of the weakest recovery on record. As

1  
2 a result, weak consumer spending has become the new  
3 normal. On top of that, new laws and regulatory  
4 changes no matter how well intended have imposed  
5 significant costs on businesses as they comply with  
6 the Affordable Care Act, the City's Paid Sick Law,  
7 the 2013 Statement of a wage increase with another  
8 increase likely, and state as well as federal tax  
9 increases. The chilling effects of these and other  
10 changes will raise the cost of doing business in the  
11 city, and ultimately reduce business investment and,  
12 therefore, job growth.

13           Given this economic and policy context  
14 this measure would further hurt our members  
15 especially our small business members who are  
16 struggling to survive in a very low margin business  
17 being squeezed by non-traditional competitive  
18 channels such as warehouse clubs, dollar stores, and  
19 internet sellers. Twenty-six of the city's 38 waste  
20 transfer stations are located in the four designated  
21 community districts specified in the legislation.  
22 The bill's mandates would result in these 26 transfer  
23 stations having their permitted capacity and  
24 throughput significantly reduced. These reductions  
25 would be allocated by the commissioner based on the

1  
2 nine principles specified in the bill. Which are  
3 generally intended to distinguish between good and  
4 bad actors rather than focusing in on costs and  
5 efficiency. We believe the unintended consequences  
6 of these allocations will be distortions and  
7 efficiencies in the marketplace that will raise  
8 hauling and tipping fees. These hard costs would  
9 pass through to our members. This inflation will be  
10 accommodated by rule amendments adopted by BIC that  
11 increase the rate caps with the collection, removal,  
12 disposal or recycling of trade waste by 15%.

13           In addition, these rule changes require  
14 that a rate setting hearing be held every two years  
15 beginning 2015. Dislocations caused by the proposed  
16 local law could thus result in further rate cap  
17 increases. We need to keep in mind that sending  
18 waste outside the four designated community districts  
19 does not change the waste or the intended logistics  
20 of its offensive aspects. So the answer is not to  
21 knowingly increase the burden outside of the four  
22 designated community districts. The answer revolves  
23 around more recycling. Our members recycle  
24 significant amounts of plastic, paper, cardboard and  
25 food waste including meat scraps, fat and bones. FIA

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1  
2 members also donate substantial amounts of food to  
3 non-profits thus keeping the food out of the waste  
4 stream. Accelerating these efforts on a  
5 collaborative basis will solve the problem in the  
6 fairest way by avoiding the transfer of the offensive  
7 aspects of processing waste to other city  
8 neighborhoods. Accordingly, the FIA on behalf of its  
9 members oppose the adoption of this bill. Thank you  
10 for your time and attention to FIA's concerns.

11 CHAIRPERSON REYNOSO: Thank you, sir.

12 Thank you. We're going from right to left now so--

13 DAVID HILLCOAT: Good afternoon, Chairman  
14 Reynoso, members of the committee and distinguished  
15 guests. My name is David Hillcoat, President of  
16 Cooper Tank and Welding Corp. We operate as Cooper  
17 Tank Recycling and Cooper Recycling. I appreciate  
18 the opportunity to testify today, and I request that  
19 my written testimony be incorporated into the record.  
20 Cooper Tank Recycling is a family owned business that  
21 operates in Brooklyn since 1946. It is woman owned  
22 and MWBE certified. We operate a C&D transfer  
23 station and supply Brooklyn to the waste industry.  
24 We recycle 70% or greater of the material that we  
25 receive to a beneficial end-users. We employ 80

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1 people, 90% minority and 90% local residents. We're  
2 located in an M3 area in accordance with the NYC  
3 Zoning Laws and with DSNY Siting Regulations. We  
4 meet the applicable Clean Air Act Requirements, and  
5 use current available emission technology. Cooper  
6 Recycling has just purchased a five-acre site on  
7 Varick Avenue with a 95,000 square building, which  
8 has access to rail and barge. We have transferred  
9 existing DEC and NYC DOS permits, and we plan to  
10 build a state-of-the art \$13 million plus C&D  
11 recycling line indoors, and we are due to start  
12 construction in 2015. The objectives of this  
13 investment are to be located further into an M3 zone  
14 away from housing and community, and create a fully  
15 enclosed climate controlled working environment to  
16 reduce noise and dust. Keep trucks on the site to  
17 lessen street traffic, and increase safety. To  
18 create 40 extra jobs. Ninety percent of them will be  
19 local and minority. To recycle up to 90% of the  
20 incoming material to beneficial end-users and reduce  
21 long haul truck trips. And we will relocate our  
22 existing transfer station from Fifth Avenue.  
23

24 But Intro 495 is a big problem. It  
25 penalizes the largest, most efficient operators. If

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1  
2 Intro 495 gets passed our combined permit will be  
3 reduced by 87% and our planned investments to improve  
4 the environmental, physical, and financial outcome  
5 for the benefit of all stakeholders will not be  
6 feasible. Thank you.

7 CHAIRPERSON REYNOSO: All right. Just a  
8 very quick question. What did you say your reduction  
9 would be?

10 DAVID HILLCOAT: 87%.

11 CHAIRPERSON REYNOSO: How did you figure  
12 that number? Has the Commissioner called you and  
13 said that you would be one of the businesses that  
14 would be impacted?

15 DAVID HILLCOAT: The Commissioner has not  
16 called us. We have done the math according to the  
17 permit.

18 CHAIRPERSON REYNOSO: The legislation  
19 specifically states that it's at the discretion of  
20 the members under nine principles that you mentioned.  
21 And what I hear from your testimony is that you  
22 actually abide by a lot of those principles. And so  
23 I just want to ask did the Commissioner call you and  
24 tell you, you would be one of the threatened  
25 businesses?



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1  
2 DAVID HILLCOAT: No, the Commissioner has  
3 not called anybody to my notice.

4 CHAIRPERSON REYNOSO: All right, so 87%  
5 would be something that's really dramatic, and  
6 something that is not true because you haven't been  
7 told by the person who has the authority to cut your  
8 reductions, and 87% is significant.

9 DAVID HILLCOAT: 87% is significant for  
10 us to put an investment on hold like it would be for  
11 anybody.

12 COUNCIL MEMBER LEVIN: What is your  
13 methodology at arriving at 87%?

14 DAVID HILLCOAT: You take the value of  
15 the bill that says that if you did not use a permit  
16 in the three years preceding it effectively comes to  
17 zero. And then to take the 18% reduction off the  
18 actual usage in the current permit that we hold at a  
19 different site. So we have--

20 COUNCIL MEMBER LEVIN: [interposing]  
21 You're not using it. So it's a permit that you  
22 weren't using, is that right?

23 DAVID HILLCOAT: It's a permit we  
24 acquired that was not being used by the predecessor.

25

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2 CHAIRPERSON REYNOSO: Right. So I think  
3 we had a conversation. By the way, I just want to  
4 say I met with Cooper Tank I knew of a lot of these  
5 waste transfer stations because I want to keep as  
6 much of the dialogue going as we possibly can. In  
7 the legislation it states that we're going to take  
8 your annual throughput and put it at 100%, a 125%.  
9 If your throughput is zero because you just invested  
10 in a new site, you go from zero to zero because 125%  
11 of zero is zero. So it's something that we are  
12 looking into. We're looking at your previous  
13 capacity, by the way, and seeing if we can merge them  
14 together and figure something out so that you get  
15 credited for the work that you've done in the past.  
16 But also now given the fact that you did buy a larger  
17 facility, and that you did make investments, which  
18 are all things that are valid. And we are trying to  
19 make sure that we showcase in cases like Cooper Tank  
20 that you are the good guys. You are the better  
21 players. I don't know if there are any good guys,  
22 but you are the better players. And we want to make  
23 sure that we listen to you and we work on it. So we  
24 actually are-- We had conversations already, and  
25 we're going to continue the conversation to make sure

1 COMMITTEE ON SANITATION  
2 AND SOLID WASTE MANAGEMENT

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3 that we can address your issue because other folks  
4 might go through it as well.

5 DAVID HILLCOAT: We appreciate the  
6 committee's concerns, and obviously, we're here today  
7 to make comments on the bill as it's presented.

8 CHAIRPERSON REYNOSO: Absolutely.  
9 Absolutely. Thank you. I appreciate your testimony.  
10 Next.

11 RON BERGAMINI: Good to go? Good  
12 afternoon, Chairman Reynoso and others. Thank you  
13 for the opportunity to speak here today. My name is  
14 Ron Bergamini. I'm the CEO of the Action  
15 Environmental Group. We're the largest private  
16 hauler in New York City. Our subsidiaries include  
17 transfer stations and recycling facilities. I would  
18 like to make three main points, if I may. First, the  
19 legislation not only affects our company and  
20 companies like us, but it impacts the business  
21 community and small businesses being charged more  
22 prices, and the investment skill when looking for  
23 investment money and capital. Second, at a time when  
24 New York City is attempting to expand recycling  
25 levels and reduce fluid emissions, this legislation  
advances neither. Third, the legislation does not

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1  
2 reduce the waste stream, but merely shifts the  
3 distribution from one neighborhood to another. Our  
4 facility like some others mentioned here today we're  
5 in an M3 zone 60 seconds from a major street [sic] in  
6 Triborough. And I don't see any traffic problems.  
7 The legislation will also impact our facility, and I  
8 appreciate Chairman Reynoso you mentioning it  
9 earlier. We, too, made a \$15-- a \$15 million  
10 investment, and what that facility does is actually  
11 remove recycling material from the waste stream as  
12 opposed to a single stream. It's pulling it out. I  
13 thought that was the idea. Legislation like this  
14 chills that, impacts the investment and it makes it  
15 hard for somebody to do the investment going forward  
16 I might add. That facility, by the way, now has 110  
17 union members. And I'm proud to say many of them are  
18 in the room here today. They're good paying jobs.

19           Additionally, the point about  
20 emergencies, when Sandy hit, we hit our capacity for  
21 30 straight days. The City called, the DSNY called,  
22 and we responded. Thirty straight days we hit that.  
23 After this legislation happens we won't have the  
24 manpower potentially. As Commissioner Garcia said,  
25 we really don't know what this will mean. We won't

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1 have the manpower nor will we have the equipment. So  
2 in closing [bell] you're not going to find people to  
3 invest in composting, you're going to chill the  
4 investment community. I assure you of that. We're  
5 private equity owned. We see these people. I agree  
6 with the Commissioner. We need to work together, not  
7 at odds. We're prepared to do that. We're prepared  
8 to be at the table. Commissioner Garcia has called  
9 me, and was gracious enough to talk about these  
10 things, and we want to talk about them further.  
11 Thank you very much.

13 CHAIRPERSON REYNOSO: Thank you. I just  
14 want to say. You guys are the ones that are going to  
15 do the right thing. You guys are the ones that are  
16 going to come to the table and discuss the  
17 reductions. You know who is not going to come? I  
18 can't wait 'til these laborers come in here and we  
19 start speaking. I'm going to ask them where they  
20 work, each one of them. And they're going to talk  
21 about we work in Action. We work in Cooper. We work  
22 in Waste Management. We work in all the good  
23 players. That's not who we're trying to go after.

24 RON BERGAMINI: [interposing] But  
25 legislation does that. You have to be careful about

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1  
2 it. If people like us should be exempted, exempt is  
3 right in the bill.

4 CHAIRPERSON REYNOSO: Well, we're  
5 working--we have to be thoughtful. I think that the  
6 rail is absolutely something that we want to look at.  
7 If you have a rail that you get exempted, that will  
8 support Cooper Tank. So we're looking at things to  
9 improve on the bill. But ultimately, truck reduction  
10 is the most important thing. Now, I just want to say  
11 with small businesses, so this private carting  
12 there's a rate cap. So there are two different  
13 points here that I want to be very clear on. Without  
14 the rate cap that was legislated, the private waste  
15 industry would have kept gouging the work--or over--

16 RON BERGAMINI: The free market would do  
17 that.

18 CHAIRPERSON REYNOSO: The free market  
19 would be overcharging you for what you're doing. The  
20 rate cap is what keeps that from happening. So I  
21 just want to make sure that you understand that. But  
22 we had to implement the rate cap because of the  
23 transgressions that we were getting from businesses  
24 because they were getting ripped off by the private  
25 carting industry in the past. Now, the rate cap

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1  
2 hurts in two ways because that means also that it's  
3 hard for a business to charge more eventually so they  
4 can pay more for their workers, and to make  
5 investments. So, it's like a double-sided sword  
6 here. But I just want to make sure that you  
7 understand that before this legislation is being  
8 talked about we needed to put a rate cap because  
9 there was overcharging happening system wide. I just  
10 want to be mindful, and BIC recommended that, and BIC  
11 was there specifically because there was some shady  
12 stuff going on. So I just want to make sure that you  
13 guys have conflicting interests, but I understand  
14 what--I understand what you're both saying. Now, my  
15 home boy Biderman, you're next.

16           DAVID BIDERMAN: Chairman Reynoso,  
17 members of the committee. My name is David Biderman.  
18 I'm with National Waste Recycling Association. Our  
19 association employs more than a thousand workers in  
20 New York City. We represent the great fabric and  
21 diversity of the city, and you can see that from the  
22 industry and the employee representatives who are  
23 here today. I need to depart from my testimony, Mr.  
24 Chairman. The rate cap was created well before you  
25 and I were born. So it has nothing to do with the

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1  
2 Trade Waste Commission cleaning up the city. It's  
3 been in existence for 60 years. It has nothing to do  
4 with what you were mentioning.

5 CHAIRPERSON REYNOSO: Yep, it does have  
6 to do with what I'm trying to say is that a rate cap  
7 is necessary so there won't be any--people won't be  
8 getting overcharged.

9 DAVID BIDERMAN: The rate cap is not  
10 necessary for people to get overcharged. There are  
11 more than 200 licensed carters that compete heavily,  
12 and that is what keeps people from being overcharged.  
13 But I hope that my time will be extended since we--

14 CHAIRPERSON REYNOSO: Absolutely. Don't  
15 worry, man. I'm going to give you a lot of love  
16 because I think it's important to hear from you. Are  
17 there--is there a significant amount of carters that  
18 are working significantly under the cap.

19 DAVID BIDERMAN: Yes.

20 CHAIRPERSON REYNOSO: Yes?

21 DAVID BIDERMAN: Yes.

22 CHAIRPERSON REYNOSO: Name one industry  
23 and tell me what the rate cap is, and how far low  
24 they're doing it.

25



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1  
2 DAVID BIDERMAN: We're under the rate  
3 cap.

4 CHAIRPERSON REYNOSO: By how much?

5 RON BERGAMINI: It depends. Different  
6 companies, different customers rather, different  
7 rates. It depends where they are. It depends what  
8 they're providing. How frequent the service is. If  
9 it's Saturday service, if it's five times a day  
10 service. Columbia Presbyterian pays one rate, and  
11 New York--New York Yankees pays another. So it's  
12 complex question, but we're under the rate. Yes.

13 CHAIRPERSON REYNOSO: I agree it is  
14 complex, but I do want to say so with the lowering of  
15 the rate cap, it's like a race to the bottom with the  
16 private carting industry. So I kind of wanted to get  
17 to this point. It's like a race to the bottom. How  
18 can I charge the lease, and how do I get to charging  
19 the lease? I get there by paying my workers less, by  
20 not upgrading my trucks, and by not making  
21 investments. It's part of what I'm talking about  
22 this double-sided sword that we keep talking about.

23 RON BERGAMINI: We don't seek to be the  
24 lowest cost provider.

25 CHAIRPERSON REYNOSO: But you guys are.

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1  
2           RON BERGAMINI: We don't. We want to  
3 offer quality, efficient service. We've never wanted  
4 to be the cheapest. We're not looking to be Wal-Mart  
5 here.

6           CHAIRPERSON REYNOSO: Okay, Action, you  
7 make things difficult, because you are one of the  
8 good guys.

9           DAVID BIDERMAN: And while Action--

10          CHAIRPERSON REYNOSO: [interposing] We  
11 like you. We're not going after you, but I just want  
12 to say Biderman doesn't represent--you are Biderman's  
13 pride and joy. Let me tell you, you are. Because  
14 his circle of friends--his circle of friends don't  
15 look like the table that we're seeing in front of us.  
16 But go ahead Biderman. I want you to finish your  
17 testimony. I want you to finish your testimony. Go  
18 ahead.

19          DAVID BIDERMAN: Mr. Chairman, I enjoy  
20 this immensely. The Citizens-- As you probably know,  
21 the Citizens Budget Commission last year issued  
22 several reports. One of those reports stated what  
23 the average wages were for drivers in the solid waste  
24 industry, and we're getting this-- This is a  
25 discretion away from the transfer station issue.

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1  
2 That number was in excess of \$60,000 a year. Ron is  
3 a great guy, but there are lots of other great guys  
4 in this industry who pay very good wages to very hard  
5 working men and women who do a very tough job that  
6 you and I couldn't do. And candidly if we're going  
7 to talk about data, and use facts then let's be  
8 factual. Okay? Excellent.

9 CHAIRPERSON REYNOSO: I have no problem  
10 with that. I just want to say an 18% reduction in  
11 our communities and our districts gets to a level of  
12 throughput that's very small. So when we talk about  
13 this job displacement and this mask that you're  
14 concerned about there's other waste transfer stations  
15 that are going to get the opportunity to expand and  
16 increase employment. So I just want to be very clear  
17 that the way that the argument is being moved is  
18 that, Oh, he's going to close down waste transfer  
19 stations. That's why some transfer stations are  
20 actually going to increase in capacity, and are going  
21 to be allowed to actually hire more workers. And so  
22 hopefully those are good players. I just want to be  
23 very clear that this is not a an across the board  
24 cut.

25

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1  
2 DAVID BIDERMAN: Every time a small  
3 bodega closes, Wal-Mart doesn't add an employee. So  
4 don't think that there's a one-to-one relationship  
5 there. But getting back to my testimony-- Actually,  
6 another digression from my testimony, somebody  
7 stated--somebody stated that that the industry is  
8 waiting to the last minute to make investments in new  
9 trucks.

10 CHAIRPERSON REYNOSO: I said that.

11 DAVID BIDERMAN: An investment in new  
12 trucks. That is unfortunately not correct. Many  
13 carters are making those investments, right now  
14 buying new trucks, retrofitting their existing  
15 trucks. So the fact that people talk about the  
16 fleets being 12 or 13 years old while that might  
17 technically be true, they're using emissions  
18 technology that is much newer than that. So you need  
19 to look at the whole picture to be able to accurately  
20 depict what's going on in our industry.

21 CHAIRPERSON REYNOSO: Well, Action  
22 Carting is one of the good players. What is the  
23 average age of your trucks? And these are the good  
24 guys. Forget about the time, guys. These guys are  
25 all right. You guys are okay.

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1  
2 RON BERGAMINI: We've done some  
3 acquisitions that have thrown our numbers off, but  
4 probably about eight years is the average.

5 CHAIRPERSON REYNOSO: So eight years.  
6 The good guys.

7 RON BERGAMINI: We would like to be  
8 better, frankly.

9 CHAIRPERSON REYNOSO: All right, these  
10 are the good guys. These are the top of the--this is  
11 the icing on the cake guys.

12 RON BERGAMINI: We're two-thirds  
13 compliant with the 2020.

14 CHAIRPERSON REYNOSO: Two-thirds  
15 compliant.

16 RON BERGAMINI: We're two-thirds--we're  
17 100% compliant because the law is not in effect so--

18 CHAIRPERSON REYNOSO: So my point it  
19 isn't but that's not true. That is not true. My--  
20 the intent to put this law through doesn't preclude  
21 you from updating your trucks the way they need to  
22 be.

23 RON BERGAMINI: You know what does?  
24 Money.

25 [applauses/cheers]

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1  
2 RON BERGAMINI: Money prevents us from  
3 doing it.

4 CHAIRPERSON REYNOSO: Yeah, you--you  
5 updated two-thirds. When did you update your last  
6 two-thirds. This legislation has been floating  
7 through the Council for five years, and in that time  
8 --

9 RON BERGAMINI: [interposing] We have a  
10 hundred trucks.

11 CHAIRPERSON REYNOSO: --you haven't  
12 updated any trucks?

13 RON BERGAMINI: That's a hundred trucks.  
14 That's \$27 million. I don't have that.

15 CHAIRPERSON REYNOSO: All right.

16 RON BERGAMINI: So we've been doing it  
17 every year incrementally. That's why some other  
18 companies are doing that.

19 CHAIRPERSON REYNOSO: That's what I'm  
20 saying you're the good guys. You have more money  
21 than half of these people.

22 RON BERGAMINI: Yeah, yeah.

23 CHAIRPERSON REYNOSO: You are trying and  
24 you can't get to 100% compliance with your trucks.

25

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1 Can you imagine what the little guys that don't care  
2 about the record.

3  
4 RON BERGAMINI: That I worry about, yes.  
5 [sic]

6 CHAIRPERSON REYNOSO: I'm just making an  
7 example of Biderman saying we've got to be very  
8 mindful. The good guy can't even do that 100%. Do  
9 you think the little guys are doing it?

10 RON BERGAMINI: We'll be there in 2020.  
11 You write that down.

12 CHAIRPERSON REYNOSO: I believe you and  
13 I'm looking forward to it.

14 RON BERGAMINI: Okay.

15 CHAIRPERSON REYNOSO: But the little guy  
16 won't. That's my point. You know the transfer  
17 stations that I went to and I visited personally  
18 there is no way [bell] they're going to get anywhere  
19 near that.

20 RON BERGAMINI: You're right.

21 CHAIRPERSON REYNOSO: Biderman, you can  
22 keep going with your testimony.

23 [laughter]

24 DAVID BIDERMAN: Thank you, Mr. Chairman.

25 Arbitrary reductions in transfer station capacity are

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1 not good for workers, businesses, or the city. Waste  
2 generated in the city is increasing by four to five  
3 percent annually, and I read yesterday that  
4 construction permits in the city were up 31% last  
5 year. 31% is a big increase. I don't know if that's  
6 exactly depicted on this graph behind me. The marine  
7 transfer stations as you've heard about are about to  
8 come online. That will reduce refuse truck traffic  
9 significantly in North Brooklyn and elsewhere. Let's  
10 keep in mind that Intro 495 goes well beyond the  
11 permit capacity reduction goals established in the  
12 SWAMP. In fact the bill is an unlawful attempt to  
13 modify the SWAMP without following appropriate state  
14 regulatory procedures. It's likely to lead to the  
15 closure of several existing C&D and SW transfer  
16 stations, which undoubtedly is the point of its  
17 advocates. But this means that the handful of  
18 transfer stations in the city that are located  
19 outside the four districts are going to get much more  
20 garbage, much more refuse. Hundreds of trucks will  
21 be diverted to these other areas, to these other  
22 facilities every day. And all we'll be doing, as  
23 Councilman Treyger and others have said, is be  
24 spreading the garbage around. And what will the  
25



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1  
2 environmental impact of diverting hundreds of trucks  
3 on a daily basis be? What schools and parks will be  
4 passed by these trucks? What environment study, what  
5 traffic study has been done? I haven't seen any yet.  
6 And in addition, and this has been mentioned before,  
7 this bill eliminates much of the capacity that New  
8 York City relied on in response to Hurricane Sandy.  
9 And I've heard several people say, but once the MTSS  
10 come online we'll have a lot of capacity. Marine  
11 transfer---

12

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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 February 18, 2015