



The City of New York
BUSINESS INTEGRITY COMMISSION
100 Church Street · 20th Floor
New York · New York 10007

Daniel D. Brownell
Commissioner and Chair

**Testimony of Commissioner Daniel D. Brownell of
the New York City Business Integrity Commission before
the Committee on Sanitation and Solid Waste Management of
the New York City Council on the Fiscal Year 2017 Preliminary Budget and
the Mayor's Fiscal Year 2016 Preliminary Management Report**

March 16, 2016

Good afternoon, Chair Reynoso and members of the City Council's Sanitation and Solid Waste Management Committee. I am Dan Brownell, Commissioner of the New York City Business Integrity Commission, or BIC. Joining me are Deputy Commissioner of Operations and Chief of Staff Peggy Tierney, Deputy Commissioner of Legal Affairs and General Counsel Noah Genel, and Assistant Commissioner of Legal Affairs John Curry. Seated just behind us is BIC's Director of Policy Salvador Arrona. Thank you for inviting us to testify today.

The past year since I appeared at BIC's last Preliminary Budget and Preliminary Management Report hearing has been busy and productive for the agency, but not without its challenges. We have had a number of significant and tangible successes, which I will outline in more detail in a moment, and have begun to take BIC in new directions. In addition, and perhaps most importantly, we have sought to adapt our policies and practices to keep pace with the changing industries that we regulate.

This past November, BIC, together with the New York City Police Department (NYPD) and the Manhattan District Attorney's Office, announced the indictments of nine heating oil delivery companies along with 44 of their owners and drivers for stealing millions of dollars

from customers through various fraudulent schemes that resulted in customers paying for heating oil that was never actually delivered to them. This is probably the largest criminal investigation that BIC, along with our squad of NYPD detectives, has ever undertaken. Last fall, we also reformed the Trade Waste Advisory Board, which is comprised of a diverse group of members of the commercial waste hauling industry that meets with members of the Commission staff on a monthly basis. I have also personally attended some of the meetings. The main purpose of the Trade Waste Advisory Board is to foster a more collaborative relationship between the agency and those we regulate.

Our efforts go beyond solely regulation. They also include policy development, as the City undertakes major steps to improve commercial waste disposal. We are working with the New York City Department of Sanitation (DSNY) and the Mayor's Office of Sustainability, along with the carters and various community groups, to help develop more effective measures to increase recycling and composting of commercial organic waste, while also working to reduce commercial waste hauler truck traffic.

With respect to the heating oil fraud investigation, for the last 2 ½ years, BIC has been involved in a massive criminal investigation of the heating oil delivery industry here in the City. The case actually started when I was at the Manhattan District Attorney's Office, heading the Rackets Bureau. I was approached by a BIC investigator, who is a retired NYPD Detective. The investigator had information through a confidential source about extensive stealing during heating oil deliveries. I met with the source, who was a walking encyclopedia of the corruption in this industry. What he reported about the various schemes was astounding in terms of how many people were involved in the fraud and how much oil was being systematically stolen. Over the course of the last two years (encompassing two heating oil seasons), we, along with our law

enforcement partners on the investigation, obtained court-authorized warrants to listen in on the phones of certain unscrupulous delivery owners and their drivers as they engaged in their schemes. As a result, we obtained the indictments announced in November.

As alleged in the indictments, those involved in the heating oil scam stole from everybody – schools, apartment buildings, churches, homeless shelters, City buildings, including police stations, firehouses and NYCHA Housing Developments – even the building housing the Manhattan DA’s Offices. Essentially, they stole from any building with large oil tanks where they knew they could get away with it, relying on the notion that, if they stole a few hundred gallons on each delivery, no one would notice. And they were almost always right: the customers they were stealing from almost never noticed. On the rare occasion when a delivery was questioned, they would just claim that an innocent mistake had been made and correct the delivery – customers were usually more than happy with that resolution, unaware of the systemic fraud being perpetrated across the City. In this manner, gallon by gallon, those unscrupulous individuals and companies working within the heating oil supply industry stole tens of millions of dollars each year from New York City and its residents.

Not only did BIC play a major role in the criminal investigation to help expose the fraud and indict those responsible for it, we also focused our efforts on figuring out what it will take to stop these chronic, pervasive thefts going forward. The reality is that there is too much easy money to be made by stealing, often because most buildings don’t have anyone present when the oil deliveries happen. So we did two things. First, we led the effort to determine how consumers can most effectively protect themselves, especially City agencies, who we estimate collectively lost at least \$10 million a year. We, along with investigators from the Department of Investigation (DOI), visited various buildings and examined their tanks and spoke with building

managers. We went to tank gauge companies and learned about the latest technology available. We even spoke to some of the “bad guys” who had been stealing oil for years, who began cooperating with us, and asked what they would do to stop the fraud. On the day of the arrests this past November, BIC and DOI released a comprehensive report informing people as to what they could do to protect themselves against the heating oil delivery fraud. That report is now available on our website. Since then, BIC has joined the City Heating Oil Task Force to continue to share best practices going forward and has met with members of the heating oil supply industry to more fully understand how the industry works. The bottom line is that there are a few simple measures consumers can take that will go a long way to stopping these thefts. But consumer education alone is not enough. In essence, that would place the entire burden for fixing the problem on the victims. The City has a part to play here and, in fact, has effectively dealt with these kinds of systemic frauds before.

Twenty years ago, the Manhattan District Attorney’s Office brought a series of criminal cases based on the fact that the trade waste industry was being strangled by corruption. Carting costs for businesses were artificially high because organized crime had stifled all competition by preventing honest carting companies from entering the market. However, in addition to prosecuting many of the corrupt companies – which is very time-consuming and expensive – the City created the Trade Waste Commission (which later became BIC). No city in the country ever had, or has since, created such an entity. Twenty years later, we find that this industry is now open and robust. Carting fees are affordable and, more than anything else, honest competition drives this industry. Of course, organized crime continues to attempt to work its way back into the industry, and it remains BIC’s core mission to ensure that does not happen.

Now, to be clear, the current heating oil delivery industry is not as shrouded in fraud as trade waste was. But there is real, systemic corruption in that industry. While there are many good, honest companies, the bad ones exert far too much influence. And as I explained, stealing is simply too easy and profitable, which makes it difficult for the honest companies to fairly compete. As DA Vance announced at the time of the indictments, the fraud resulted in the loss of tens of millions of dollars annually, and this was just a portion of the industry. I look forward to discussing the problems in the heating oil supply industry in more detail with the Council soon, as well as potential legislation to increase oversight of this largely unregulated industry.

Beyond heating oil, BIC's investigators, joined by our NYPD squad detectives, are working on other criminal investigations related to the industries we regulate. Other law enforcement agencies also regularly seek us out to work with them due to our knowledge of and expertise in the trucking industry. BIC routinely collaborates with other New York City agencies, as well as agencies in other counties in New York State and our neighbors in the State of New Jersey. We have especially been focusing on companies who defraud union benefit funds and victimize and exploit undocumented workers.

BIC's attention also goes beyond its unique role as a dual law enforcement and regulatory agency. We have also been focusing on developments in the industry with regard to the composting of organic waste. We want to do everything we can to make composting a real part of the City's waste management plan. To that end, we have been working with DSNY and recently announced BIC's Community-based Composting Pilot Program. The focus of this program is on small neighborhood not-for-profit composters who are active in their communities.

In a nutshell, the pilot program will allow most community composting organizations who want to transport commercial organic waste to enter into individual agreements with BIC. As long as these composters complete a simple online agreement with us, at no cost to them, they are free to continue their operations. The program currently runs for one year, with an option to renew the following year, at which time BIC will reassess the industry and determine whether additional measures by BIC are warranted. We had a kickoff event a few weeks ago and the response from the community composters was enthusiastic. We are also receiving input regarding this pilot program from our licensed and registered carters.

This dialogue is in line with our view of the proper way to regulate the industry, which requires the development of a more collaborative, working relationship with the agency's licensees and registrants. While we continue to issue violations when appropriate and also deny BIC licenses and registrations to companies who should not be operating in the City, we also need to work with the trade waste industry as we all grapple with the large and complex issues we face in waste removal. Major issues include: how can we reduce trade waste "truck miles"? How do we make this industry safer for both workers and the public? How can we improve working conditions generally in trade waste, including having a living wage for all? Collaboration is essential to making real headway in addressing these concerns, and I think we are making meaningful progress in establishing that with our licensees and registrants. Thus, we have been discussing many of these issues with the Trade Waste Advisory Board.

As noted, safety in the commercial carting industry is a key issue. It is gratifying to see that the carters are just as concerned with this as the public and this City Council committee. While the Council passed Local Law 56 of 2015 to require the installation of side guards on commercial waste hauling trucks by 2024, some of the larger carters are ahead of the game and

are already installing these safety improvements on their new trucks. Also BIC, together with the City Department of Transportation and the Department of Citywide Administrative Services, introduced a new incentive program in which qualified carters who adopt this safety measure early can receive a rebate from the federal government for the installation of side guards on their trucks. The Trade Waste Advisory Board is also looking into ways to offer courses for truck drivers to make trade waste truck operation safer. Many of these ideas, and the will to make them a reality, are coming from the carters themselves – they truly want this to be a better, safer industry.

In addition to our work in the trade waste industry, we are also actively engaged in a dialogue with members of the public wholesale markets that we regulate. In fact, earlier this month, we attended a board meeting of the Hunts Point Produce Market cooperative to listen to their concerns, have visited and had discussions with the various wholesale meat markets in the City, and have done the same with respect to the New Fulton Fish Market. Those businesses are experiencing real growing pains, particularly with respect to the condition of their aging market facilities in Hunts Point. Our discussions with the markets are aimed at staying apprised of the unique issues at each market and ensuring that our actions as the regulator foster a positive and productive environment for all involved in the markets.

On a less bright note, our PMMR statistics continue to be a concern for us. Clearly, it is still taking too long to process applications. Having said that, I am glad to advise you that our statistics are actually better than what was first reported in the PMMR. In early January, when we first calculated the application processing stats for our PMMR, we scratched our heads. We knew that these statistics could not be accurate because we had already instituted new measures that had accelerated the process.

As a result, we undertook a more in-depth review of the data. Looking at each case individually, we discovered erroneous and/or missing data that had sent our numbers through the roof. In some cases, these errors made it appear as if the backgrounding process had taken as long as 10 years. Even a single record with this type of error can cause overall statistics to be skewed by as much as 50%. We have advised the Mayor's Office of Operations of our findings and corrected the statistics. I can now report that the average number of days to complete a new trade waste application is 158, down 54 days from what was first reported, and a wholesale markets application is 193, down 189 days.

But more importantly, in terms of the volume of applications completed, our statistics show great improvement from last year. For the first four months of Fiscal Year 2015 (July 1, 2014 to November 1, 2014), we completed 177 applications. For those same four months in Fiscal Year 2016, we completed 222 applications. That is an improvement of just over 20%. Even more striking is the difference between the first eight months of Fiscal Year 2015 versus the first eight months of the current fiscal year, which period we just completed. For that period in Fiscal Year 2015, we completed 497 applications. For that same period in Fiscal Year 2016, we completed 665 applications. That is an improvement of 36%.

The numbers show that we are headed in the right direction, and I am confident that we will continue to improve. To this end, we have focused on enhancing the performance of the Agency's Background Investigation Unit or BIU, which plays a major role in vetting all the data on the applications. We are also having our experienced attorneys in the Legal Unit work more closely with the BIU Intelligence Analysts to more efficiently identify and resolve any issues with our applicants.

To further improve our efficiency, we are moving ahead to make online BIC applications a reality. This will make it easier for the industry to submit the applications and for us to process them. The online application will eliminate the majority of manual data entry by our Licensing Department. This will speed up the process in terms of when we can begin conducting the background checks on the applicants and will eliminate human error in the data-entry process. We are also continuing to streamline the information we ask for on all our applications, but particularly for the Class 1 registrants. Those registrants haul only their own waste and are generally small businesses, like landscapers. It is BIC's number one priority to more efficiently process our applications. Chair Reynoso, I will keep you informed of our progress in this area on a regular basis throughout this year.

That is a summary of the main issues and projects we have been engaged in at BIC. We are happy to answer any questions you have.



sanitation

Kathryn Garcia Commissioner

Testimony of Kathryn Garcia, Commissioner New York City Department of Sanitation

Hearing on the FY 2017 Preliminary Budget, Mayor's FY 2016 Preliminary Management Report and Agency Oversight Hearing before the New York City Council Committee on Sanitation and Solid Waste Management

Wednesday, March 16, 2016

1:30 P.M.

City Hall, Council Chambers

Good afternoon Chairman Reynoso and members of the City Council Committee on Sanitation & Solid Waste Management. I am Kathryn Garcia, Commissioner of the New York City Department of Sanitation. Thank you for the opportunity to discuss the Department's portion of the Mayor's Fiscal Year 2017 Preliminary Budget, the Mayor's FY 2016 Preliminary Management Report, and our current programs and operations. With me this morning are Dennis Diggins, First Deputy Commissioner, and Larry Cipollina, Deputy Commissioner for Administration and Financial Management.

Preliminary FY 2017 Budget

As proposed, the FY 17 Preliminary Budget allocates \$1.64 billion in operating funds for the Department to carry out its core mission of keeping New York City healthy, safe, and clean by collecting and managing more than 11,000 tons of refuse and recyclables per day, cleaning streets and vacant lots, and clearing snow and ice. The proposed budget also ensures the Department's ability to manage our ambitious and expanding sustainability programs, advance our marine transfer station conversion program, and continue closure construction at the Fresh Kills landfill.

The FY 17 Preliminary Budget also achieves nearly \$10 million in waste export savings resulting from waste at the Varick Avenue transfer station being delivered to a closer disposal site, in addition to lower-than-expected bids for the new Brooklyn interim contracts.

In addition, the Department's capital budget proposed for FY 17 is approximately \$277 million. Of this amount, \$154 million is allocated to facility construction and rehabilitation, \$20 million for information technology projects, and \$103 million to replace equipment and vehicles.

Delivery of Core Services

Street cleanliness and litter control are essential to preserving and protecting the quality of life for the City's residents and communities. Through January of FY 16, the Department achieved a citywide average scorecard rating of 94.6%.

I am pleased to announce that under the Mayor's CleaNYC initiative announced in January, the Department will expand Sunday and holiday basket collection service by forty percent (40%), focusing on the most heavily-trafficked neighborhoods across the five boroughs. We will also expand highway shoulder and ramp cleaning in all five boroughs, including the Staten Island Expressway, Belt Parkway, Brooklyn Queens Expressway, FDR Drive, Major Deegan Expressway, and Long Island Expressway, among others. Highway ramps are often the first impression many people have of the City, but these areas don't always get the attention they require. The Department will sweep approximately 100 miles of ramps and shoulders per week to remove litter and other debris from these areas. Mayor de Blasio's CleaNYC initiative also includes expanded graffiti removal and sidewalk power washing by the City's Economic Development Corporation in commercial corridors citywide.

The Department's portion of the Mayor's CleaNYC initiative will cost \$2.5 million in expense funds in FY 17, though we view this as an important investment in beautifying our City, instilling neighborhood pride, and leaving visitors to our City with a lasting positive impression.

Responding to snow and ice during the winter to ensure safe travel on the City's 19,000 roadway lane miles is another critical mission of the Department. In FY 17, the Department's proposed preliminary snow budget is approximately \$87.6 million. The adopted snow budget for FY 16 is \$77.5 million, though our estimated expenditures now stand at approximately \$103 million to date for this snow season. With the exception of the January 23rd blizzard, the second largest recorded snowfall in New York City's history, we have experienced a relatively uneventful snow season this year -- certainly nobody is displeased with that. The official total snowfall accumulation for the City during the 2015-2016 snow season currently stands at thirty-one and a half inches (31½"), most of which resulted from the January blizzard. Also to date this season, we have used 263,240 tons of road salt. At this time last year, we had already gone through more than 522,000 tons of salt.

We also expanded sector routing to all community boards in the boroughs of Manhattan, Queens, and Staten Island, together with Community District 6 in the Bronx and Community District 8 in Brooklyn. We will continue working to expand the program over the coming year to all remaining community districts. Before I move on from the topic of snow, I wish to call out special attention to all of our Sanitation Workers and uniformed officers for their extraordinary efforts during the January blizzard. They worked under extreme and dangerous weather conditions to bring our City back after this historic snowfall.

SWMP Implementation

The Department continues to advance the long-term waste export infrastructure component of the City's approved Solid Waste Management Plan (SWMP). The SWMP establishes a fair and equitable five-borough waste management system and reduces the impact of waste management on historically overburdened neighborhoods, allowing us to achieve greater equity in communities across the City. The FY 2017 Preliminary Budget allocates \$387 million in export tipping fees for the Department to continue its current interim

and long-term export operations, and \$26.2 million in capital funds to continue construction of the marine transfer station conversions.

The North Shore Marine Transfer Station (MTS) in Queens—the first of four converted marine transfer stations to be completed—opened last spring and now manages more than 1,200 tons per day of Department-managed waste from eastern Queens, including 670 tons per day that was previously tipped at private transfer stations in Queens Community District 12. Also, all of the Department-managed waste generated in Queens Community Districts 1 through 6 is now transported out of the city by rail from the Review Avenue Transfer Station. At present, 70 percent of the City's waste is being transported out of the City as planned for in the SWMP—either by barge or rail in sealed containers, or delivered directly to an energy-from-waste facility in Essex County, New Jersey.

The Hamilton Avenue MTS is nearing final completion and we expect it to open in 2017. Construction of the Southwest Brooklyn MTS is also underway and we expect it to be completed in 2018. We are currently finalizing negotiations with a vendor that will accept the sealed containers at the two Brooklyn MTSs, transport them by barge to an intermodal facility in New York Harbor, and transload them for transport to disposal facilities outside of the City. We anticipate registration of this service contract by the summer.

Construction of the East 91st Street MTS is also underway, and we expect this facility to be completed in 2017. Design of the alternate East 92nd Street ramp will commence later this year, and we expect construction of the alternate ramp to begin in early 2019.

Demolition and remediation work on the Gansevoort Peninsula began last summer. As you know, the Department's ability to move forward with the proposed Gansevoort MTS and Recycling Education Center on this site is subject to the City and State entering into a Memorandum of Understanding, and requires the allocation of the State's portion of the capital funds for Hudson River Park. The City continues to lobby the State to execute an MOU and provide its \$25 million share to the Hudson River Park funding.

Recycling and Sustainability

In accordance with Mayor de Blasio's comprehensive sustainability plan, One New York: The Plan for a Strong and Just City, it is our goal to promote and support a system of sustainable solid waste management that minimizes waste and maximizes recycling and reduces the amount of waste we dispose of by 90 percent by 2030.

The FY 17 Preliminary Budget allocates a total of \$50.2 million for waste prevention, recycling and sustainability programs. The preliminary budget also allocates \$815,000 to reinstate fall leaf collection later this year to 36 community districts. The school organics collection program, which previously was only funded through FY 16, is now funded in every year.

The Department continues to expand the voluntary residential organics collection program. When the Department launched the pilot in 2013, there were 3,500 households participating in the program. Today we now provide curbside organics collection service to 200,000 households servicing approximately 650,000 residents. We are funded in the FY 17 preliminary budget to expand the program to surpass 600,000 households—well over 1 million residents—which will make it the largest organics collection program in the country. We also

have over 400 multi-unit buildings in Manhattan, the Bronx, Brooklyn and Staten Island in the organics program, representing about 23,000 households and 47,000 residents. We also have more than more than 40% of New York City's public schools across all five boroughs, 28 charter schools co-located in Department of Education buildings and 69 private schools, agencies and institutions, participating in school organics collection.

From the inception of the programs through December 2015, the Department collected nearly 25,000 tons of organic material from participating households, schools and agencies. This includes nearly 11,000 tons from the school program, and over 14,000 tons from residential buildings. During this same period, the Department collected another 1,230 tons from green market drop-off sites serviced by the Department, and almost 7,200 tons of Christmas trees—214,899 trees in total—through our annual January collection program.

The Department is also working with our partners, Housing Works and Electronics Recyclers International, to expand our re-fashionNYC and e-cycleNYC programs in apartment buildings. As of January 2016, there are 1,066 buildings with 107,798 households across the City participating in the re-fashionNYC program, with another 300 sites currently in the enrollment process. The re-fashionNYC program has collected and diverted a total of 5,382,952 pounds of textiles for reuse and recycling.

The e-cycleNYC program is the most expansive electronic waste collection service offered by any municipality in the country. Since its inception in November 2013, e-cycleNYC's apartment program has grown to more than 7,300 residential buildings across all five boroughs, servicing over 566,000 households, with 58 institutional sites enrolled, and 4,000 sites currently in the enrollment process. Since the program began, e-cycleNYC has collected more than 2.5 million pounds of electronic waste. The Department encourages residents to attend its SAFE Disposal Events, utilize its special waste drop-off sites, or take advantage of existing take-back options for the disposal of electronic waste. We are continuing to explore and evaluate options to increase opportunities for residents, particularly in low density areas who don't reside in program-eligible apartment buildings, to recycle their unwanted electronic waste.

The Department will also host one "SAFE Disposal Event" in each borough this spring, with another event to be held in each borough this fall. Mailers describing the program will soon be sent to households across the city. During the SAFE Disposal Events held in last fall, the Department collected a total of 703,256 pounds of household hazardous materials dropped off by residents. These free drop-off events are open to all New York City residents. Information on the dates, times and locations of each of these events is posted on our website at nyc.gov/safedisposal, and may also be obtained by calling 311.

Green Technology

The Department continues to test a variety of advanced technologies on our heavy-duty fleet that are designed to reduce vehicle greenhouse gas emissions and improve fuel efficiency. In FY 16, the Department purchased six additional hybrid-electric street sweepers, bringing the total deployment to eighteen. These six units will have the capability to provide backup electrical power to support our facilities citywide during blackouts. The Department is exploring a pilot to test a clean-burning renewable fuel called dimethyl ether. To support the growing number of electric vehicles in our fleet, the Department will install 35 additional Level-2 EV

chargers bringing the citywide total to 84. The Department leads in operating one of the cleanest municipal collection fleets in the nation and will continue to explore and test green technologies as they develop.

Workplace Diversity

One of the most important missions of the Department is to ensure that equal opportunity is available to all members of the Department workforce, and that all of our workers receive fair and equitable treatment.

The Department is dedicated to providing proper facilities for both our male and female uniformed workers, including separate restrooms, locker rooms and shower facilities. I am pleased to report that to date in FY16, the Department has completed the construction of separate female facilities at fifteen (15) Department garage or field locations, with another four (4) facilities having construction contracts now registered, and another eight (8) facilities under design. We have made substantial progress but know we have more to do as we move into the next fiscal year.

During the Sanitation Worker Exam recruitment campaign in 2015, the Department provided specialized outreach to minority and female populations of New York City. The Department is currently focusing attention on the promotion of minority and female workers within the uniformed ranks. We need Sanitation Workers to actually sign up and take the Supervisor exam so that they can eventually move up in the uniformed ranks to various Chief levels if they desire to accept the added responsibility. This is an area where we know we must work harder. However, both the current lists for our Supervisor and Superintendent titles are more diverse than the current employees in both titles, so we believe diversity will increase in those ranks in future years. This would then give us a more diverse pool to pull from for our GS II and higher Chief titles. I assure you that Department leadership is committed to building upon the achievements it has made already.

Closing Remarks

Thank you for this opportunity to testify today. I look forward to working with this Committee and the Council on future sanitation-related issues. I am now happy to answer your questions.

LISA DICAPRIO. STATEMENT ON BEHALF OF THE SIERRA CLUB NYC GROUP IN SUPPORT OF EXPANDING FUNDING FOR RECYCLING.

MARCH 16, 2016 PRELIMINARY BUDGET HEARING FOR THE COMMITTEE ON SANITATION.

My name is Lisa DiCaprio. I am a professor of Social Sciences at NYU where I teach courses on sustainability.

Last year, I helped to organize a "Recycling and Zero Waste" forum with Melissa Elstein, a co-founding member of the West 80s Neighborhood Association and the NYC Coalition of Block and Community Leaders. The forum, which was held on the Upper West Side on November 10, 2015, covered a wide spectrum of issues related to recycling and the reduction of waste in NYC. It was co-sponsored by several community and environmental organizations, including the Sierra Club NYC Group. (For a West Side Spirit OpEd that we co-authored about our event, see:

<http://www.nypress.com/columnsop-ed/20151124/how-and-why-to-get-to-zero-waste>)

Today, I am advocating on behalf of the Sierra Club NYC Group for expanding Department of Sanitation funding for residential recycling which is essential for achieving the new OneNYC goal of zero waste to landfill by 2030. This goal should not be met by increasing the amount of trash that is incinerated outside of NYC.

Local Law 19, NYC's first comprehensive residential recycling bill, was passed in 1989. New legislation in 2010 substantially expanded opportunities for recycling in NYC with regard, for example, to plastics, public space, household hazardous waste, clothing and textiles, and programs in schools and city agencies. This legislation also increased fines for non compliance, improved outreach and education, and required the Department of Sanitation to carry out waste characterization studies in 2012 and 2018 and a comprehensive study by 2024. Despite this legislation and various new initiatives in composting, NYC's rate of recycling is still only about 17%.

Here are some recommendations for improving NYC's residential recycling program:

- Provide funding to ensure that all trash bins in NYC are accompanied by recycling bins. Today, the recycling bins on NYC streets are provided by the Department of Sanitation and various business alliances. For recycling to become habitual, trash bins must always be complemented by recycling options. The 2010 recycling law mandated the installation of 700 recycling bins on NYC streets over a 10 year period. While this increase is not sufficient for our city of 8.5 million people, it provides a precedent for mandating the purchase of a specific number of recycling bins for our streets.
- Prioritize the replacement of wire-mesh trash cans on our streets with enclosed trash bins to deter rodents.

- Increase enforcement of NYC's recycling laws. At present, there is no effective deterrent for the violation of these laws. To facilitate enforcement, which is currently more symbolic than real, the Department of Sanitation could require switching from black plastic bags to the type of opaque white plastic bags used for trash by the Doe Fund and the Village Business Alliance, among others. The presence of recyclables in trash will be easily identifiable and will not require opening up trash bags for inspection. Opaque white trash bags will also facilitate citizen enforcement of recycling law violations. For this purpose, I recommend legislation modeled on Int. 717-2015, which Council Member Helen Rosenthal introduced as a way to enforce NYC's anti-idling law. (See: <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2240465&GUID=2FDAF985-586E-4902-9918-BC683FAACFE8&Options=ID|Text|&Search=idling>)
- Increase funding for GrowNYC public education campaigns about recycling, which could include public service announcements and subway ads about recycling and waste reduction.
- Ensure adequate funding for workshops to inform all building supers about NYC's recycling laws.
- Provide funding for a city recycling awareness day that could be proclaimed by the City Council and would correspond with the National Recycling Day every November 15. See www.doonething.org/calendar/recyclingday.htm and www.americarecyclesday.org

Our recycling programs should not be affected by changes in the market for recyclables. While volatility in prices for commodities, such as paper and oil, reduce the profitability of recycled products, these price fluctuations do not change the fact that recycling reduces landfill fees and our consumption of raw materials and energy. (See David Gelles, "Losing a Profit Motive," New York Times, February 13, 2017, http://www.nytimes.com/2016/02/13/business/energy-environment/skid-in-oil-prices-pulls-the-recycling-industry-down-with-it.html?_r=0) For example, by recycling an aluminum can, we reduce by 95% the amount of energy required to produce this can from raw ore. (See Stephanie Strom, "Companies Pick up Used Packaging, and Recycling's Cost," New York Times, March 23, 2013, <http://www.nytimes.com/2012/03/24/business/companies-pick-up-used-packaging-and-recyclings-cost.html?pagewanted=all>)

Moreover, institutions, such as municipal governments, can increase the market for recycling by mandating or expanding the percentage of recycled content specified in their procurement policies.

Recycling addresses two of the main challenges of our time – climate change and finite planetary resources. If every country were to adopt the average American lifestyle with its accompanying ecological footprint, we would require the equivalent of four to five planets of resources. By increasing funding for recycling, we can make a new commitment to achieve one planet living.

Testimony Before NYC Council Subcommittee 3/16/16 Hearing Regarding Sanitation Budget 2017

My name is Melissa Elstein, and I am a founding member of the West 80s Neighborhood Association (www.west80s.org) and the NYC Coalition of Block & Community Leaders. As my part of my volunteer community work, I organize UWS street, sidewalk, and tree bed clean-up days, including the annual Spring Love Your Street Tree Day Event (co-sponsored by Council Member Helen Rosenthal and other elected officials, CB7, environmental groups, local businesses, schools, non-profits, city agencies, such as Sanitation and Parks Departments). These events aim to bring awareness to the connection of waste and the environment, and the importance of our urban street trees to our health, economy, and environment. We also hosted a Recycling and Zero Waste Forum Nov. 11th, 2015 that was attended by over 100 people from all over the city, and the video of that event is on my association's and Helen Rosenthal's websites. We have recently organized plastic bag/ balloons in trees removal events, along with NY Restoration Project. We do periodic graffiti removal days as well. So you can tell I am passionate about these issues, and want to help make NYC become a more livable, healthier, happier, safer, and more beautiful urban environment. Today, I am testifying as a NYC resident and not representing my non-profit community organization.

To Support Mayor de Blasio's #CleaNYC Initiatives:

- Increase funding for purchase and installation of public space trash and recycling bins, and increased pick-ups to eliminate what we see daily - overflowing sidewalk trash bins with trash spilling on to streets, sidewalks, and into storm drains (resulting in rat issues and garbage flushing into our waterways. This is especially disturbing given the recent study conducted by NY/NJ Baykeeper indicating that there are 165 million plastic particles in waters surrounding NYC). Every day, plastic bags, straws, bottles, cutlery can be found along side street drains to be washed into waterways upon the next storm. Recent reports additionally indicate that by 2050 there will be more plastic than marine life in the oceans if we don't change waste management practices globally.

How many public space recycling bins exist on city streets, and should not every trash bin be accompanied by the recycling bins? Take a look at what is in our sidewalk cans, and I wonder how many items, such as the newspapers, cans, bottles, cups, plastic bags I observe daily could be diverted to recycling. We are wasting money by throwing this valuable trash resource away into landfills and/or incinerators (both options not environmentally friendly) when recycling this waste could be a source of revenue. And even if public space waste management is a smaller percentage of waste than residential or commercial, it is most evident to the everyday New Yorker and visitor. So our current situation sends a message that runs counter to the Zero Waste to Landfill goal set forth by the government, and also creates a negative quality of life urban experience – akin to broken car window glass in the 1980s. One of the most common complaints to my City Council

Member's office is overflowing public space garbage cans, and dog waste. With the Mayor's #CleaNYC plan, the city seeks to rectify this current situation, but it needs legislative teeth and funding.

- Fund a job trainees DSNY workforce doing sidewalk, curb and street sweeping to assist with above-described sanitation problems, as well as graffiti removal.
- Enforcement: increase funding for more sanitation enforcement officers to issue tickets and collect fines for sidewalk litter. See NYC AC §16-118(2). (This is also a way to increase revenue for the city that could be then used for environmental initiatives). How much revenue was collected last year from these fines? How many tickets were issued? How does it compare with parking fines? I am curious, as I see meter maids issuing tickets regularly but have never seen sanitation enforcement officers in my neighborhood. Is not sanitation enforcement most important given the effects on our environment, including rodent proliferation? This goes for enforcement of pooper scooper laws, or at the minimum returning the signage throughout the city that explained the dog waste rules and fines!

To Support the Mayor's OneNYC Goal of Zero Waste to Landfill by 2030:

- Funding for education and outreach (PSAs - i.e. free tv and radio, NY1, subway ads, bus stop ads, literature) on waste issues, recycling, plastic pollution, reducing use in the first place. (Just like all those DOH ads regarding cigarette smoking; after all, our waste problem is a health and environment problem).

Speaking of smoking, the # 1 source of ocean debris are cigarette butts (which contain plastic and chemicals). How do we prevent those butts from getting into our waterways in the first place; preventing the butts from being tossed on to our sidewalks, curbs, tree beds, storm drains? Can we incentivize buildings/ businesses to provide cigarette collections containers to divert cigarettes from polluting our waters? Terracycle provides these such containers and services, for example.

- Enforcement: increase funding for more sanitation enforcement officers to issue tickets and collect fines for recycling violations and non-compliance of recycling rules.
- Increase funding for organics food scrap recycling, more processing facilities and promotion/ education of the importance of diverting food waste from landfill where it converts to methane – a potent greenhouse gas. (And re organics recycling, reduce use of plastic bags for containing that food and lawn scraps, and promote use of compostable bags instead).
- Request financial resources to fund a study on financial and environmental costs/benefits of NYC switching from dual-stream to single-stream residential recycling (as advocated in OneNYC Plan).

Messaging/ Marketing:

- Create a free DSNY app explaining recycling rules in a clear and engaging format.
- The main underlying issue to all the above is reduction of waste and single-use discardable items. So how do we change public behavior and business models that externalize their business costs to taxpayers (such as coffee/tea chain establishments, fast food and take-out restaurants selling food and beverages in plastic containers, plastic straws, plastic cutlery, etc. only to be seen mere feet away in non-recycling garbage bins right outside their storefronts?) We need to create incentives for customers to bring reusable container, and for businesses to embrace for cradle-to-cradle, closed-loop products and merchandizing by passing product stewardship legislation (a/k/a Extended Producer Responsibility laws).
- Mayor's Office on Film and TV and PR office - making it fashionable and trendy to bring reusable items.
- To help increase our currently low city-wide recycling rates, enact a resolution proclaiming a city recycling awareness day (with community events) corresponding with www.americarecyclesday.org.
- Increase funding for distribution of educational materials, such as DSNY comic books in multiple languages.
- Provide funding in the budget for large annual community events to be held by DSNY and other agencies and elected officials regarding recycling and zero waste. See Strauss Media Op/Ed by Melissa Elstein and Prof. Lisa DeCaprio, attached.

March 16, 2016 - Melissa Elstein, 255 West 85th Street, NYC, 10024 melissaelstein@nyc.rr.com

HOW AND WHY NEW YORK CITY SHOULD GET TO ZERO WASTE

BY LISA DICAPRIO AND MELISSA ELSTEIN

NOVEMBER 26-DECEMBER 2, 2015

Voices

STRAUS MEDIA
your neighborhood news source

Vice President/CFO
Ottilie Bertalott
Vice President/CRO
Vincent A. Gardino
advertising@strausnews.com

President & Publisher, jeanine@strausnews.com

Account Executive
Fred Almonte, Susan Vana

Director of Partnership Development
Barry Lewis

Editor in Chief, Kyle Fobe
editor@strausnews.com

Deputy Editor, Richard Knaflitz
editor@strausnews.com

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As New Yorkers, we are too often confronted by overflowing curbside trash bins, mounds of plastic garbage bags lining and blocking the sidewalks, litter (including cigarette butts) collecting on streets, in curbs, within tree beds, and plastic bags in trees and storm drains. Clearly, the city has a trash problem. It's unsightly, certainly, and unsanitary. It also helps breed the rodent population.

Indeed, garbage issues are some of the most common complaints received by Councilwoman Helen Rosenthal's office, as she said during our recent "Recycling and Zero Waste" forum, which we hosted at the West-Park Presbyterian Church, an Upper West Side landmark and cultural center. More than 100 residents from throughout the city attended the Nov. 10 event.

We organized the forum to provide information about the city's new recycling and waste-reduction initiatives and to discuss how residents can help achieve Mayor de Blasio's OneNYC goal of diverting zero waste to landfill by 2030.

City residents produce an average of 12,000 tons of waste every day, which amounts to 3 million tons each year. The average New Yorker throws away 868 pounds of waste a year. Commercial establishments create 7,000 tons of waste daily. Annually, New Yorkers use 5.2 billion plastic bags – most of which end up in landfills, trees and waterways. The city's Department of Sanitation collects 800 million water bottles per year.

Currently, the city's overall recycling rate is just 17 per-

cent. The largest categories of recyclables New Yorkers throw out are organic materials, such as food scraps, but also paper, cardboard, plastic, cans, bottles and metal. Instead of obtaining revenue from these recyclables, the city spends \$350 million a year for waste disposal.

And of course, sending garbage to landfills and incinerators increases greenhouse gas emissions. More than one-third – 36 percent – of all methane emissions (which contribute to global warming) in the U.S. are from landfills.

Our current reliance on plastics has local and global implications. Plastic, manufactured from fossil fuels and chemicals, is not biodegradable. In oceans, plastics photodegrade into progressively smaller pieces creating a "plastic soup" that contaminates the oceanic food chain.

OneNYC's goal to divert zero waste to landfill by 2030 requires new legislation, collective and individual involvement, and money.

Our recommendations:

- Increase funding for the Sanitation and Parks Department for purchase and installation of trash and recycling bins on streets and in parks. And, for recycling to become habitual, ensuring that trash bins are always complemented by recycling options. Funding should also be provided for additional pickup trucks necessary for recycling in parks. Replace sidewalk wire-mesh trash cans with enclosed trash bins to deter rats.

- Increase funding for a city-wide public education campaign, including public service announcements and subway ads about recycling and waste



reduction, such as to use refillable water bottles. (See www.nyc.gov/greenyc)

- Support City Council Bill Intro. 209-2014, which would place 10-cent fees on plastic and paper single-use bags (with certain exemptions). It costs city taxpayers annually \$10 million to send 100,000 tons of plastic bags to landfills. Currently, 20 Council members, including Rosenthal, support the bag-law bill. See www.bagitnyc.org to sign petitions and for more information. Similar laws have been enacted throughout the U.S. and in other countries, and have helped reduce plastic waste.

- Encourage businesses to reward customers who bring reusable containers for take-away items. Businesses that rely on single-use, non-envi-

ronmentally friendly throw-away containers externalize their costs to taxpayers.

- Enforce anti-littering laws and provide funding for street sweeping. Create incentives for restaurants and bars to provide sidewalk cigarette collection containers, as cigarette butts are the largest source of ocean trash.

- A City Council resolution proclaiming a city recycling awareness day that would correspond with the National Recycling Day every November 15. See www.doonething.org/calendar/recyclingday.htm and www.americarecyclesday.org.

- Promote purchases by individuals, institutions and government of products manufactured with recycled materials.

To confront the enormous societal and economic costs of our waste problem, we need a cultural shift to acknowledge and reduce our trash footprint. While supporting new recycling policy measures, we must also reduce waste and consumption. It really is true that when we throw things away, there is no away.

For more information on the city's ZeroWaste initiative, as well as resources, visit www1.nyc.gov/assets/dsny/zerowaste/residents.shtml

Lisa DiCaprio is a professor of social sciences at New York University and a member of several environmental organizations, including the Sierra Club and 350NYC.

Melissa Elstein is a co-founding member of the West 80s Neighborhood Association (www.west80s.org) and the NYC Coalition of Block and Community Leaders.

Resources:

For the video of our November 10th forum, see www.helenrosenthal.com/video/

To enroll your building in or request a consultation for various recycling programs available to apartment buildings with 10+ units, see: nyc.gov/organics, www.nyc.gov/ecycle and www.nyc.gov/refashion

For Greenmarkets where GrowNYC collects food scraps for composting: gownyc.org/compost/locations

To donate reusable materials: www.reusenyc.info

For hazardous materials safe disposal: www.nyc.gov/safedisposal

www.gownyc.org/recycling/facts

www.sims municipal.com/NYC/Sunset-Park-MRF

www1.nyc.gov/html/onenyc/visions/sustainability/goal-2.html

www.wehatewastewaste.com

Acknowledgements:

In addition to Councilwoman Helen Rosenthal, panelists at the Nov. 10 forum included Manhattan Borough President Gale Brewer, Sims Municipal Recycling Education Coordinator Eadaoin Quinn, The Nature Conservancy's New York City Program Director Emily Nobel Maxwell; the city Department of Health's Director of Neighborhood Interventions Pest Control Services' Caroline Bragdon; the city Department of Sanitation's Senior Commercial Program Manager Brett Mons (Bureau of Recycling and Sustainability); GrowNYC representatives Ermin Siljkovic (recycling outreach coordinator) and Thaddeus Copeland (recycling champions program manager).

Reusable shopping and produce bags were donated by Citizens Committee for NYC, Mothering Mother, and The Nature Conservancy and distributed during a free raffle at the Nov. 10 event.

Neighborhood Scrapbook

LOVING TREES ON THE U.W.S.



BY MELISSA ELSTEIN

A cross-section of the Upper West Side community gathered together earlier this month for the First Annual West 80s "Love Your Tree Day."

The group celebrated our urban street trees by removing litter, cultivating the soil, spreading mulch, planting, and adding "Pick Up the Dog Poop" signs in tree beds.

This first large-scale neighborhood tree cleanup and tree adoption outreach was preceded by a kick-off event at Goddard Riverside Community Center. Presentations on the importance, benefits and harms to urban street trees were made by Council Member Helen Rosenthal, Cheryl Blaylock (Trees NY), Caroline Bragdon (NYC Department of Health's rat expert), Jaclyn Shanley (NYC Parks Depart-

ment and 2015 NYC Trees Census), Elizabeth Ewell (Goddard Greenkeepers), Stephan Russo (Goddard Riverside), and myself.

The mayor's office, in conjunction with Million Trees, has been planting hundreds of thousands of trees in the five boroughs to increase the benefits to city communities that trees bring: cleaning the air, reducing asthma rates, cooling the city (combatting heat island effect), reducing energy costs, providing habitats for wildlife, enhancing neighborhood aesthetics, increasing property values and business sales, reducing crime, and reducing storm water run-off that adds untreated sewage and wastewater into our rivers during storms due to NYC's combined sewage system infrastructure.

Sponsors included CCM Helen Rosenthal, Community Board 7, Goddard Riverside Center/ Greenkeepers, NYC Department of Health, NYC Parks, The Doe Fund, Broadway Mall Association, Curb Allure tree guards, Trees NY, West 80s Neighborhood Association, West Manhattan Chamber of Commerce, 20th and 24th Precincts, NYPD Explorers, Beacon Paint & Hardware, Lowe's Home Improvement, Urban Garden Center, Georgia & Aliou's Café, Classic Business Designs, and 85 Copy Center.

Melissa Elstein is secretary and founding member of the West 80s Neighborhood Association - an all-volunteer, non-profit community group.
www.west80s.org



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Hosted by



Queens
Botanical Garden

Your Guide to Our Food Scrap Drop-off Program

NYC residents now have 66 DSNY sponsored food scrap drop-off locations, conveniently located throughout all five boroughs. NYC Compost Project hosted by Queens Botanical Garden operates the following food scrap drop-off sites in Queens:

Briarwood E/F	Tuesdays	7:30-9:30 am	Main St and Manton St, in front of Queens Library at Briarwood	Year Round
Kew Gardens E/F	Tuesdays	7:30-9:30 am	Kew Gardens Rd and 81st Ave	Year Round
Fresh Pond Road M	Wednesdays	7:30-10:00 am	Fresh Pond Rd btwn Putnam Ave and Madison St in Ridgewood	Year Round
Queens Library at Flushing	Wednesdays	11:00 am-1:00 pm	Main St and Kissena Blvd, in front of Queens Library at Flushing	Year Round

Food scrap drop-off sites are closed on federal holidays and observed federal holidays. For future closure dates, please visit www.queensbotanical.org/education/compost

What is composting?

Composting is nature's way of recycling. When we compost, we speed up nature's process by creating the ideal conditions for the decomposition of organic materials, such as leaves, vegetable and fruit peels. Compost is the dark, crumbly, soil-like material that remains once organic materials have decomposed.

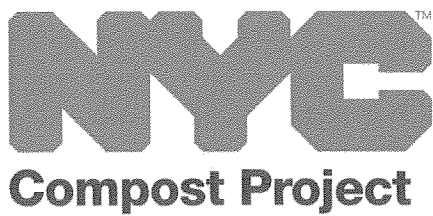
What is a food scrap drop-off site?

Food scrap drop-off sites are places where New York City residents can bring their food scraps to be composted. NYC Compost Project staff set up a table and food scrap bins on a street corner or other public space on a regular basis to provide this service to the public. Food scraps are accepted **only** during designated hours and will be transported to a compost site in New York City on the same day for composting. Information on recycling and composting related programs will also be available at drop-off sites. This drop-off program complements the work of DSNY's NYC Organics Collection Program by offering additional opportunities for New Yorkers to decrease the amount of food waste going to landfills and helps create a greener and healthier NYC. See nyc.gov/organics for full info about DSNY organic diversion efforts.

Where can I get more information?

Visit nyc.gov/compostproject or contact the NYC Compost Project hosted by Queens Botanical Garden at compost@queensbotanical.org or 718-539-5296.

Queens Events Spring 2016



Hosted by



Queens
Botanical Garden

All workshops at: Queens Botanical Garden 43-50 Main Street, Flushing, NY 11355

Compost 101

Saturday, March 5

Time: 10:00 am to 12:00 pm

\$5 per person; Registration Required

Join the NYC Compost Project to learn how to reduce your waste and create "black gold" for your garden by composting leaves, kitchen scraps, garden trimmings and weeds. This workshop covers the essentials of outdoor composting in an urban setting. **Register online: compost0101.eventbrite.com**

Hot Compost

Saturday, March 19

Time: 10:00 am to 12:00 pm

\$5 per person; Registration Required

Take your composting to the next level at this hands-on workshop! Learn to make and manage a "thermophilic" batch of compost—a pile that will heat up to kill weed seeds and pathogens, ready to use in as little as three months! Participants work together with NYC Compost Project staff to build a pile at our compost demo site. Come ready to get dirty! **Register online: hotcompost.eventbrite.com**

Spring Soil Health

Saturday, April 30

Time: 10:00 am to 12:00 pm

\$5 per person; Registration Required

Spring is here and it's time to prep for the upcoming growing season! Join QBG Farm staff to learn how to grow healthy plants and care for your soil. We'll discuss soil testing, cover crops, compost application, and growing season planning tips. **Register online: springsoilhealth.eventbrite.com**

Compost Tea and Cookies

Saturday, May 14

Time: 10:00 am to 12:00 pm

\$5 per person; Registration Required

This advanced composting class will show participants how to make a batch of compost tea; an aerated brew of finished compost in water. Making actively aerated compost tea creates an explosion of beneficial bacteria and fungi found in compost. Compost tea can be applied to plants as a foliar spray or soil soak. Come enjoy tea and (edible!) cookies with us in this informative session.

Register online: composttea.eventbrite.com

The NYC Compost Project works to rebuild NYC's soils by providing New Yorkers with the knowledge, skills and opportunities they need to produce and use compost locally. The project is funded and managed by the NYC Department of Sanitation's Bureau of Recycling and Sustainability.

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Address: General Counsel BIC

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