

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND SOLID
WASTE MANAGEMENT

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March 16, 2016
Start: 1:54 p.m.
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HELD AT: Committee Room - 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
New York City Department of Sanitation

Dennis Diggins, First Deputy Commissioner
New York City Department of Sanitation

Larry Cipollina, Deputy Commissioner for
Administration and Financial Management
New York City Department of Sanitation

Dan Brownell, Commissioner
Business Integrity Commission, BIC

Peggy Tierney, Chief of Staff
Deputy Commissioner of Operations
Business Integrity Commission, BIC

Noah Genel, General Counsel & Deputy Commissioner
Legal Affairs
Business Integrity Commission, BIC

John Curry, Assistant Commissioner of Legal Affairs
Business Integrity Commission, BIC

Salvador Arrona, Deputy Director of Policy Business
Integrity Commission, BIC

Susan Davis
Queens Botanical Garden

Melissa Elstein, Founding Member
West 80s Neighborhood Association
NYC Coalition of Block and Community Leaders

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[sound check, pause]

CHAIRPERSON REYNOSO: Good afternoon and I apologize for running late. I was across the hall in the Education Committee hearing, and Council Member Danny Dromm had a lot of questions to ask. So we had to wait our turn. So I apologize for that. I'll be much quicker as Chairman here and allow for my colleagues to speak--to ask questions earlier, but good afternoon. Welcome Commissioner and team. My name is Council Member Reynoso, the Chair of the Sanitation and Solid Waste Management Committee, and we're here hearing the Fiscal 2017 Preliminary Budget and Fiscal Sani--[pause] Sorry. I'm reading off a line. Preliminary Budget and the Fiscal 2016 Preliminary Mayor's Management Report for the Department of Sanitation and the Business Integrity Commission. Today, we will hearing testimony from the Department of Sanitation on its Expense Budget, Capital Plan and general agency operations. After we hear from DSNY, we'll hear from the Business Integrity Commission on its Expense Budget and general agency operations. The Department of Sanitation's Fiscal Year 2017 Expense Budget totals \$1.64 billion, which is \$70.7 million more than

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Fiscal Year 2016's Adopted Budget. DSNY's Proposed Capital Budget for the Fiscal Year 2016 through 2019 totals approximately \$1 billion, an increase of 2 or \$21.1 million or 2.2% since the last budget adoption. The committee looks forward to hearing about such important--important issues as an update on the MTSS, which are an integral part of the City's Solid Waste Management Plan, information on vehicle life cycles, and Fiscal Year 2017 capital funding for various vehicles and equipment, and an update on the expansion of the Curbside and School Organics Program. The Business Integrity Commission's Fiscal Year 2017 Expense Budget totals \$7.7 million, which is \$223,000 more than the Fiscal Year 2016's Adopted Budget. The Committee looks forward to hearing the department's testimony on several important issues including an explanation as to how the agency has ensured they're more of the--they're more thorough in the issuance of violations, and an update on the agency's strategy to address the growing number of pending wastes hauling applications. We will first hear from Commissioner Garcia of the Department of Sanitation, and then proceed to hear from Commissioner Brownell from--of the Business Integrity

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Commission. The committee will then hear from members of the public. We thank you in advance for your patience, but now we hear from the Commissioner Kathryn Garcia, and also would like to acknowledge my colleagues that are present Council Member Matteo from Staten Island, Council Member King from the Bronx, Council Member Rory Lancman from Queens, and that is all. So Commissioner, take it away.

COMMISSIONER GARCIA: Good afternoon, Chairman Reynoso and members of the City Council Committee on Sanitation and 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 Fiscal 2016 Preliminary Mayor's 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.

As proposed, the Fiscal 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

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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 Fiscal 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 Fiscal 17 is approximately \$277 billion. 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.

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 Fiscal 16, the department achieved a citywide average score card rating of 94.6%. I am

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pleased to announced that under the Mayor's Clean NYC Initiative announced in January, the department will expand Sunday and holiday basket collection service by 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 State Island Expressway, the Belt Parkway, the Brooklyn-Queens Expressway, the FDR Drive and the 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 Clean NYC Initiative also includes expanded graffiti removal and sidewalk power washing by the City's Economic Development Corporation in commercial corridors (sic) citywide. The department's portion of the Mayor's Clean NYC Initiative will cost \$2.5 million in expense funds in Fiscal 17. They'll review this as an important investment in the--beautifying our city and supporting economic development and leaving visitors

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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 Fiscal 17, the department's proposed Preliminary Snow Budget is approximately \$87.6 million. The Adopted Snow Budget for Fiscal 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 snow fall in New York City's history, and the largest in JFK and La Guardia, we have experienced a relatively uneventful snow season this year. Certainly, nobody is displeased with that, though we are watch--

watching and when I mix for Sunday into Monday. The official total snowfall accumulations for the City during the 2015-16 snow season currently stands at 31-1/2 inches, 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

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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 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.

The department continues to advance the
Long-Term Waste Export infrastructure component of
the city's approved Solid Waste Management Plan or
the SWAMP. Oh, I wish it didn't have that name. The
SWAMP establishes a fair and equitable five borough
waste management system, and reduces the impact of
waste management on historically over-burdened
neighborhoods allowing us to achieve greater equity
in communities across the city. The Fiscal 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

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construction of the marine transfer station conversions. The North Shore Maine Transfer Station in Queens, the first of our 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, reducing long haul tractor-trailers on our highways. At present, 70% of the city's waste is being transported out of the city as planned for in the SWAMP 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 Marine Transfer Station is nearing completion, and we expect it to open in 2017. Construction of the Southwest Brooklyn Marine Transfer Station is also underway, and we expect it to be completed in 2018. We are currently finalizing negotiations with a vendor that

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will accept the sealed containers at the two Brooklyn marine transfer stations, transport them by barge to intermodal facility in New York Harbor and trans load 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 Marine Transfer Station is also underway, and we expect this facility to be completed in 2017. Design of the alternate East 92nd ramp will commence later this year, and we expect construction of the alternate ramp to be 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 MTA--MTS and Recycling Education Center on this site is subject to the city and state entering--entering into a memorandum of understanding, and requires the allocation of the State's portion of the [phone rings] Capital Fund for the Harlem 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. In accordance with the Mayor de Blasio's Comprehensive Sustainability Plan, One New York: The Plan for a Strong and Just City, it is our

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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 send to landfills by 90% by 2030.

The Fiscal 2017 Preliminary Budget allocates a total of \$52.2 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 Fiscal 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 organic service-- collection service to 200,000 households servicing approximately 650,000 residents. We are funded in the Fiscal Year 17 Preliminary Budget to expand the program to surpass 600,000 households, well over one million residents, which will make it the largest organics collection program in the country. We also have over 400 multi-family unit buildings in

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Manhattan, the Bronx, Brooklyn and Staten Island in the Organics Program representing about 23,000 households and 47,000 residents. In addition, 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 are participating in the School Organics Collection. From the inception of the program through December 2015, the department collected 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 the same period, the department collected another 1,230 tons from Green Market drop-off sites services by the department, and almost 7,200 tons of Christmas trees, 214,899 trees in total this past January. The department is also working with our partners Housing Works and Electronic Recyclers International to expand our Refashion NYC and e-Cycle NYC programs in apartment buildings. As of January 2016, there are 1,066 buildings with 107,798 households across the city participating in the Refashion Program with another 300 sites currently in

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the enrollment process. The Refashion NYC program has collected and diverted a total of 5,382,952 pounds--we measure everything--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, ecylceNYC department 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 also hosts--will host one safe disposal even 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 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 dates, times and locations can be found on our website and may also be obtained by calling 311.

The department continues to test a variety advanced technologies on heavy duty fleets that are designed to reduce vehicle greenhouse gas emissions and improve fuel efficiency. In Fiscal 2016, the department purchased six additional hybrid electric street--street sweepers bringing the total deployment to 18. These six units will have the capability to provide back-up 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

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cleanest municipal collection fleets in the nation,
and will continue to explore and test green
technologies as they develop.

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 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 Fiscal 16 the department has
completed the construct--construction of separate
female facilities at 15 department garages or field
locations with another four facilities having
construction contracts now registered and another
eight 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

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minority and female workers within the uniform ranks.
We need Sanitation workers to sign up and take the
Supervisor exam so they can eventually move up in the
uniform 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
current lists of our supervisor and superintendant
panels 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 GS2 and
higher chief titles. I assure you that the
department's leadership is committed to building upon
the achievement it has already made. 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'm not happy to answer
any questions.

COUNCIL MEMBER REYNOSO: So thank you for
that testimony, and I just also want to thank
Sanitation workers that helped us during the snow.
The city was up and running definitely by Tuesday.
Most of it by Monday and it was for me--I remember
the storm in '96, which I think was in five days of

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snowfall, and this one as one--one and a half or two days of snowfall. So it was really something special to the work that was done the Sanitation workers. So I really do appreciate that. While we weren't perfect, we--we hope to see some improvements, and we'll discuss that throughout the panel here. So, I'm excited to see that. I wanted to ask several questions, of course. Organics collection--

COMMISSIONER GARCIA: [interposing] Uh-huh.

CHAIRPERSON REYNOSO: So there's new I mean 949,000--I'm sorry. Let me help--there's 100 and--\$815,000 for the Fall Leaf Collection Program--

COMMISSIONER GARCIA: Uh-huh.

CHAIRPERSON REYNOSO: --which I think next year is going to fall into the Organic Collection Program--

COMMISSIONER GARCIA: [interposing] Uh-huh.

CHAIRPERSON REYNOSO: --because you only have one year of funding from to reinstate the Fall Leaf Collection Program. My concern there is that what about where leaf is falling where there is no organics program. So if you could just speak to me

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as to what the rollout of the next I guess stage of the Organics Collection, where it's going to be, and then what the alternative is for next year where there is no Organics Collection within those parts of the city, but there's still going to be leaf--leaf collection needed.

COMMISSIONER GARCIA: So we--we are pushing very hard to rollout the Organics Program. We have identified a total of 14 additional districts that we want to be moving into, and so our hope is that by the fall of next year, not this coming fall but the fall of next year, we will have coverage on the Organics Program in most of these leaf districts, because not every district in the city is a leaf district. If not, if we're not going to be there, because we certainly will be planning additional rollouts for the fall of next year and in the Organics Program, we would come back to OMB and say we didn't get as much done on the Organics Program. We still need to have the Leaf Program in place.

CHAIRPERSON REYNOSO: Now, for--for the Organics Collection the--the capacity that we're building now, where--where--where do we expect--we expect most of these organics to go? Have we done--

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1 have we made any progress regarding siting and
2 locations where this is going to end up, and--and I
3 guess it's just a--a--a soft question setting it up
4 for is it going to go to Newtown Creek, which is
5 going to continue the burden of truck traffic in the
6 North Brooklyn District? So I just want to speak to
7 what the plan is long-term there to not burden these
8 districts that have traditionally done most of the
9 work when it comes to handling trash in the city of
10 New York.
11

12 COMMISSIONER GARCIA: So as you know, at
13 least on Staten Island we have our own facility. We
14 don't have our own composting facility anywhere else
15 in the city. Most of that material will go to a
16 transfer station to go to another facility, a
17 regional facility outside the city. We're in the
18 middle of a new procurement for that, but the Mayor
19 within his plan did say that, you know, we are
20 pushing to have DEP take a large amount of this
21 organic material at Newtown Creek, and that is--was
22 within the OneNYC document.

23 CHAIRPERSON REYNOSO: So we'd like to
24 have discussion on that offline. I guess we could
25 discuss it. What I think we're trying to get to is

overall truck reduction, and while the Organics Program is something that we want to support especially in North Brooklyn, maybe we could talk about other ways to mitigate the truck traffic so that we can continue the Organics Program and make sure where there is capacity, and where it makes sense for a program like that that we do have it in North Brooklyn, and then other things that we could possibly do to reduce truck traffic. I really want to have that conversation. Right now Community Board 1 just feels that so long as we continue to do new programs for trash--for recycling that we're always going to bear the burden, and always going to be the first ones up to take that on. And I just really want to make sure the Department of Sanitation is thinking to make sure it's not always the case.

COMMISSIONER GARCIA: I'm happy to have that conversation.

CHAIRPERSON REYNOSO: Yeah. Then the Commercial Waste Study, which last time we heard was supposed to be out in the summer. Can you give us an update as to when we can expect the study to be published?

COMMISSIONER GARCIA: So, we--we do anticipate so that was--that was under a different plan--a different--a different provider. So we do anticipate that by late spring we will have something out in the public. The consultants are moving along. I mean it is challenging some of the information that we're pulling out of BIC's customer database has required a lot of cleaning as well as, you know, they sent us routing information, and I do think that they tried to give us the best that they could. But they are not all sophisticated players, and they certainly don't all have, you know, GPS routing in their vehicle. So a lot of it was really paper driven. It's taken a lot of scrubbing. So we're going through that process, and we think that, you know, we're going to have a good document by--by--by late spring. I mean like that's what I committed to I think last time I spoke to you, but I want to make sure we--we do it right, and--and really get information. I mean I--on some of the initial findings is--is--is how incredibly concentrated the market already is.

CHAIRPERSON REYNOSO: Right.

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COMMISSIONER GARCIA: That there are very
few players that control about 50% of the market,
about ten.

CHAIRPERSON REYNOSO: Oh, it was 15
already--

COMMISSIONER GARCIA: [interposing] But
they just put that in there. It's not accurate.
(sic)

CHAIRPERSON REYNOSO: [interposing] I
think information that we didn't know and it's
already stopping my argument for the future of the
department of--of--of--of trash in city of New York.
So that's good to know. I do want to ask regarding
the study--so I know BIC and I'll ask BIC when they
come up in the second round about that data
collection and whether or not we've already started
the process of making sure we have like a
streamlined, you know, uniform way that everyone is
reporting on how they're moving in the city of New
York.

COMMISSIONER GARCIA: You'll--you'll have
to--you'll have to ask them how they're due to--for
this because I actually don't know. I'm more of a
user than a producer.

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CHAIRPERSON REYNOSO: Right. You said
about 10 waste transfer--there were 10 carters.

COMMISSIONER GARCIA: Ten carters I think
there are.

CHAIRPERSON REYNOSO: Fifty of the city.

COMMISSIONER GARCIA: Fifty percent.

CHAIRPERSON REYNOSO: And it's--

COMMISSIONER GARCIA: But we want to keep
driving down and drilling into numbers because this--

CHAIRPERSON REYNOSO: [interposing] I see
that.

COMMISSIONER GARCIA: --I think the first
time we've really started to get any insight into
this industry--

CHAIRPERSON REYNOSO: [interposing]
Okay.

COMMISSIONER GARCIA: --and I want to
make sure it's as correct as possible.

CHAIRPERSON REYNOSO: Yeah, I--I agree
100%, but just listening to that makes me feel a lot
better about the possibilities of how we're going to
manage this trash in the future.

COMMISSIONER GARCIA: Uh-huh.

CHAIRPERSON REYNOSO: What else? The electronic disposal. I just want to know how that's been going for you. I think a lot of council members here have said that we need to figure something out, an alternative to make sure we can assist especially seniors and folks that are--people who really don't know that to do with this trash. I did receive two mailers, by the way, about what to do but, you know, I don't keep it out on my fridge. So thereafter I guess I go on the Internet. Not everyone has access to that. I just really want to talk about what you think the next--the next step is in e-waste and--and whether or not you have an alternative that you're thinking about.

COMMISSIONER GARCIA: So--so I mean we have been trying to with--with the State because as you know the city's law that would have required collection from the home was preempted by the State law. And so we're trying to figure out how--what we can do particularly on the mail back options. So manufactures can meet their requirement by having you mail back the four-foot wide television set, which is not physically practical. I went up and testified in Albany actually last month on this topic, and I do

1 think that there will be some movement. In the
2 meantime we are trying to make it. Like we opened up
3 sites across the city to take electronic waste. We
4 have had huge uptick. A lot of people have been
5 dropping material off at these sites. We definitely
6 have seen additional in the fall use of electronic
7 waste as a portion of what's coming in on household.
8 I mean obviously paint flow (sic) is the biggest, but
9 we're seeing a lot more electronic waste. But we
10 know that it--it's a challenge and so we continue to
11 try and figure out how to make it as easy as
12 possible. I have to tell you that compared to some
13 of the things that I heard when I was in Albany from
14 the other communities, the City of New York doesn't
15 get charged at all for having, you know, I take away
16 the electronics from the apartment buildings. Other
17 communities are getting charged several hundred
18 dollars per ton to take it away. So, in these
19 different little communities that have not a lot of
20 people in them. Or they're charging their residents
21 per piece.

22
23 CHAIRPERSON REYNOSO: Oh. The--the, but--
24 [coughs]--what I'm hearing and I just want to get
25

1 clarity on it is that we're prohibited through state
2 law to collect the electronics?

3
4 COMMISSIONER GARCIA: We're--we're
5 prohibited from charging the manufacturers if we do
6 the collection. So currently if I do--if I do an air
7 conditioner for CFCs, I can--I can charge the
8 manufacturer of that particular piece--

9 CHAIRPERSON REYNOSO: [interposing]
10 Right.

11 COMMISSIONER GARCIA: --but I can't--I
12 couldn't do that on this.

13 CHAIRPERSON REYNOSO: Right. So there's
14 almost no motivation to--to get that, or no incentive
15 to get that?

16 COMMISSIONER GARCIA: No, I mean like I--
17 I--I am very cognizant of how challenging this has
18 been and particularly for the lower density areas. I
19 actually think that we have the best program in the
20 country for multi-family.

21 CHAIRPERSON REYNOSO: Right.

22 COMMISSIONER GARCIA: It's completely
23 convenient for anyone in a multi-family building.
24 Lots of people are joining but, you know, I--to be
25 quite honest with you I have an old printer sitting

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in--next to the new printer because I haven't gotten
around to taking the old printer to--to--

CHAIRPERSON REYNOSO: [interposing] To
the--

COMMISSIONER GARCIA: --to the drop-off
site.

CHAIRPERSON REYNOSO: Right I have--it's
so close to your house.

COMMISSIONER GARCIA: I know. It's only
blocks away. [laughter] It's only two blocks away.
I can walk there, but--

CHAIRPERSON REYNOSO: [interposing]
Right.

COMMISSIONER GARCIA: --you know, you
feel--it's like one of those things like well, how am
I going to get this done?

CHAIRPERSON REYNOSO: I--I hear--well,
I'm glad the multi--the multi-story buildings are--
work out and the multi--multi-family buildings work
out. Council Member Matteo I talked to about his
single-family homes and how maybe he does need some
help. So I'm looking forward to that. It's our
understanding that the department is down

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approximately 200 workers. Can you--is that even a--
a statement that is--?

COMMISSIONER GARCIA: [interposing] No,
we're--we're--

CHAIRPERSON REYNOSO: --true?

COMMISSIONER GARCIA: --we're--we're over
head count at this point in time. We're a little bit
over 6,300.

CHAIRPERSON REYNOSO: Okay.

COMMISSIONER GARCIA: We usually like to
be at 6,400 by November 1st. We anticipate that
between now and--and the end of June, we'll see a lot
of attrition. This is the normal time of year when
people retire, and we intend to, based on what that
attrition rate looks like to do classes this summer.

CHAIRPERSON REYNOSO: So--

COMMISSIONER GARCIA: [interposing] And
my goal, as always, to make sure that I'm at 6,400 by
November 1st.

CHAIRPERSON REYNOSO: So, does that mean
that current collection of street cleaning workforce
headcount is the same as it was let's say last year
or--or a little more?

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COMMISSIONER GARCIA: Yeah, it's about the same. I think we're running a little slower on attrition that we were last year, but no it's basically equivalent to where we were so--

CHAIRPERSON REYNOSO: So, disciplinary action. Can you briefly walk us through the department's process by which it--it proceeds with disciplinary action for an employee that violates agency or city policy? And how does that impact your ability to be promoted, and that's--that's an important question for me because I do think that I want to start looking into the--the diversity of the leadership of the Department of Sanitation. And right now it's not necessarily reflecting of the city of New York or it's--or actually the Department of Sanitation's core base. I know that when we talk about the people not in supervision provisions or positions, which you have the authority to--to promote at will, that you do reflect the city of New York. But I think at the top it doesn't, and I want to make sure that--I just want to see what the rate of discipline is and--and who's receiving the most discipline and what your process is through that.

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COMMISSIONER GARCIA: So, I brought you the Code of Conduct. It's very long. It's Uniformed Services. So you are required to follow a lot of rules. I sign every piece of discipline that makes it the department Advocate's office, and I will tell you that 90% of the discipline is written for being late, for being AWOL, and for not being home when you are sick. All of which things an employee can control. So the way that it will start is should that--should that happen, it goes through. It gets written by your supervisor. That is put into a database, and then it is routed either--if it's not a huge deal it can go and be done at--at a borough command. If not, it would go to our department advocate where you have an attorney with you and there would be a determination of what the penalty was. You can choose or if we determine it's--it's more serious you can go all the way to OATH. It's a very formal trial setting with attorneys in which I get a very long opinion of--of what the result is. So every time you have discipline within your folder that is part of your performance evaluation, and that is taken into consideration when it comes time to do promotions. And my assumption is that if you are

every single day, you're probably going to be late as a supervisor, which is not a great model. I have to tell you that I completely understand wanting to look at the--the overall metrics of--of what we look like, but in the last two exams, because you don't get to be a chief of any kind unless you make it through two additional written exams. The first is a supervisor's exam, and so what I sort of look at is what's the fair thing? What's the percentage breakdown, the distribution? Who is eligible and the end of the day how many passed? And what you see is at the supervisory level Latinos. They--they represent exactly the same before and after. African-Americans don't make it through those, but they're problem is that they don't apply. And so they lose about three percentage points because they don't apply, and then they also don't pass at the same rate. But on the other hand that's not true for the next test. So for the test where it takes you from supervisor to superintendant, the last test the number for the eligible population exactly mirrors the population who passed. And that's really the feeding stock for who's going to end up in more senior positions.

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CHAIRPERSON REYNOSO: Thank you for that,
and I kind of want to allow for other council to ask
some questions. I have more questions that I'll ask
after they go through a--a round--

COMMISSIONER GARCIA: [interposing] Uh-
huh.

CHAIRPERSON REYNOSO: --but I do want to
know if you could get me a breakdown of the--the--I
guess the demographics of discipline, right. So what
I think is I just to make sure that the amount--

COMMISSIONER GARCIA: [interposing] I'm--
I'm not sure--

CHAIRPERSON REYNOSO: --of
disproportionate amount of people being I guess
disciplined in one--in one demographic over another,
and that that in itself is discouraging or--or giving
people an inability to move up.

COMMISSIONER GARCIA: And like--

CHAIRPERSON REYNOSO: [interposing] And
that's an assumption, by the way.

COMMISSIONER GARCIA: Yeah, I mean for
one I have to look to see whether or not I can do it.

CHAIRPERSON REYNOSO: Okay.

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COMMISSIONER GARCIA: If the data--it's
not on--it's not in the disciplinary database. So I
have to see how we could make the connection to--

CHAIRPERSON REYNOSO: [interposing] So
that person could to--

COMMISSIONER GARCIA: --the personnel
database.

CHAIRPERSON REYNOSO: --and you can't--
you can't race is not track in the--

COMMISSIONER GARCIA: [interposing] In
the--in the discipline database. No.

CHAIRPERSON REYNOSO: Okay.

COMMISSIONER GARCIA: So I would have to
go back, and I'm sure it probably is doable.

CHAIRPERSON REYNOSO: Uh-huh.

COMMISSIONER GARCIA: It's just a
question of how many data links I need to--I don't--
I'm not sure how to do it, but it probably is doable.

CHAIRPERSON REYNOSO: Okay. I appreciate
just an answer on--on--on the progress on that.

COMMISSIONER GARCIA: Uh-huh.

CHAIRPERSON REYNOSO: So I'm going to
fall up the council members in order of their

attendance. This is the first time I think Matteo wasn't the first person here.

COUNCIL MEMBER MATTEO: [off mic] I was ahead of you.(sic)

CHAIRPERSON REYNOSO: So sorry--huh?

COUNCIL MEMBER MATTEO: [off mic] You were late getting here.

CHAIRPERSON REYNOSO: I was. I was across the hall. I apologize for that, and-- Council Member Rory Lancman, welcome to the Sanitation Committee.

COUNCIL MEMBER LANCMAN: Thank you for having me, and I have to say I'm sitting here, and it feels like I'm in some kind of alternate universe with an alternate reality. It--I'm--I'm glad, Mr. Chairman, that you had a good experience in your district--

CHAIRPERSON REYNOSO: [interposing] Yeah.

COUNCIL MEMBER LANCMAN: --with the snowstorm. It's very nice to be from Brooklyn under this Administration. I heard about as we all well know, Queens did not have a similar experience. My district in particular had many neighborhoods that were not--not plowed in a timely manner. I recall

1 being on a conference call with--with your office. I
2 think you were on the call itself with Queens council
3 members. And it got to the point that so many
4 members were--were complaining that about their
5 district that it was hard to hear what exactly was
6 going on. So I don't--now I--I--I listened to your
7 testimony and I--I--I look at the--the written
8 testimony, and I see almost no recognition whatsoever
9 of the very serious and real shortcoming of your
10 department in plowing neighborhoods in Queens. In
11 fact, I find your testimony to be very cursory, and
12 in that sense almost insulting. It was widely
13 reported that there were very serious breakdowns in
14 operations, and it resulted in--in neighborhoods not
15 getting plowed in a timely manner. There were widely
16 reported including with my assistance the failure of
17 the--the--the--the city's snow tracker that--the snow
18 plow app to correctly identify which streets had been
19 snowed to the point where I had to go out in my own
20 neighborhood and Tweet out photos of streets that
21 were not plowed with a screen shot of the snow plower
22 tracker showing that they were plowed. So I--I--I'm
23 just amazed that this is first time, as I understand
24 it, that you're before this City Council since the
25

1 snowstorm, and there's no conversation in your
2 testimony at all about what happened in--in the
3 snowstorm, and what your plans are to make the next
4 snowstorm a better experience. So I'll put it to you
5 plainly: Are you satisfied with your department's
6 response to the January snowstorm particularly as it
7 relates to neighborhoods in Queens, and if not, why
8 not? Where were the breakdowns and what in your
9 budget is there that's going to address those
10 shortcomings?
11

12 COMMISSIONER GARCIA: [off mic] Well,
13 thanks for all of that.

14 CHAIRPERSON REYNOSO: I don't think your
15 mic is on. Just--sorry.

16 COMMISSIONER GARCIA: I certainly am very
17 aware of exactly what occurred in Queens, and--and I
18 was on the phone call that Sunday. That phone call
19 occurred less than 24 hours after snow stopped
20 falling. And so, in very broad terms, the Sanitation
21 Department had 80% of the city plowed by the morning--
22 by Sunday morning, and granted many of the other
23 boroughs had been completed more quickly than Queens.
24 But having 80% of the city open, not that many hours
25

after the last flake is pretty impressive. And we
were open--

COUNCIL MEMBER LANCMAN: [interposing] So
you're satisfied--

COMMISSIONER GARCIA: [interposing] So
I'm--I'm--

COUNCIL MEMBER LANCMAN: [interposing]
with the response?

COMMISSIONER GARCIA: I'm--I am certainly
saying that I am satisfied with the work and I am--

COUNCIL MEMBER LANCMAN: [interposing]
And all the elected officials, all the elected
officials on that phone call, myself included, all of
us who--almost all of us who lived in our--in that
city our--our whole lives, all of us had some kind of
unreasonable or unrealistic expectation of what the
snow removal would be? And we were all confused and--
-and--and misunderstood what was happening in our own
neighborhoods? It's not like this is first snowstorm
that we've encountered.

COMMISSIONER GARCIA: No, this is
actually very similar to the '96 snowstorm where
actually the city of New York where--which I believe
was viewed as being a phenomenal success, did not

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1 actually collect garbage for two weeks because we had
2 to dig out for so long. By Monday morning 93% of the
3 city--97% of the city had been plowed. And so I know
4 that we still had some pockets, but by Monday morning
5 we had made enormous progress. Queens is very
6 challenging. Not all of Queens but a portion of
7 Reynoso's district that's in Queens didn't--was fine.
8 There were portions of Southeast Queens that were
9 great. Astoria was good. Long Island City was in
10 very good shape by Sunday morning. So there were a
11 lot of it--I mean to say that Queens was all
12 unsuccessful isn't correct.

14 COUNCIL MEMBER LANCMAN: Well, I didn't
15 say that. I said parts of Queens and the conference
16 call with Queens elected officials unless you and I
17 have a different recollection of that--of that
18 conference call had plenty of Queens elected
19 officials complaining about the snow removal in their
20 areas.

21 COMMISSIONER GARCIA: Yes.

22 COUNCIL MEMBER LANCMAN: And they like
23 me, it's not their first snowstorm.

24 COMMISSIONER GARCIA: And--and it's
25 certainly also was not only in Queens. They--their--

1
2 their--it was very clear across the city that in
3 areas that have very, very narrow streets that it was
4 much more difficult to remove the snow from those
5 very, very narrow streets, and that occurred in
6 Brooklyn. That occurred in Staten Island. That
7 occurred in the Bronx, and we did need to come in
8 particularly in Queens with front-end loaders, and
9 take the snow out, which is a slower process than
10 plowing. But it also had to occur in areas across
11 the city that have very small streets. And so I'm
12 satisfied with the performance, but I do always look
13 to do better. And we have been in contact with OMB
14 about what we think we need to do better, and we will
15 continue to have those conversations.

16 COUNCIL MEMBER LANCMAN: So what are the
17 things that you think you need to do better?

18 COMMISSIONER GARCIA: I think that we
19 need to deploy front-end loaders as soon as we're
20 over 12 inches.

21 COUNCIL MEMBER LANCMAN: But why didn't
22 that happen? Because again, this isn't the first
23 snowstorm. The streets didn't just become narrow on
24 January 1s, 2014. So why didn't that happen in this
25 snowstorm?

COMMISSIONER GARCIA: So there as an enormous amount of snow. I mean to be quite honest with you, in sections of Queens you saw more snow than you've ever seen. You saw like 34 inches in Jackson Heights, which I know is north of you, but that's much more snow. Another--a half of foot of snow more than what Manhattan was seeing. That makes a difference. You know, that's--that's going to make a difference in our ability to get through, and to effectively really go after snow operations. It is not typical that we use front-end loaders for plowing all the time. I mean we--we tend to not do that unless we think we're going to be at 34 inches. To be quite honest with you, we thought we were being extremely conservative in how we set up for this particular storm, but it did change very, very quickly during the day of the storm. Because I remember advocating very early on in the morning on Saturday to close the roads. I think they should have been closed earlier. There were an enormous--

COUNCIL MEMBER LANCMAN: [interposing]
But who blew that call? Was that the Mayor?

COMMISSIONER GARCIA: Huh? What?

COUNCIL MEMBER LANCMAN: Who blew that
call? Was that Mayor?

COMMISSIONER GARCIA: No, I think that
the--the Mayor was--was there, but we were not at--we
did not have predictions yet. It's like when the
National Weather Service--

COUNCIL MEMBER LANCMAN: [interposing]
But--but I assume when you--when you wanted the
streets closed, you expressed that to someone.

COMMISSIONER GARCIA: They--they--

COUNCIL MEMBER LANCMAN: [interposing]
Who did you express that to, and what was their
response?

COMMISSIONER GARCIA: I expressed it to
both the Mayor and he coordinated with the Governor
to make that happen. It just took longer. I would
have liked to have moved earlier, but I'm--I--I--they
know that I'd rather close the streets earlier than
later, and I'd rather keep them closed for longer.
It makes my life a lot easier because already--

COUNCIL MEMBER LANCMAN: [interposing]
So--so on the issue of--

COMMISSIONER GARCIA: --in that day
[bell] we've gotten--

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COUNCIL MEMBER LANCMAN: [interposing] On
the issue of front-end loaders, do you have--in this
budget is there--is there money to hire more front-
end loaders or there's no money?

COMMISSIONER GARCIA: We don't hire
front-end loaders. We have front-end loaders. We
are--we have--

COUNCIL MEMBER LANCMAN: [interposing]
And then--and then purchase front-end loaders?

COMMISSIONER GARCIA: --requested
addition funding for front-end loaders.

COUNCIL MEMBER LANCMAN: How many more
front-end loaders?

COMMISSIONER GARCIA: 22 front-end
loaders.

COUNCIL MEMBER LANCMAN: From, just--from
what--from how many now? I don't know if they're
double or just one--

COMMISSIONER GARCIA: [interposing]
That's about--we have about 183 I think. Let's see.

DEPUTY COMMISSIONER DIGGINS: [off mic]
163. That's right, yeah, 163.

COMMISSIONER GARCIA: 63. Great. Okay,
63.

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COUNCIL MEMBER LANCMAN: So, 163 you have
now and you want to get another 22?

COMMISSIONER GARCIA: Yes.

COUNCIL MEMBER LANCMAN: Okay, and then
the issue of the snowplow tracker.

COMMISSIONER GARCIA: I'm happy to talk
to that. So--because I've heard this come up a lot,
and I want to just talk a little bit about GPS in
general. GPS is not always perfect and it's
particularly not good in canyon areas or near water,
and it will take a signal, and place it in the wrong
place. Overall, though--

COUNCIL MEMBER LANCMAN: [interposing]
Kew Gardens Hills is nether, though.

COMMISSIONER GARCIA: Or action. As I
said it happens all the time. Like when you're
downtown here as I said it will say I'm on Reed
Street on my iPhone. While every street--the
sanitation worker is not getting sent out based on
what's on PlowNYC in the sense of like in the middle
of a storm, but PlowNYC overall was extremely
accurate in terms of giving me situational awareness
or we would not have started moving equipment as
quickly as we did to Queens. And it's because of

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PlowNYC that I knew that there were challenges in Queens, but I was in Queens on Sunday morning, and the Mayor was in Queens on Sunday morning was because in the very early a.m. hours I knew that there were areas of Queens that had not received the attention that--that--

COUNCIL MEMBER LANCMAN: [interposing]

So--

COMMISSIONER GARCIA: --we were not moving as quickly.

COUNCIL MEMBER LANCMAN: [interposing]

Right, so in so far--

COMMISSIONER GARCIA: --into another area.

COUNCIL MEMBER LANCMAN: So in so far as PlowNYC is guiding the department's decision making or influencing it or contributing to it--

COMMISSIONER GARCIA: [interposing] Uh-huh.

COUNCIL MEMBER LANCMAN: --what are you doing, and what is--is there anything in this budget to show that you're doing something to make it more accurate? Because I--

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COMMISSIONER GARCIA: [interposing] It's
pretty accurate for me. I have to say--

COUNCIL MEMBER LANCMAN: [interposing]
Please, I--I--

COMMISSIONER GARCIA: --I--I--I use that.

COUNCIL MEMBER LANCMAN: [interposing]
Please, I--I went out--I went out on that Sunday
night, and just--just went in the neighborhood and
easily found I don't know a half a dozen or ten
streets that our PlowNYC said had been closed--plowed
recently, and which looked like they had been touched
at all. I Tweeted them. They ended being in--in--in
newspaper. So, you--you--you can't tell me what I
saw with my own--with--with my own eyes, and which I
documented is inaccurate.

COMMISSIONER GARCIA: No I'm not--I'm
not--I understand that there's always an error factor
in GPS.

COUNCIL MEMBER LANCMAN: So there's no
plan to--to--to improve it?

COMMISSIONER GARCIA: We have--we have
put in new CalAmp devices within our vehicles. They
are--they're pretty accurate. Like if you pull up
one vehicle I can follow it--what it does for the

entire time. So there is--we constantly look at GPS to see what we can do better, but there will always be an error factor in GPS.

COUNCIL MEMBER LANCMAN: I have to be honest with you. Thank you very much. I have to be honest with you, your answers are really not inspiring a lot of confidence. You know, you're--you're unwillingness to recognize the--the extent of the problem, and I'm not really hearing that even the things that you've identified that we--that we've talked about as being problematic that there's a real plan to solve them. And I don't have a lot of confidence and my constituents don't have a lot of confidence that somehow the City after all these years and decades at the next snowstorm or the one after that we'll forget again that Queens needs to get a snow plow.

COMMISSIONER GARCIA: So, can I just also just, you know, once--just--just go back to the issue of--of PlowNYC and the--and the error rate. There were a lot of stuck trucks at the department.

COUNCIL MEMBER LANCMAN: There were a lot of what? I didn't hear.

COMMISSIONER GARCIA: The Sanitation
trucks were plowing and got stuck--

COUNCIL MEMBER LANCMAN: [interposing]
Oh, okay

COMMISSIONER GARCIA: --because there was
so much snow. That truck is going to continue to
paint. If I go in with a front-ender loader, which
you do and pull it out the other end, it will have
been painted. So there's both an error just in GPS,
but there's also just the way that the system works.
It doesn't look at half streets. It's not--so it may
not have made it all the way down the block, and it
had to be pulled out the other way because it could
not get through.

COUNCIL MEMBER LANCMAN: I--I accept--

COMMISSIONER GARCIA: So here's a lot of
things that can happen.

COUNCIL MEMBER LANCMAN: Listen, I accept
that with the technology there could be shortcomings,
and so what I would to hear from you--what I would
hope to hear from you today would have been a plan
for how to deal with those shortcomings particularly
since the--the--those maps are in some way, to some
degree contributing, influencing to how the

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department decides to allocate resources, and I don't
feel that I'm hearing that. I'm sorry.

COMMISSIONER GARCIA: Okay.

COUNCIL MEMBER LANCMAN: Thank you very
much.

CHAIRPERSON REYNOSO: No, absolutely and--
--and just sort to get back, garage--garage leadership
I guess is what I want to ask or garage manpower or
person power. Did--did that have anything to do with
like the shortcoming in certain parts of Queens or
did people do something differently in, you know,
North Brooklyn than they did in--in part of Queens,
or was it kind of just that the--everyone followed
protocol and there was just shortcomings?

COMMISSIONER GARCIA: They--they--so--so
from our analysis, everyone followed protocol. People
are--the equipment and the personnel are divided by
lane miles. Say Queens get a third basically, a
little more than a third of all people and all
equipment because you have the most streets. It's
pretty straightforward, which we think is an
appropriate way to divvy up equipment, and everyone
had the same orders. Everyone moved out in same way.
I will say that I do think there are two things that

1 impacted. There were a lot of stuck personal cars on
2 the roads in Queens that we pulled out that the two
3 truck taskforce pulled out. The storm hit later in
4 the day, which I think I had some impact as well. It
5 had like two bursts, which I think was problematic,
6 and we did end up with a lot more tucks in Queens,
7 and that's partly just the intensity of some of these
8 bans of snow that came in.

10 CHAIRPERSON REYNOSO: So I know we have
11 snow plan that comes out in November.

12 COMMISSIONER GARCIA: Yep.

13 CHAIRPERSON REYNOSO: And just if there's
14 anything you can do for the November hearing to--to
15 showcase. So Queens members that were, that didn't
16 feel the work that was done there was sufficient,
17 and--and it's not a feeling that who saw that the
18 work there was no sufficient, and maybe we have a
19 reply. I know we've done it before in like I know we
20 same improvements through route changes and so forth.
21 That you will come back with something that they feel
22 addresses their issue and their concerns more so than
23 what they--they feel happened today.

24 COMMISSIONER GARCIA: Sure.

CHAIRPERSON REYNOSO: Thank you. Thank
you for that. Council Member Brad Lander.

COUNCIL MEMBER LANDER: Thank you, Mr.
Chair, and thank you Commissioner. I'm enthusiastic
to see that the Hamilton Avenue MTS is on--on
scheduled nearing final completion, and set to open
in 2017. If you--you know, you've got to--you can't
quite see it from my house. You have to kind of walk
out into the street, but if you can, if you look down
13th Street, you'll see it then. You know, we're
committed in our community and in this Council to a
fair share approach to processing the--the waste.
And I'm proud that my community has stood up behind
that. Council Member Menchaca and I both feel like
we--nobody is excited about an MTS right by their--
right by their block, but it's been done in a way
that helps makes our community feel supportive and
like we're doing our fair share. You may have
noticed that in the Speaker's State of the City she
spoke to the issues of fair share. Not just around
sanitation, but broadly in terms of municipal
infrastructure, and the Council over the next year is
going to be taking a look at those issues, and seeing
the Fair Share Rules were adopted back in 1989, and

we think we can do better. Not again. Now, this is
really not specifically--

COMMISSIONER GARCIA: [interposing] Uh-
huh.

COUNCIL MEMBER LANDER: --about
Sanitation. This is about all of the facilities both
people want in their neighborhood and don't always
want in their neighborhood, but that we have a
responsibility to--to try to equitable. That I know
Chair Reynoso shares those goals broadly, and
especially with respect to the Commercial Waste
Study. So, I'm looking forward to seeing that later
this--later this spring, and hope we'll be able to
make some--

COMMISSIONER GARCIA: [interposing] Uh-
huh.

COUNCIL MEMBER LANDER: --progress there.
I want to follow up on his questions about the
Organics Program.

COMMISSIONER GARCIA: [interposing] Uh-
huh.

COUNCIL MEMBER LANDER: As you know, my
district is part of the--it's very proud to be part
of the pilot, and we're working hard to make sure as

1 it expands, people know how it works, they separate
2 correctly, and people find it very easy to use. I
3 think it's a--a program when people don't know about
4 it they think, you know, what is that weird-- Once
5 they get started, it's very easy and people really
6 like participating. The--the Chair asked about
7 capacity in the city. I guess I just want to ask a
8 little more about our work to procure that capacity.
9 Externally, as you know, the Independent Budget
10 Office has a study recently, and can you just give us
11 a little more information, and assure us that we will
12 have the capacity that we need to, you know, for the
13 organics as the--as the program triples over the next
14 year.

16 COMMISSIONER GARCIA: Yeah, no, no, we
17 anticipate that we're going to have the capacity. The
18 bids are in. We are going through the vetting, the
19 Vendex, the BOI portions of it. We anticipate some
20 of the contracts will probably be ready earlier. One
21 of the things we learned is that people need to be
22 able to use a bag like they even need to be able to
23 use the plastic bag, or they need to be able to use a--
24 -a compostable bag. We encourage people to use
25 compostable bags, but that's sometimes even hard for

1
2 the processors to tell the difference, and they view
3 plastics--the view particularly film plastics as
4 contamination. So, the contracts require them to
5 sort of have some debagger so that we can make sure
6 that the--most of the material is--is getting to a
7 final destination. But we feel very confident about
8 the fact that we're going to have capacity in the
9 fall. I have a lot of other work to do beyond that
10 get it done, but we do feel that we'll have plenty of
11 capacity.

12 COUNCIL MEMBER LANDER: Can I just ask
13 that you keep the Council updated on that as those
14 contracts get signed.

15 COMMISSIONER GARCIA: Uh-huh.

16 COUNCIL MEMBER LANDER: We get asked
17 about this in the district from time to time, which
18 people say no I read somewhere that, you know, we
19 don't have the capacity we need for the organics. So
20 they're just winding up in landfill, and I assure
21 them no. But if you can especially knowing that the
22 program is tripling just keep us posted as you sign
23 those contracts so we can really show people that
24 this program is working, and that we are getting the
25 organics to where--where they need to be going.

COMMISSIONER GARCIA: Right, no I mean
and--and just to be very transparent, our initial
round of contracts it was not a capacity challenge.
It was a contamination challenge, and so they were
rejecting a lot of our organics in part due to
plastics--

COUNCIL MEMBER LANDER: Got it.

COMMISSIONER GARCIA: --in the loads.

COUNCIL MEMBER LANDER: And the new
contracts--

COMMISSIONER GARCIA: [interposing] The
new contracts are sort of--

COUNCIL MEMBER LANDER: --will address
that for sure.

COMMISSIONER GARCIA: --requiring them
to do pre-processing so that that doesn't happen but,
you know, some--some processors are a little finicky,
They don't like the brush with the food with the
leaves. So we're looking--

COUNCIL MEMBER LANDER: [interposing]
Right.

COMMISSIONER GARCIA: --look through
that.

COUNCIL MEMBER LANDER: Okay, so in the Organics Program it sounds like there needs to be a room for--for plastic bags, although I put mine just straight in the bin, but--but obviously--

COMMISSIONER GARCIA: [interposing] Most people don't like that. Most people don't--

COUNCIL MEMBER LANDER: [interposing] Well, that is okay.

COMMISSIONER GARCIA: --to clean them.

COUNCIL MEMBER LANDER: So I'm glad you're making room for that, but obviously you and I share and the Chair also concerned that there's a lot of plastic bags we don't need at all.

COMMISSIONER GARCIA: Yeah.

COUNCIL MEMBER LANDER: So I assume in this year's budget as in past years we're essentially continuing to budget the \$10 million that the city is spending every year to dispose of single use plastic bags?

COMMISSIONER GARCIA: Yeah, the assumption is that it's still in the waste stream.

COUNCIL MEMBER LANDER: So, if we passed Intro 209 to implement a fee on plastic bags and that reduced plastic bag waste by 60 to 90% as it has in

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other places, we could save millions of dollars for
New York City.

COMMISSIONER GARCIA: Save millions of
dollars.

COUNCIL MEMBER LANDER: Millions of
dollars. All right, Mr. Chair, I--I--you should
follow up on that. We're working hard. We'd love to
see that implemented a bagless day (sic), and we're
working hard inside the Council, and we'll continue
to work with you on that.

CHAIRPERSON REYNOSO: So to follow up on
that savings and--and within the department I think I
also agree with Council Member Brad Lander that
creating a bag fee would make it so that we can start
saving some money, and also making it a lot, just
making it a lot more environmentally sound in the
City of New York. We should be setting the standard
always, and I think in this one part we're falling
slightly short. So hopefully we could get that done
on our part. So you could reap the benefits, but it
seems like the Sanitation Department is kind of
limiting its ability to save the house cleaning. We
have standard delays that are helping you save some

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money, attrition that helps you save some money, and
then there was one more thing that we're doing there.

LEGAL COUNSEL: The Fresh Kills Landfill.

CHAIRPERSON REYNOSO: And the Fresh
Kills--the Fresh Kills Landfill. So eventually, you
know, I think that the--the Mayor and the Council
Member Garodnick put out a letter asking for the
premises to look into savings without attacking
headcount, of course, is what I always would like to
see. Do you just feel that you've done your part--

COMMISSIONER GARCIA: [interposing]

Well--

COUNCIL MEMBER LANDER: --or are there
more opportunities?

COMMISSIONER GARCIA: Well, I thought I'd
done my part. I don't think they felt I had done
enough of my part. We're always providing them with
other options. It's--it's very tricky for me to say
if I cut something I'm not cutting head count or I'm
not cutting service because that's the vast majority
of--of my budget. So, I mean that's--that--you give
me money for one basket truck, I pick up 200 baskets.
You give me money for two basket trucks, I pick up
400 baskets so--

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CHAIRPERSON REYNOSO: Understood. You are one of the important agencies in regards to making sure our city is running. So, will I support the overall finding of savings, or do I make sure-- make sure it's with respect--respective of the needs of the city of New York. Back to--Council Member Lancman had asked regarding the PlowNYC. Is there a disclaimer that states that these--the map that you're seeing might not be accurate to the street? Are--are--

COMMISSIONER GARCIA: Yeah. No, there's a disclaimer on it.

CHAIRPERSON REYNOSO: Is it fine point or is it something we can see?

COMMISSIONER GARCIA: It's on--you--you can see it. It's up front.

CHAIRPERSON REYNOSO: Okay, got it. We just want to make sure it was there.

COMMISSIONER GARCIA: Yeah.

CHAIRPERSON REYNOSO: We should make it blink on the website.

COMMISSIONER GARCIA: I mean, and--and, you know, we're going to work with DOITT so that we can create an open--I forget what it's called--API or

something so that the data people of the world who want to have it, can grab the underlying data that feeds the map, and then they compare it with the city line map, and do whatever they want with it.

CHAIRPERSON REYNOSO: Once we get something new in the city, we have high expectations about it, and we want it to be, you know, perfect down to--to--to the--the--the inch, and when you present something and it's not perfect, it kind of--it's--it's a--it's a concern. The perception is that it's supposed to work, and when it doesn't, you know, people don't feel better about it. So I just want to make sure that we do everything in our power to make sure it's as accurate as possible, and that would be very helpful. And now we have Council Member Andy King from the Bronx. Bronx. Boogey down.

COUNCIL MEMBER KING: Actually, boogey down and also thank you, Mr. Chair. I appreciate it, and Commissioner, as always it's a delight to have a conversation. How intense or how easy, breezy it is, it's always well--welcoming to have a good conversation with you. I have roughly about four questions. I want to just touch base with you. The collection of organics when we first started in 2015,

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I was very enthusiastic about it, I still am about how to get my district to participate in it as well as much. What I'd like to know from the amount of the collections that you've had, have you reached your goals on what you was trying to accomplish as far as organics? Did you stay within budget? Did you go over budget in managing this start of the collection of the organics? That's my first question for you. My second question goes to what place diversity, and I heard about the outreach that you've done in quote, unquote minorities and women that you've reached out. I'd like to know how successful was your outreach when you did it. How much of your budget was spent? And have--is there a plan to include those of us who represent communities of color to help you in this recruitment of making sure that you have diversity that you're aiming for? And lastly, I'd like to know about the radios, the walkie-talkies, radios that you are spending \$300,000 for 200 walkie-talkies. I--I'd like to know what these radios do for 1,500. I don't know if I want to pay this.

COMMISSIONER GARCIA: Certainly.

COUNCIL MEMBER KING: [laughs]

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COMMISSIONER GARCIA: So the--they're 800 megahertz radios. They're in the trucks or they're handhelds for the supervisors, and we're just buying up the citywide contract through DOITT. So, I don't actually know why they cost that much, but they are critical. I know that we have to meet certain federal standards when we're using the 800 megahertz radios, but they're absolutely critical for situational awareness with what's going on in the field. You know, frontline Sanitation workers don't have cell phones. We don't provide them with department cell phones, and even if we did, it actually is much easier to hear where everybody is if everybody hears it at the same time.

COUNCIL MEMBER KING: Thank you.

COMMISSIONER GARCIA: And--

COUNCIL MEMBER KING: [interposing] And let's jump here, and I understand with quality radio you get what you pay for, but I just--I'm just curious, \$1,500 per radio. You're getting everything that you asked for and not someone else is, you know, going to the Bahamas on your time. Just want to make sure.

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COMMISSIONER GARCIA: I mean my--my
understanding--

CHAIRPERSON REYNOSO: [interposing] Good
question, Council Member. Good question.

COMMISSIONER GARCIA: --is it is the best
price that DOITT could get but, you know, we got--we
made a--we made a request for radios, and they're the
ones who control sort of those telecom contracts so--

COUNCIL MEMBER KING: Okay. All right.
I want a copy of it.

COMMISSIONER GARCIA: And then on the
recruitment for the Sanitation workers that actually
had occurred last year. The exam was last year. We
are hiring off that list now, or will be this summer,
and we can certainly provide you with what the
metrics were. I have to say that on--on ethnicity I
think we did--we did well. Women we still struggle
to get them to apply and take the Sanitation Worker
exam, and we took--we spent probably between \$150,000
and \$200,000 doing radio and media ads, and then in
addition I don't think that we actually calculated
this, but we took a bunch of female Sanitation
workers, supervisors, chiefs to high schools across
the city to talk about it being--what a great job it

1 was, and why it was really important to take the
2 test. It was really an opportunity and we still--we
3 still really struggle to get young women to take the
4 test.
5

6 COUNCIL MEMBER KING: So let me just jump
7 in there. If you find out that you're investments to
8 recruit women are futile, are you just going to
9 continue to spend the money on that kind of
10 recruitment or will you use it for something else?

11 COMMISSIONER GARCIA: Well, we don't have
12 it in our budget for this year because we don't have
13 a test coming up right now, but we certainly will re-
14 evaluate how to reach them. We don't think that we
15 reach them effectively. So before another test,
16 we're going to try and be more creative. And then on
17 organics, we have stayed within our budget overall
18 for organics. We've been primarily doing it on
19 overtime. That's how we initially funded for the
20 pilot. They didn't want to give us additional
21 headcount. They started to give us additional
22 headcount, and we are trying to craft this in such a
23 way as to make sure that we do it economically as--as
24 well.
25

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COUNCIL MEMBER KING: I think those are
all my questions.

COMMISSIONER GARCIA: Okay.

COUNCIL MEMBER KING: I appreciate it. I
know we've stay within my three minutes, four
minutes.

CHAIRPERSON REYNOSO: You did.

COMMISSIONER GARCIA: You did. You stayed
within your time.

CHAIRPERSON REYNOSO: Yes, you get a gold
star.

COUNCIL MEMBER KING: So, a delight and a
pleasure and I look forward--forward to speaking and
working with you as much we can to keep New York City
clean. Thank you, Mr. Chair.

CHAIRPERSON REYNOSO: Thank you, thank
you, Council Member King. I wanted to ask about the--
the hires. Is there an opportunity here given the
short turnout by women for the test to re-open the
exam only for women?

COMMISSIONER GARCIA: No.

CHAIRPERSON REYNOSO: No. It's legally--

COMMISSIONER GARCIA: You can--

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CHAIRPERSON REYNOSO: [interposing] I
don't believe everything.

COMMISSIONER GARCIA: --you can--you can
ask--

CHAIRPERSON REYNOSO: [interposing] I
though you were going to say maybe or we could talk
about it, but no.

COMMISSIONER GARCIA: I believe that it's
state law. It's State Civil Service Law so--

CHAIRPERSON REYNOSO: [interposing] Oh.

COMMISSIONER GARCIA: --the answer to
that is no.

CHAIRPERSON REYNOSO: I see. Okay.

COMMISSIONER GARCIA: But I mean I'd be
very supportive if you could figure out a way to not
have me do something illegal.

CHAIRPERSON REYNOSO: Okay. So Council
Member King and I will help draft a resolution to the
State to modify that so that we can encourage women
to--to--to take the test, and the Speaker has a--a
Young Woman's Initiative--

COMMISSIONER GARCIA: [interposing] Yeah.

CHAIRPERSON REYNOSO: --that I--I think
that she would be very open to have a conversation

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about having to get that done, and the Women's
Caucus, and I just really want you to work with the
Council.

COMMISSIONER GARCIA: Absolutely. I mean
I'm actually beyond giving the Sanitation Worker
Exam. I have lots of trades like mechanics. I have
electricians. I have plumbers. All of these are
under-represented by women.

CHAIRPERSON REYNOSO: Okay, so--

COMMISSIONER GARCIA: [interposing] They
all pay really, really, really well.

CHAIRPERSON REYNOSO: I know and so they
pay well, underrepresented. Then this gives them a
priority. Do they get priority? Do they get extra
points for taking the exam?

COMMISSIONER GARCIA: No, usually the
only people who get extra points on--on exams are
veterans, residents of New York City and then
survivors of 9/11.

CHAIRPERSON REYNOSO: So in the exam do
you have to pick them in order of the score no matter
what or is there a level of discretion that you have?

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COMMISSIONER GARCIA: It's--you pick one and its grade, but on Sanitation workers we really just go straight down the list.

CHAIRPERSON REYNOSO: So, and I just want to say there's a--there's a equity issue where--where a tradition to do this job has not gone to--to women or there might not be a legacy there. So they're coming into the process now, and they're not getting extra points for legacy or for whatever reason.

COMMISSIONER GARCIA: They could get extra points for being the daughter of someone who died on 9/11.

CHAIRPERSON REYNOSO: Okay, so--

COMMISSIONER GARCIA: [interposing] They would be eligible for those spotter men. (sic)

CHAIRPERSON REYNOSO: There's a lot of things outside of the Department of Sanitation that they can get points for?

COMMISSIONER GARCIA: So it's--it's really that to be survivor of someone who died on 9/11, veterans and New York City residency. Those are the three things that were additional points on this exam.

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CHAIRPERSON REYNOSO: Okay, and you don't have a minic--a minimum requirement to meet goals, gender goals?

COMMISSIONER GARCIA: You can't do that within the Civil Service Exam.

CHAIRPERSON REYNOSO: All right, so I'm trying to cheat here. I'm trying to figure everything out.

COMMISSIONER GARCIA: Yeah, I'm--talk to a vet.

CHAIRPERSON REYNOSO: [laughs] I will, I will absolutely. Thank you Council Member King for those questions, and eventually I think we're going to get to facilities as well, which I'm really excited about. But I want to give an opportunity to the council member who's racked up the most gold stars in this committee. It's Council Member Steve Matteo from Staten Island.

COUNCIL MEMBER MATTEO: Thank you, Mr. Chair. Welcome Commissioner and thank you and thank you for the great work, the men and women of the Sanitation Department and the borough chief. It's been a very good collaboration. I appreciate it. So

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I want to talk about three broad issues one being
Ewaste.

COMMISSIONER GARCIA: Uh-huh.

COUNCIL MEMBER MATTEO: Obviously, we've
worked extremely well together to open the five sites
citywide based on my numbers, we've collected 89,000
pounds--

COMMISSIONER GARCIA: [interposing] Since
December.

COUNCIL MEMBER MATTEO: --since December
20th, 49,000 in Staten Island, almost 3,000
individual items, 1,600 from Staten Island. So
obviously it's been very successful. We have a high-
-a high need. So obviously we--we want to continue
making sure that we do a better job marketing as well
in the city and make sure that everyone knows the
times that they can do it. I still have constituents
and--and we have our own paper. You it's been a
partner with us in announcing it, but who don't know
about it. So I just want to make sure that--

COMMISSIONER GARCIA: [interposing] We
can keep working on--on--on making sure that we're--
we're pushing the message, and reminding people

because they probably pay no attention until they
have something to get rid of.

COUNCIL MEMBER MATTEO: So, do--do you
have additional numbers from that or is that the
latest?

COMMISSIONER GARCIA: I think that's the
latest.

COUNCIL MEMBER MATTEO: The latest.
Okay. And--and just for everybody to know, it's open
every Saturday from 10:00 to 5:00 and one Friday, the
last Friday of the month?

COMMISSIONER GARCIA: The last Friday of
the month.

COUNCIL MEMBER MATTEO: The same. So
with that, while it's a success and--but you know
that I--I've--I've been requesting a little bit more.

COMMISSIONER GARCIA: Uh-huh.

COUNCIL MEMBER MATTEO: I still have
problems with seniors who are trying to get there,
and we have our--our Clean-up Initiative actually
picking up TVs and electronics Ewaste from our
seniors and those who just--just the same old, are
aware of the term clean-up team. But that's not
happening in all five boroughs obviously.

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COMMISSIONER GARCIA: Can I ask you how many--how many are you hearing--how many seniors are you hearing from a day? Do you know?

COUNCIL MEMBER MATTEO: A day?

COMMISSIONER GARCIA: A day.

COUNCIL MEMBER MATTEO: Well, I'm getting requests a day. Obviously when it first started a lot more.

COMMISSIONER GARCIA: Okay.

COUNCIL MEMBER MATTEO: We have collected over 400 items from seniors, though, just in Staten Island alone, and the amount of requests that we actually get from citywide because they've read about the initiative continues to grow. But I--I also do think that curbside pickup is something that we should still be looking at. You know, I know the potential cost I think is \$5 to \$10 million per year, maybe \$2 to \$3 million if we do a pilot. You know, and--and quite frankly, I'm--I'm requesting that we look into a pilot program on, you know--and, you know, I'm not putting any bar against each other, but, you know, we have a high amount that we've been picking up, you know to start on Staten Island. We've started the organic--organics programs on

1 Staten Island. It's been--it's been successful. You
2 know, and I think that curbside pickup what--whatever
3 that is, a pilot program, it's something that we
4 should be looking at, and I just wanted your
5 thoughts.
6

7 COMMISSIONER GARCIA: Right. No, I mean
8 I'm--I'm completely aware of the challenges that
9 we're facing and--and it--there definitely is
10 different levels of service based on what type of
11 house you live in. You're basically getting
12 curbside. If you're in an apartment building you're
13 not if you're in a single-family home. You know, I--
14 I want to continue to have conversations with you
15 around--around that I'm not currently funded to do
16 it, but I certainly want to make sure that we're
17 providing what people need across the city of New
18 York and, you know, definitely thinking through I
19 mean I think your experience is actually helpful in
20 trying to define what a pilot could look like in
21 terms of what the demand is, which is always the
22 challenge. Like if I turn this on and nobody comes
23 or if I turn it on and everybody comes, like thinking
24 through that. So I--I mean I look forward to
25 continue to talking to you about it.

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COUNCIL MEMBER MATTEO: Okay, and I
appreciate that. Does--does \$2 to \$3 million sound
accurate or--?

COMMISSIONER GARCIA: That's probably--
that's--that's right--

COUNCIL MEMBER MATTEO: Now, before a
pilot and then \$5 to \$10 for single--

COMMISSIONER GARCIA: [interposing] Yeah,
those are the right numbers.

COUNCIL MEMBER MATTEO: And more that--do
you think that would consist of? That would consist
of--

COMMISSIONER GARCIA: [interposing] I
mean I--I--I think it would consist of something very
similar to the CFC program.

COUNCIL MEMBER MATTEO: Where you're
calling up.

COMMISSIONER GARCIA: Where you call up,
and you fill out a form. I mean we'd have to get new
vehicles 'cause you can't crush them. I mean there--
there are a lot of different--

COUNCIL MEMBER MATTEO: And what type of
vehicles do we offer--

COMMISSIONER GARCIA: [interposing] I
don't know what we would use. I mean I assume
something like Land.

COUNCIL MEMBER MATTEO: Okay.

COMMISSIONER GARCIA: But--

COUNCIL MEMBER MATTEO: [interposing] But
we need schedule pickups. That would be--

COMMISSIONER GARCIA: Or a pickup or like
a cut-down. Something like that. It's something
you'd have to use, and then you'd need to fund it
with--have the people, the right number of people.
You know, if you've got a truck that had a lift gate,
do you need one, do you need two. In Staten Island
you might need two because they have the biggest
television sets they've ever seen on Staten Island.
[laughter] And sort of you'd have the things to
defining that, but it's--it's, you know, in that ball
park because you needed some computer work to do. So
there--there are a bunch of different pieces, but
that's how I would--I would think that it would
probably look extremely similar to the CFC program.

COUNCIL MEMBER MATTEO: And--and I
appreciate it and look forward to those conversations
and I--and I'd like to meet with you. [bell] I'm

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going to keep going, Chair. I have a few more.

[laughs] So, you know, obviously, you know, the budget is about priorities, and I--I'd really like to pursue this. I think we can make a scheduled pickup work, and then work with colleagues to see how we could expand it. So I look forward to having conversations about that. Obviously the Ewaste issue, you know, while--while it's very conquerous(sic) now on the drop-off. You know, we've obviously had illegal dumping and our officer and your office has been working very well together especially in the western part of my district. West Shore BID. Together we put up a surveillance system--

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COMMISSIONER GARCIA: [interposing] Uh-huh.

COUNCIL MEMBER MATTEO: --and made an arrest an impounded a van.

COMMISSIONER GARCIA: Uh-huh.

COUNCIL MEMBER MATTEO: So--

COMMISSIONER GARCIA: [interposing]
Raising hunting cameras.

COUNCIL MEMBER MATTEO: What's that.

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COMMISSIONER GARCIA: We're raising
hunting cameras.

COUNCIL MEMBER MATTEO: That's what I
wanted to ask if you could elaborate on what--what
type of system we're using, and are we using them off
hours as well, or do you have to have them when
personnel is there because--

COMMISSIONER GARCIA: [interposing] No,
no, we've been using them off hours so--because they
get triggered with movement so that you don't
actually just have tons of video.

COUNCIL MEMBER MATTEO: So they're not on
unless there's movement?

COMMISSIONER GARCIA: [interposing]
They're not on all the time. So that they can--so it
triggers it and then you're like oh, it's time
stamped. We need to be here, and the thing that it's
giving is information they usually dump at this hour.
So then we can have our officers there to catch them.

COUNCIL MEMBER MATTEO: Because our Clean
Team was at this Chelsea Road location twice already--
-

COMMISSIONER GARCIA: [interposing] Uh-
huh.

COUNCIL MEMBER MATTEO: --in the last six months, and we've pulled out 300 tires--

COMMISSIONER GARCIA: [interposing] Yeah.

COUNCIL MEMBER MATTEO: --and actually when we were there, a van pulled up--

COMMISSIONER GARCIA: [interposing] They tried to do it.

COUNCIL MEMBER MATTEO: --and tried, and saw us there and left. So it's without a doubt happening on weekends. It's happening other hours. So I'm glad to hear you saying that. So you--you--you're posting them on a pole or you're--?

COMMISSIONER GARCIA: I don't know exactly how, yeah, in poles primarily.

COUNCIL MEMBER MATTEO: But you don't need someone--

COMMISSIONER GARCIA: [interposing] When you study

COUNCIL MEMBER MATTEO: --there right?

COMMISSIONER GARCIA: No, we don't need someone. We just started having this like we just started doing this in trying to use this technology because in the past all we ever did was have people do stake-outs. So, you know, we're--

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COUNCIL MEMBER MATTEO: [interposing]

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Well, this should be helpful and--

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COMMISSIONER GARCIA: [interposing] This is really helpful, and also I--we've been doing a lot of social media around illegal dumping and reminding folks that they can provide affidavits to us around illegal dumping to get that word out. I do think that we have seen not only in Staten Island, but particularly on the edges of the city the border between Long Island and Queens, and also right over the border from Westchester close to Connecticut we've seen illegal dumping in that area also.

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COUNCIL MEMBER MATTEO: Okay, and I--I--listen, I'm one to believe that if we put up these signs, too, in light of these problematic spots, that I know I can give you and some of my colleagues can give you where they're having illegal dumping that that--it will also help, you know, that people know where to contact, who to contact and-- Do you know, if this impound was a result of the--your increasing it or as a result of the camera? [pause]

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COMMISSIONER GARCIA: Well, this was actually not illegal dumping. I think it was a theft of recyclables.

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COUNCIL MEMBER MATTEO: Okay, so--but
right now you have the surveillance cameras up.

DEPUTY COMMISSIONER DIGGINS: [off mic] We
have [on mic] we still have 45 Sanitation Police
Officers.

CHAIRPERSON REYNOSO: Could you just
state your name for the record?

COUNCIL MEMBER MATTEO: Could you say
that again? I'm sorry, I couldn't hear you.

CHAIRPERSON REYNOSO: State--and state
your name just for the record. Thank you.

DEPUTY COMMISSIONER DIGGINS: Just for
the month of February we had 45 Sanitation police
officers. We assigned them on the 1700, the 1900
shift, and, which is 7 o'clock at night, and it's
two--two Sanitation police officers and then a
lieutenant each night that we've been doing. So
we've already got 100 hours of surveillance.

COUNCIL MEMBER MATTEO: That's citywide
or in Staten Island?

DEPUTY COMMISSIONER DIGGINS: No, that's--
-

COUNCIL MEMBER MATTEO: Just Staten
Island?

DEPUTY COMMISSIONER DIGGINS: That's the
pilot in Staten Island now.

COUNCIL MEMBER MATTEO: I got it.

DEPUTY COMMISSIONER DIGGINS: So, you
know, we're using different techniques to try and
come up. The problem is the area is so remote you
kind of stick out like a sore thumb if you're sitting
there on surveillance.

COUNCIL MEMBER MATTEO: Right.

DEPUTY COMMISSIONER DIGGINS: So that's
why we're trying to use other technologies so that we
can identify vehicles. We can look to see vehicles
coming into the area rather than be right on top of
it. So the chief--

COUNCIL MEMBER MATTEO: [interposing] And
that's the point of the cameras, though, too, right
so you don't have to actually be there.

DEPUTY COMMISSIONER DIGGINS: Yes, yes--
we're--we're making headway. You can could see the
drop-offs have dropped tremendously in those areas
so--

COUNCIL MEMBER MATTEO: Now do you
monitor those or you--you go to--how--how do you see
the footage is my point.

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DEPUTY COMMISSIONER DIGGINS: They
monitor at a later date. Again, they're trying to
identify vehicles to try and get plate numbers.

COUNCIL MEMBER MATTEO: Right. Okay.
Okay.

CHAIRPERSON REYNOSO: That's First Deputy
Commissioner Dennis Diggins. I just want to make
sure that I put it on the record.

DEPUTY COMMISSIONER DIGGINS: Yes.

CHAIRPERSON REYNOSO: So when you speak,
if you guys are speaking just say your name. Thank
you.

DEPUTY COMMISSIONER DIGGINS: Thank you.

COUNCIL MEMBER MATTEO: Thank you. One
more broad issue and I'll send it back to you. So
snow removal in Staten Island obviously I thought we
did a very good job. We have some issue on the
tertiary streets that obviously it snowed a lot.

COMMISSIONER GARCIA: [interposing] Yeah.

COUNCIL MEMBER MATTEO: You know in
parts of my district, one of the problems--

COMMISSIONER GARCIA: You were incredibly
helpful.

COUNCIL MEMBER MATTEO: What's that?

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COMMISSIONER GARCIA: You were incredibly helpful.

COUNCIL MEMBER MATTEO: Thank you. Thank you. I appreciate that and your--your crew and Borough Commissioner Motzino (sp?) was great. The questions I have are because our streets in my district especially near our schools in certain areas are so narrow are--are we going to talk about changing how--how we're using the plows and--and start using the smaller equipment and, you know, because the problems that we ran into in--in the last snowstorm I think show that we have double side parking. We have very narrow streets. The--hey, listen, it's just difficult for the big plows to get through. So, is it possible for us to--to look at that to see if we have to change that strategy just on the very narrow streets in my district--

COMMISSIONER GARCIA: [interposing] No.

COUNCIL MEMBER MATTEO: --and in my neighboring districts and Council Member Rose and Borelli's districts?

COMMISSIONER GARCIA: You know, ab-- absolutely. I mean there--there are pockets of extremely narrow streets across the city not--not

once but I mean there are pockets of them where there's parking on either side where it's really tight. And then you add a huge amount of snow. If you just imagine the pushing of it, there's nowhere actually even to push it.

COUNCIL MEMBER MATTEO: [interposing]
Nowhere to push it. Right.

COMMISSIONER GARCIA: And so actually what we think because the--our--our smaller pick-up plows, which do some of those streets got completely overwhelmed. And in most cases we had to pull those back in--

COUNCIL MEMBER MATTEO: [interposing]
Right.

COMMISSIONER GARCIA: --because they were--they were completely ineffective. We think that having additional of the smaller, but sort of bigger than a pickup plow Halster fleet with the salting. But we also think we need to have FELs out there plowing those sorts of streets earlier on in a storm.

COUNCIL MEMBER MATTEO: Okay, because I mean--

1
2 COMMISSIONER GARCIA: [interposing]
3 That's--that's what we're--that's we're really
4 thinking about in terms of those. If you're--if
5 you're starting to talk in the 18-inch category, we
6 need to be moving away from plows--

7 COUNCIL MEMBER MATTEO: [interposing]
8 Yeah.

9 COMMISSIONER GARCIA: --and moving to
10 running those.

11 COUNCIL MEMBER MATTEO: Especially New
12 York Beach and, you know, on the other side.

13 COMMISSIONER GARCIA: [interposing] We've
14 gone to Gerritsen Beach--

15 COUNCIL MEMBER MATTEO: [interposing]
16 Yeah.

17 COMMISSIONER GARCIA: --I mean like they
18 brought it to South Brooklyn (sic)--

19 COUNCIL MEMBER MATTEO: [interposing]
20 They couldn't get trucks down there and--and--

21 COMMISSIONER GARCIA: [interposing] No,
22 it was too tight.

23 COUNCIL MEMBER MATTEO: And I--and the
24 other issue is, you know, we have to get them each
25 his own trucks and then transfer them to I believe

1
2 it's Front Street, the snow. So, you know, it takes
3 some time to get there and get back. Is there a way
4 of bringing of one these huge--

5 COMMISSIONER GARCIA: [interposing] One
6 of the things

7 COUNCIL MEMBER MATTEO: --huge melters or
8 that we use on a--on a--a plowed street that's, you
9 know, a--a bigger plowed busier street that we can--
10 so we don't have to keep going back and forth to the
11 location?

12 COMMISSIONER GARCIA: So the--not really.
13 [laughs] On--on the melters they get assignments from
14 DEP of where they can discharger to because you need
15 the sewer to be big enough to take the volume of
16 water, but in--in terms of things like how could we
17 be more efficient with the equipment we have? Can we
18 do more fueling in the field? Because once you're
19 thinking about using front-end loaders they're your
20 slowest piece of equipment. They're--you know, I
21 move a tremendous number of front-end loaders to--to
22 Queens because they were struggling and on Sunday. I
23 didn't move Staten Island's because I was like
24 they're going to get there next Friday. Because
25

front-end loaders are not the speediest of pieces of equipment.

COUNCIL MEMBER MATTEO: Okay. Okay, how do you just--just in general how do you think our sector plan is working?

COMMISSIONER GARCIA: I actually still think it's working really well. I think it's made us much more effective, and I think it's made it so that we are getting to a lot of streets that we used to really not get to for very long periods of time that we now--we're aren't--

COUNCIL MEMBER MATTEO: [interposing] I agree with that assessment.

COMMISSIONER GARCIA: So--

COUNCIL MEMBER MATTEO: [interposing] I-- I appreciate it. I appreciate--

COMMISSIONER GARCIA: [interposing] Well, we tweak everything. We tweak everything every year, and we learn every time and there's a new construction site somewhere that's going to throw me off on something, and we'll do that all summer. Then we look at everything.

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COUNCIL MEMBER MATTEO: I just think we--
the narrow streets especially by the schools we're
going to have to--

COMMISSIONER GARCIA: [interposing] Uh-
huh.

COUNCIL MEMBER MATTEO: --tweak and--and
just make a slight adjustment because it's--it's
problematic. It's problematic for the trucks, but I
appreciate the partnership and--and--and everything
that we've been working together on, and I look
forward to continuing discussions.

CHAIRPERSON REYNOSO: Thank you Council
Member Matteo. Commissioner, I just wanted to ask
for council members this is great news. When you put
a poster up on Election Day, and you don't take it
down right away, you get like a two weeks--you get a
notice--

COMMISSIONER GARCIA: [interposing] You
do not. You do not get a notice.

CHAIRPERSON REYNOSO: So, you're going to
get a notice--

COMMISSIONER GARCIA: [laughs] Before you
move on that.

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CHAIRPERSON REYNOSO: Yeah, explain the process of how that works now the--that the way we give out fines for illegal post--postings--

COMMISSIONER GARCIA: [interposing] So that--

CHAIRPERSON REYNOSO: --but--but also the effect it has on your revenue, and whether or not it even affects it.

COMMISSIONER GARCIA: We really are not driven by revenue as a ticketing as a--as a ticketing mission. We don't get any of the money. So there's no incentive for us to write more tickets.

CHAIRPERSON REYNOSO: [interposing] So this is the general fund?

COMMISSIONER GARCIA: This is general fund.

CHAIRPERSON REYNOSO: They have people from the Department of Sanitation doing this work, taking time out of their day to do this work and the money doesn't go directly back to the--

COMMISSIONER GARCIA: [interposing] No.

CHAIRPERSON REYNOSO: --Department of Sanitation

COMMISSIONER GARCIA: I don't believe that anyone's does, but you'd have to check with other agencies.

CHAIRPERSON REYNOSO: Right, yeah.

COMMISSIONER GARCIA: So on the poster, we had a decision that found that we needed to make sure that we gave people who put posters notice. And so we revamped our policy and our prophesies, which is--it was complicated because some things only have a cell phone numbers so then you have to go to Verizon and get the address so we can send something certified mail. And we did sort of step back and not give tickets as we figured out how to do this. Elected officials, though, because you will tell us that you're running for election, we'll get a letter telling you that you do not-- you're not allowed to poster. So, you will not get the two weeks notice because you have already gotten notice. And so we did see a decline in the number of violations, but it really actually started to come back up in December. [coughs] So I don't have enough trend data to tell you what's going to really happen.

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CHAIRPERSON REYNOSO: All right
[coughing] so Council Members you cannot get away
with it. There you go. I actually appreciate. I
think just before we move on to Council Member Costa
Constantinides and then Council Member Kallos that
Council Member King asked a question. I don't know
if you answered it. So I just want to give him an
opportunity to go through it one more time, and then
Costa you're next and the Council Member Kallos.

COUNCIL MEMBER KING: I--I had asked the
question about what--was there a plan to work with
council members who had communities of color to get
them and helping with the recruiting part.

COMMISSIONER GARCIA: I believe that we
did reach out them.

COUNCIL MEMBER KING: I did--I missed it
so I wouldn't--

COMMISSIONER GARCIA: [interposing] Okay,
I do--

COUNCIL MEMBER KING: --I didn't know.

COMMISSIONER GARCIA: --believe we--we
reached to all of the council members, but I can
double check and have someone get back to you, but
I'm almost certain that we reached out to all the

council members on this particular issue.

[whispering] I'm pretty sure I gave you a flyer.

COUNCIL MEMBER KING: So--

COMMISSIONER GARCIA: [interposing] Okay,
now--but I'll probably make sure that we can document
it.

COUNCIL MEMBER KING: Okay, and I--what?

And I do say--I want to say as far as the snow
removal, I want to say thank you. I know it was a
challenge, you know, and you got--I think you guys
did a very good job, and there's a--there's a
statement, you know, if you want to make God laugh,
tell him your plan. You know we have our best laid
out plans, but sometimes we forget there's a higher
power, and if he drops four feet of snow on you, I
don't care what best laid plans you have, you want to
take a minute to get it done. So thank you all for
doing what you all did.

COMMISSIONER GARCIA: Thank you, Council
Member.

COUNCIL MEMBER MATTEO: I'm subbing for
the Chair. Costa, you're up.

COUNCIL MEMBER CONSTANTINIDES: Thank you
Council Member Matteo, and thank you Chair Reynoso

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who is not in the room right now. [laughs] But
Commissioner, great to see you again. Very quickly,
I know that the Mayor had a big announcement a few
months ago about additional \$6.7 million in
additional funding for graffiti removal, and
wastepaper basket street loader pickup. You know,
when do we expect those services to start?

COMMISSIONER GARCIA: So the two pieces
that I'm responsible for, which is the basket
collection and the highways cleaning we expect to
start in April.

COUNCIL MEMBER CONSTANTINIDES: April and
will those--will funding for that be baselined in the
out years or how do you expect that--that funding to
continue?

COMMISSIONER GARCIA: I hope so.

COUNCIL MEMBER CONSTANTINIDES: You hope
so. [laughs]

COMMISSIONER GARCIA: I hope so.

COUNCIL MEMBER CONSTANTINIDES: Okay, I
mean we've talked about this before, and--and, you
know, the--the business trips in my community
especially on Ditmars Boulevard and 30th Avenue the--
the need for that additional pickup is huge, but we

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also have adult friends out there sweeping and we
need both.

COMMISSIONER GARCIA: [interposing] Uh-
huh.

COUNCIL MEMBER CONSTANTINIDES: We--we
can't afford to take away one to give to the other.
So having the additional basket pickup would be
hugely helpful in our community. And is there going
to be an additional head count?

COMMISSIONER GARCIA: No, it's being done
on Sundays, and it's the--it's the Sunday or holiday
baskets, and we're using over time.

COUNCIL MEMBER CONSTANTINIDES: Overtime.
Okay. [coughing] And as we're relating to down time
of vehicles--

COMMISSIONER GARCIA: [interposing] Un-
huh.

COUNCIL MEMBER CONSTANTINIDES: --what's
our average down time for vehicles either, you know,
being repaired or, you know, in need of parts?

COMMISSIONER GARCIA: So for the most
part on the--the collection of fleet, it's about 19%
right now.

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COUNCIL MEMBER CONSTANTINIDES: About
19%.

COMMISSIONER GARCIA: Yeah.

COUNCIL MEMBER CONSTANTINIDES: Is that
because some of them are past the seven-year sort of
average--

COMMISSIONER GARCIA: [interposing] I
have--

COUNCIL MEMBER CONSTANTINIDES: or what--
what's the rationale for it?

COMMISSIONER GARCIA: No, I mean I--I--I
think that's not uncommon. It is--it is as they age
they stay down longer, and they do usually require
cost more costly repairs. Like I do need additional
funding for maintenance right now because--

COUNCIL MEMBER CONSTANTINIDES:
[interposing] Uh-huh.

COMMISSIONER GARCIA: --we're using a lot
of parts. So we're keeping things together, but it
is--it is more costly on the repair and maintenance
of the vehicles. The people and--and the pieces that
go in the machines.

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COUNCIL MEMBER CONSTANTINIDES: So we--do
we need--we that's where you're saying we probably
need more funding also to purchase new vehicles or--?

COMMISSIONER GARCIA: I mean like I--I-I
have--I have requested from the Office of Management
and Budget additional funding to make sure that we
are trying to stay closer to our seven-year
replacement cycle. We are not on that at this point
in time, and it will take us a long time to get to
the seven-year replacement cycle.

COUNCIL MEMBER CONSTANTINIDES: I think
that's an impediment. It's just the funding it's
just not there?

COMMISSIONER GARCIA: The funding
currently is not there.

COUNCIL MEMBER CONSTANTINIDES: That's
something we can definitely work with you. I know
that it's a--it's a huge priority for--to make sure
we have the equipment out in the field that's working
optimally and that the men and women that are out
there doing a great job are able to continue to have
a equipment that keeps up with the times. [laughs]

COMMISSIONER GARCIA: Yes, absolutely.

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COUNCIL MEMBER CONSTANTINIDES: So happy
to work with you on that--

COMMISSIONER GARCIA: [interposing] Okay.

COUNCIL MEMBER CONSTANTINIDES: --and
the--and the Chair who's been a strong advocate for
it as well. So just thank you very much, and thank
you, Chair, Mr. Chair.

CHAIRPERSON REYNOSO: Thank you, Council
Member Koslowitz--Constantinides. Now, we have
Council Member Ben Kallos. Make sure you have five
minutes on that clock. Five minutes.

COUNCIL MEMBER KALLOS: Thank you, Chair
Reynoso and just wanted to follow up on Council
Member Costa Constantinides' questions regarding
wastebaskets, street litter and graffiti removal.
Every morning I wake up and every night I go to sleep
to pictures of trash from constituents in my
district.

COMMISSIONER GARCIA: On 86th Street?

COUNCIL MEMBER KALLOS: On 86th Street.
So will this \$6.7 million help with this trash on
86th Street?

COMMISSIONER GARCIA: I don't have in
front of me--I'm sorry--the plan, but I assume yes if

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they don't have--already get Sunday baskets. It is only for Sunday and holiday baskets. That is what I was funded for.

COUNCIL MEMBER KALLOS: Are there any places that receive basket collection twice a day because we're only getting it once?

COMMISSIONER GARCIA: Yes, there are places that get basket collection twice a day.

COUNCIL MEMBER KALLOS: Can 86th Street receive basket collection twice a day?

COMMISSIONER GARCIA: I have to--I have to look at whether or not we're funded to do that. I can't expand baskets where I don't have another person to do it.

COUNCIL MEMBER KALLOS: How many more people do you need to be able to cover my commercial district, Casa's Commercial Districts throughout the neighborhood where we've started to have to launch BIDs or launch initiatives just to keep the things clean--

COMMISSIONER GARCIA: [interposing] I'll be happy to get back to you on what specific--for your specific areas if you wanted basket service twice a day what those costs would be.

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COUNCIL MEMBER KALLOS: I--I think just as a council it's good that we've been putting up millions of dollars for the initiative, but I think what would be preferable is do we need 100 more Sanitation workers? Is it 200? What number gets us a place where you have enough people to keep the streets clean on 86th Street in Costa's districts and feed in everyone's different commercial corridor without having to rely on BIDs for the basic services that people expect?

COMMISSIONER GARCIA: I mean I think we will always have a partnership of BIDs. The places that gets two times pickups are sometimes in BIDs.

COUNCIL MEMBER KALLOS: Yeah.

COMMISSIONER GARCIA: And it's still a challenge. I still think that there's a--a real opportunity. There's--there's--there's a still a need to have that partnership there.

COUNCIL MEMBER KALLOS: Right.

COMMISSIONER GARCIA: But we can certainly get back to you on what that number looks like, and we can try and give it to you for your district, and then--

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COUNCIL MEMBER KALLOS: [interposing] And
hopefully--

COMMISSIONER GARCIA: --scale it up.

COUNCIL MEMBER KALLOS:--that it is part
of the Executive Budget. Along those lines just for
perspective, I'm assuming Atlantic Avenue Barclay's
has twice a day pickup as does Fulton Street.

COMMISSIONER GARCIA: I don't know off
the top of my head. There are, you know, probably
300 to 400 baskets in those areas. So I'm not sure.
[pause] So I don't--I don't know the answer to that.

COUNCIL MEMBER KALLOS: But--

COMMISSIONER GARCIA: [interposing] I can
certainly get it for you. If I had my basket book in
front of me, I would be able to tell you whether or
not those baskets--how many times a day they are
getting services.

COUNCIL MEMBER KALLOS: [interposing] But
the--the--if--if--if one of a legion of folks behind
you happens to have it, it would be great. But I
guess just by way of perspective--

COMMISSIONER GARCIA: [interposing]
There are many places in Manhattan that get multiple
times a day pick up, many place like much more at

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Times Squares, Grand--around Grand Central. They're getting basket service multiple times a day.

COUNCIL MEMBER KALLOS: [interposing] But let me ask you, you mentioned Grand Central East 86th Street and Lexington is number 9 as a subway station within the entire subway system with 20.7 million riders in 2014. Grand Central is I think number 6 in the system. Atlantic Barclays is number 21. Fulton Street is actually number 11. So when you look at 86th Street and think it's just every side, the comparable station is Penn Station. Penn Station where I'm sure they get twice day. At 8th Avenue it's the same number of riders I think give or take or a couple hundred thousand--

COMMISSIONER GARCIA: [interposing] Uh-huh.

COUNCIL MEMBER KALLOS: --or Seventh Avenue. So either of those would be comparable to 8th Street so--

COMMISSIONER GARCIA: [interposing] Well, I mean we can--we can look at whether or not we need to divert resources from other areas to your area.

COUNCIL MEMBER KALLOS: That would be amazing and then I could not see trash every day of my term.

COMMISSIONER GARCIA: You need to not watch your Twitter feed.

COUNCIL MEMBER KALLOS: [laughs] I--I can't help it. I have to pay attention to my constituents. Along the same lines, we've been focused a lot on ECB violations, which you were talking to, speaking about with the Chair. Along those lines, those are quality of life violations--

COMMISSIONER GARCIA: [interposing] Uh-huh.

COUNCIL MEMBER KALLOS: --for people who are frequent about leaving their trash out--

COMMISSIONER GARCIA: [interposing] Uh-huh.

COUNCIL MEMBER KALLOS: --and not collecting it. We've been working on it. There's about \$1.6 billion in uncollected debt, and we've been working with most of the agencies. We haven't had a chance to actually meet with your specific agency. We've met with almost every other ECB issuing agency. What can we do as a city to make

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sure that your violations get paid, and impact--
improve the quality of life?

COMMISSIONER GARCIA: Lien sale. (sic)

COUNCIL MEMBER KALLOS: So one of the
bills we propose is Introduction 810, which would
actually say every city agency that deals with ECB or
issues licenses, permits or registrations would have
to check everyone else to see whether or not they
hand in (sic) quality of life violations before
issuing so that when somebody wants to renew their
business license, they're like, Ah-ha, you've got 55
Sanitation--ECB violations from DSNY. Maybe you have
to do something about curing that problem.

COMMISSIONER GARCIA: I appreciate that.

COUNCIL MEMBER KALLOS: Perfect, and
Chair, if I may go over five minutes. [bell]

CHAIRPERSON REYNOSO: [off mic] You've
got it all.

COUNCIL MEMBER KALLOS: I appreciate that
greatly. The other piece is a little bit sad. I was
at the Holmes Towers Association last night, and when
I go there I learned that one of the tenants in the
building was crossing the street at 92nd and First
and was hit by a garbage truck. So at 92nd and First

1 between August 2011 and February 2014, there were 93
2 people who were in 48 collisions. At 91st and First
3 there were 66 people in 33 collisions, and so as
4 we're building--well, as you are building a marine
5 transfer station there, how do we make sure that
6 nobody dies from hitting by a garbage truck, which is
7 one of the most dangerous vehicles on the road?
8

9 COMMISSIONER GARCIA: Right, and
10 certainly I--I--I did hear about that tragedy of the--
11 -of the private Sanitation vehicle and the woman who
12 I guess was hit very, very early I think Monday
13 morning, and certainly we take safety very, very--I
14 think it's extraordinarily important. And we know
15 how sensitive the community is that you represent
16 about safety in that area. We are doing a lot of
17 things with the department to try and make the
18 department safer. We put all of our employees
19 through defensive driving last year. We are adding
20 side guards to all of our vehicles. One of the most
21 dangerous things for a pedestrian is to get pulled in
22 un--under the back wheels. So that that doesn't
23 happen, we've already installed a great many of
24 these, and we are moving forward to have it installed
25 on even more vehicles as soon as we get in the parts.

1 And, you know, we will look to continue to listen to
2 the community about what more can be done.

3
4 COUNCIL MEMBER KALLOS: I--I guess the
5 concern here is these are streets that even before
6 this happened were identified as dangerous. We did a
7 dangerous streets report. These are streets that
8 it's the corridor of First Avenue that DOT is looking
9 at as a priority corridor because of the number of
10 accidents and deaths that we're seeing, and this
11 location is actually going to have for-profit private
12 carters driving through it much like the one that hit
13 a woman yesterday morning and killed here. And so I
14 guess is a residential side street, 91st Street, the
15 right place to have trucks driving when they're going
16 to be interfacing with 2,700 and--2,278 residents of
17 a NYCHA development just right there within a block.

18 COMMISSIONER GARCIA: [interposing] Are
19 you talking about 92nd or 91st Street?

20 COUNCIL MEMBER KALLOS: I'm--I'm doing my
21 best to focus on 91st where that is the current site
22 of it but within the whole region, 91st Street, which
23 you will be operating on for several years is
24 dangerous. 92nd is also dangerous, but part of the
25 reason it's so dangerous is this is the densest

1
2 census tract in the country. This-this is why we
3 built Second Avenue Subway. So I guess the concern
4 just being with so many thousands of people living
5 there, it's already started and we don't even have 2
6 to 300 trucks coming everyday.

7 COMMISSIONER GARCIA: Right, I mean--

8 COUNCIL MEMBER KALLOS: [interposing] I
9 guess is this bill the right place to put a garbage
10 dump?

11 COMMISSIONER GARCIA: This--this is still
12 the right place for us to be siting and supporting
13 the solid waste management plant. Just for a little
14 bit of clarity, and then it's--it's--I don't think it
15 will be satisfying to you, but the trucks won't be
16 actually physically on 91st Street because it's not
17 a--they are going to be coming up from the south from
18 86th and coming up York into the facility because
19 that's the truck route so--

20 COUNCIL MEMBER KALLOS: Big streets. I--
21 I guess my--my--

22 COMMISSIONER GARCIA: [interposing] I
23 know it's not completely a truck route for the whole
24 length, but I think that was the--what was
25 determined.

1
2 COUNCIL MEMBER KALLOS: Currently
3 Sanitation has said that you'll put a flagger in
4 front of the entrance. As we can see the--the
5 dangers actually the vicinity, anywhere there's a
6 turn would you put flaggers at every single turn
7 leading into it? And I guess the bigger question,
8 which is a touch question I have to ask is just how
9 many people need to get injured? How many lives need
10 to get lost before you say, you know what, we--we
11 should--people, humans, children, seniors, NYCHA
12 residents can't be in the same place as a 300-truck-
13 a-day route.

14 COMMISSIONER GARCIA: I mean one of the
15 things that I--I--I understand your concerns, and--
16 and we have committed to putting a pedestrian
17 crossing guard there at the bottom of the ramp. We
18 actually today are operating a facility that has to
19 cross a bike lane on the West Side everyday. And so,
20 you know, this is--this is something that we have to
21 work around. There are not a lot of places for my
22 sites that are far, far away. And that's--that's
23 just--you can't hide me. And, you know the same is
24 true and yet people don't want my garages anywhere
25

until I guess they get written up in Architectural
Digest.

COUNCIL MEMBER KALLOS: I--I liked having
your garage in my district. I--I--I will take--if
you want to turn the 91st Marine Transfer Station
into a garage, my--

COMMISSIONER GARCIA: [interposing] I
don't think so.

COUNCIL MEMBER KALLOS: --everybody
accepts it.

COMMISSIONER GARCIA: It's not big
enough, but okay. [laughs] No, we need--we need
infrastructure. We need waste infrastructure and--
and I don't--I understand that it's challenging, but
we do operate in some sites where it is already very
difficult, you know, to--to deal with the west side
and their bike lane, which is crazy.

COUNCIL MEMBER KALLOS: That's a bike
lane versus residents. I guess the last piece in
wrapping up, and thank you Chair Reynoso for the time
is we've now announced zero by 30. We will hit zero
waste. We will stop using landfills. So this is a
marine transfer to transfer to transfer to transfer
to transfer station to landfill. Once we are done

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with landfill putrescible waste 14 years from now,
what happens to the station?

COMMISSIONER GARCIA: So the one that I
do it would be a little bit of happiness for you.
DDC has selected the designer for the 97th Street
land and that contract is currently at the
Controller's so that is moving because I know there
have been questions of the commitment to see that
through. And so then more broadly there are a lot of
pieces to getting to zero waste to landfills by 2030
that have not--that are not in place yet. And we
need to be able to make sure we have the
infrastructure to move waste that we are creating to
day because there's no storage in the city of New
York. It's the curb. And just once correction your
waste will not be going to landfill. It goes to a
waste energy facility from 91st Street. That
contract has been placed with CoBank.

COUNCIL MEMBER KALLOS: And so is waste
to energy within those confines? So as long as we
incinerate all of our waste, we meet zero waste or
are we actually trying to get to 100% diversion and
trying to recycle and--

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COMMISSIONER GARCIA: [interposing] I mean it always part of the--part of the pie is to consider other uses that could turn it into energy, and even with organics we're trying to turn that into energy with anaerobic digestion. But we certainly are pushing all of our diversion programs across the city evenly and as you may have heard earlier, some of our programs have a lot more uptick for apartment building owners than for people who live in single-family homes. But we're trying to make it so that you have all the tools to put me out of me business.

COUNCIL MEMBER KALLOS: That--that is great, and along those lines my understanding is my entire district because of how many schools are participating in organics collection qualifies for organics pickup and participation?

COMMISSIONER GARCIA: All of the schools in your neighborhood should be in the organics program.

COUNCIL MEMBER KALLOS: Which means all the buildings could participate?

COMMISSIONER GARCIA: All the buildings have to do is apply, and we'll them to the routes as they apply.

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COUNCIL MEMBER KALLOS: Great. So we're doing an Earth Day event in my district and we'd love to have Department of Sanitation do a presentation on how buildings can get organics collections as well as electronics recycling on site.

COMMISSIONER GARCIA: And--and refashioned.

COUNCIL MEMBER KALLOS: And what?

COMMISSIONER GARCIA: And textiles.

COUNCIL MEMBER KALLOS: Yes. Thank you. Thank you, Chair.

CHAIRPERSON REYNOSO: Thank you. I have a quick question and I want to get back to--Council Member Matteo has another question. The collection truck useful life. How are we doing? We're getting--I think seven years is the goal. You know, how many trucks are within the life span? How many trucks are not, and then the repair issue. If we are repairing trucks that are older than seven years can we just, you know, prevent that from happening by just having the trucks, and just want to know how we're doing.

COMMISSIONER GARCIA: [off mic] My average age for [on mic] oops, sorry. My average age for a rear-loader truck this year is 4.5 years. My

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average age on dual-bin is 5.7 years. So that mean
that half of them are over 4-1/2. A seven-year
replacement cycle would be an average age of 3.5.

CHAIRPERSON REYNOSO: And so what about
overall? Do--do you feel that you have a lot of--do
you have many older trucks?

COMMISSIONER GARCIA: My--yeah, I have a
lot of old--I mean particularly because the
purchasing was very bumpy. I have a big purchase
that happened eight years ago where I have 435 trucks
that are eight years old, and then it's like three
more years, and then there's like another 400 trucks
that are like four years old. And, you know, we
would like to see that flatten out. It's not good
for us. I think it's more costly overall, and just
to protect yourself from getting like a bad year.

CHAIRPERSON REYNOSO: Yeah.

COMMISSIONER GARCIA: Like, you know,
just the Lemon Law. But no I mean under our current
funding our--our average age will increase--our
average age will increase to seven years. So we will
have trucks that are--

CHAIRPERSON REYNOSO: [interposing]
Older.

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COMMISSIONER GARCIA: We have 50% of our
trucks will be older than seven years.

CHAIRPERSON REYNOSO: And there's just
the timelines issue of when they bought the last
trucks.

COMMISSIONER GARCIA: Right, that's based
on our current funding stream and when the trucks--
the current age of the current fleet.

CHAIRPERSON REYNOSO: Didn't you get more
money for trucks last year?

COMMISSIONER GARCIA: I don't recall.

CHAIRPERSON REYNOSO: There was--I
thought there was an increase in that.

COMMISSIONER GARCIA: No, I don't think
so. I think we just did--we did one purchase for
like 119 dual bins, but I don't think we got more.

DEPUTY COMMISSIONER DIGGINS: [off mic]
We got some extra money because the dual bins are
more expensive.

COMMISSIONER GARCIA: Oh, we got extra.
The dual bins are more expensive. So there weren't
more of them. They were more expensive per unit.

CHAIRPERSON REYNOSO: And then my
concern, of course, are the trucks that are falling--

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that need repair, and whether or not we're paying more for the repairs than we would if we just had trucks that were respecting of their average life span.

COMMISSIONER GARCIA: And I mean we would--we think that it's going to be in the long run less costly on--on maintenance and repair to have a--a flatter by rather than having peaks and valleys. And we definitely are seeing an increase in our expense needs from our Motor Vehicle, Motor Equipment Repair Bureau.

CHAIRPERSON REYNOSO: So I hear you need more money. That's what I hear.

COMMISSIONER GARCIA: Am I the first commissioner to come into this room and say that?

CHAIRPERSON REYNOSO: No, no, you're probably not, but I'm--I'm glad to hear that that you're not--you're not, you know, hiding behind the fact that you need more--you would love more trucks and more newer trucks and just obviously more money.

COMMISSIONER GARCIA: [interposing] I don't--I don't need a whole lot more. I need--I just--I need some to be younger.

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CHAIRPERSON REYNOSO: [laughs] Sure. I
think [pause] has a follow-up question.

COUNCIL MEMBER CONSTANTINDIES: Thank
you, Mr. Chair. Commissioner, I just want to follow
up on a few things. The organic collection you said
you're expanding?

COMMISSIONER GARCIA: Yes.

COUNCIL MEMBER CONSTANTINDIES: Can you
just explain where in Staten Island you're expanding?

COMMISSIONER GARCIA: I think that the--
probably likely almost all of Staten Island, but it
might be late than an early spring.

COUNCIL MEMBER CONSTANTINDIES: I mean
that will be everybody?

COMMISSIONER GARCIA: I don't think it
will with everybody. I--Staten Island compost needs
a little bit of work to happen there in terms of
drainage and some other issues in terms of the pad
over the tip. So I think that you should be. You're
probably not in this calendar year. It's probably
calendar year 17.

COUNCIL MEMBER CONSTANTINDIES: Okay.
Can we just have follow up conversations on that?

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How many--what they're collecting now, are the trucks
that are being used are they coming back full?

COMMISSIONER GARCIA: No.

COUNCIL MEMBER CONSTANTINDIES: No, right
and--and we're still very low?

COMMISSIONER GARCIA: It's still low
except in the fall.

COUNCIL MEMBER CONSTANTINDIES: okay.
All right, we--we need to schedule a meeting to
discuss what we're seeing and discuss how--how we're
going to expand it to the--to the borough, and last--
lastly I just wanted to follow up on the waste paper
baskets. Do--do you put the baskets at every bus
stop?

COMMISSIONER GARCIA: No, not
necessarily.

COUNCIL MEMBER CONSTANTINDIES: And you--
you're just using it based on discretion and
requests?

COMMISSIONER GARCIA: And also just what
the supervisors are seeing in the field.

COUNCIL MEMBER CONSTANTINDIES: And the
colored baskets verse the mesh ones, isn't it worth
to use the colored baskets so we don't have the

problem of people dumping, you know, household
garbage and--

COMMISSIONER GARCIA: They--they still
dump also garbage in there, but we can certainly look
at if there's--if there's an area where you think
that a high-end basket. I actually had to pull some
from Council Member Dromm's area because they're
actually terrible under subways where there are
birds.

COUNCIL MEMBER CONSTANTINDIES: Well, I--
I find the mesh baskets not good at the bus stops--

COMMISSIONER GARCIA: Okay.

COUNCIL MEMBER CONSTANTINDIES: --and I--
I just wanted--I know the--the covered ones are also
a little bit more expensive.

COMMISSIONER GARCIA: [interposing] Yeah.

COUNCIL MEMBER CONSTANTINDIES: I get it,
but I--I think at the--at the end of the day, it's
keeping the area cleaner for a longer period of time
so that the garbage is overflowing, and not through
the fault of collections. I just know that people
are taking advantage of the garbage and putting in
refuse that shouldn't be in there. You know, it's---

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COMMISSIONER GARCIA: [interposing] No,
we could take a look at it, but we could also do an
experiment.

COUNCIL MEMBER CONSTANTINDIES: Because
I--I--I think that would help most commercial
districts.

COMMISSIONER GARCIA: Okay.

CHAIRPERSON REYNOSO: We should get
together and get rid of all of our baskets.

COUNCIL MEMBER CONSTANTINIDES: [off mic]
What's that?

CHAIRPERSON REYNOSO: Get rid of all the
baskets, and you'll how much cleaner it becomes, and
I think we--

COMMISSIONER GARCIA: [interposing] There
are like none in--in--in his neighbor's--in his
neighbor's council district there are like no
baskets. I don't know if we have a single basket in
three, but--

CHAIRPERSON REYNOSO: [interposing] They
help--

COMMISSIONER GARCIA: --it's hard when
you're basket is in--it isn't clean at all. (sic)

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CHAIRPERSON REYNOSO: Okay. So in--in--
and I know in--in my portion of the district when we
had baskets, of course, they were a problem. Once
they were gone, it seemed like people just kept
garbage in their pockets. It was almost the same
type of plan like this, except we didn't have the
baskets. Huh?

COMMISSIONER GARCIA: It depends on the
area.

COUNCIL MEMBER CONSTANTINIDES:
[interposing] I wish I could agree with you, but I
don't see that.

CHAIRPERSON REYNOSO: But not in your
district.

COMMISSIONER GARCIA: It depends on the
district.

CHAIRPERSON REYNOSO: I have to believe
that it's not. Huh?

COMMISSIONER GARCIA: It depends on the
district.

CHAIRPERSON REYNOSO: What works. Yes.

COMMISSIONER GARCIA: I'll replace those
and now he's moving some place.

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CHAIRPERSON REYNOSO: All right. Thank
you. Commissioner, I just hope that--have you asked
for additional trucks and equipment beyond this year
from OMB and DCAS?

COMMISSIONER GARCIA: Yes.

CHAIRPERSON REYNOSO: Okay, and do you
feel they are being receptive at the moment?

COMMISSIONER GARCIA: We're--we're having
ongoing conversations.

CHAIRPERSON REYNOSO: Okay, and I
appreciate your time. Thank you guys for being here
and see you soon.

COMMISSIONER GARCIA: Thank you.

CHAIRPERSON REYNOSO: And good luck.
May--may you get all the money you could possibly
need to run--

COMMISSIONER GARCIA: [interposing] I
thought you told them--

CHAIRPERSON REYNOSO: --run your outfit.
(sic)

COMMISSIONER GARCIA: --that I could have
everything I wanted. I thought that's what you said.

CHAIRPERSON REYNOSO: I'm working on it.
I'm working on it. Trust me.

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COMMISSIONER GARCIA: All right.

CHAIRPERSON REYNOSO: A lot of questions from these council members that needed addressing, you know, if you had more money you could probably do it all. Thank you guys. Thank you. [pause]
[background comments] I want to--

MALE SPEAKER: I think we're doing a little bit there.

CHAIRPERSON REYNOSO: Yeah. So we're going to move onto a second portion of the meeting with the Business Integrity Commission with John Curry, Peggy Tierney, Noah Genel and, of course, Commission Dan Brownell. We're five minutes, which is on time in the City Council. [background comments] [pause, background comments] So welcome Commissioner. We were talking about you while you were gone, mostly good. Mostly bad.

COMMISSIONER BROWNELL: [off mic] They rely on mainly. (sic)

CHAIRPERSON REYNOSO: Oh, okay, good, good. So you got that first--the first question what we're going to get to. I hope you heard it was in regards to just waste. How waste haulers document

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their work, or how they--how you guys receive the
information. How they report. They will have--

COMMISSIONER BROWNELL: [off mic] They
have all the data. (sic)

CHAIRPERSON REYNOSO: Okay, good. All
right, that's good--that's good to hear. So looking
forward to hearing from that. Of course, make sure
just that you guys when you speak you introduce
yourselves by name before you speak, and then we'll
proceed but, of course, Commission Brownell, go
ahead. We'd love to hear your opening testimony.
Thank you.

COMMISSIONER BROWNELL: Good afternoon,
Chair Reynoso and your staff. Thank you very much
for this opportunity.

CHAIRPERSON REYNOSO: [interposing] Is
your mic on?

COMMISSIONER BROWNELL: I think it is on--
--to testify. I'm Dan Brownell the Commissioner of
the Business Integrity Commission or BIC. To my left
is Peggy Tierney who is our Deputy Commissioner for
Operations and Chief of staff. To my immediate right
is Noah Genel, who is our Deputy Commissioner for
Legal Affairs and General Counsel, and then to my his

right is John Curry, who is our Assistant
Commissioner of Legal Affairs, and seated behind us
is BIC's dep--Deputy--BIC's Director of Policy
Salvador Arrona. And as I said, thank you for this
opportunity to testify this afternoon. [coughs]
This past year since I appeared at BIC's first
Preliminary Budget and Preliminary Management Report
hearing, it has been busy and productive for the
agency. but not without its challenges. We have had
a number of significant and tangible successes, which
we'll 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 adopt
our policies and practices to keep pace with the
changing industries we're--that we regulate. This
past November BIC together with the New York City
Police Department 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

1 along with our squad of NYPD detectives has ever
2 undertaken. Last fall, we also reformed the Trade
3 Waste Advisory Board, which is comprised of a diverse
4 group of members of the commercial waste hauling
5 industry that meets with members of the Commission's
6 staff on a monthly basis. I have also personally
7 attended some of these meetings. The main purpose of
8 the Trade Waste Advisory Board is to foster a more
9 collaborative relationship between the agency and
10 those we regulate. Our efforts go beyond solely
11 regulation. They also include policy development as
12 the City undertakes major steps to improve commercial
13 waste disposal. We are working with the New York
14 City Department of Sanitation and the Mayor's Office
15 of Sustainability along with the carters and various
16 community groups that help develop more effective
17 measures to increase recycling and compositing of
18 commercial organic waste. While also working to
19 reduce commercial waste hauler truck--truck traffic.
20

21 With respect to the heating oil fraud
22 investigation, for the last 2-1/2 years BIC has been
23 involved in this massive criminal investigation of
24 the heating oil delivery industry here in the city.
25 The case actually started when I was at the Manhattan

District Attorney Office heading the Rackets Bureau.

I was approached by a BIC investigator who was a retired NYPD detective. The investigator had information through a confidential source of his 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--what he reported concerning the various schemes was astounding in terms of how many people were involved in the fraud, and how much oil was systematically stolen. Over the course of the last two years comprising 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, fire houses and NYCHA house--NYCHA developments even the very building that houses the Manhattan District

Attorney's Office. Essentially 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--the customers they stole--the customers were--they were stealing from almost never noticed. On the rare occasion when a delivery was questioned, they would just claim that the innocent--innocen--in--innocent mistake had been made and corrected the delivery. Customers were usually happy with that particular resolution unaware that a systematic fraud was 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--on figuring out what it will take to stop these chronic pervasive thefts going forward. The reality is that there is too--too much easy money to be made by stealing often because most buildings

1 don't have anyone present when the oil deliveries
2 happen.

3
4 So we did two things. First, we led the
5 effort to determine how consumers can more
6 effectively protect themselves especially city
7 agencies who we estimate collectively lost at least
8 \$10 million a year. We, along with investigators
9 from the Department of Investigation visited various
10 building and examined their tanks and spoke with
11 building managers. We went to tank gauge companies
12 and learned about the latest technology available.
13 We even spoke to some of the bad guys who had been
14 stealing oil for years who began cooperating with us,
15 and asked what they would do to stop the fraud. On
16 the day of the arrests this past November, BIC and
17 DOI released a comprehensive report informing people
18 as to what they could do to protect themselves
19 against the heating oil delivery fraud. That report
20 is now available on our website along with DOI's.
21 Since then, BIC has joined the City Heating Oil Task
22 Force to continue to share best practices going
23 forward, and has met with members of the heating oil
24 supply industry to more fully understand how the
25 industry works. The bottom line is that there are a

1 few simple measures consumers can take that will go a
2 long way to stopping these thefts. But consumer
3 education alone is not enough. In essence that would
4 place the entire burden for fixing the problem on the
5 victims. The City has a part to play here and, in
6 fact, has effectively dealt with these kinds of
7 systematic frauds before.

8
9 So 20 years ago, the Manhattan District
10 Attorney's Office brought a series of criminal cases
11 based on the fact that the trade waste industry at
12 that time was being strangled by corruption. Carting
13 costs for businesses were artificially high because
14 organized crime had stifled all competition by
15 preventing honest carting companies from entering the
16 market. However, in addition to prosecuting many of
17 the corrupt companies, which is very time consuming
18 and expensive, the City created the Trade Waste
19 Commission, which later became BIC. No city in the
20 country ever had or has since created such an enemy.
21 Twenty years later we find that this industry is now
22 fairly open and robust. Carting fees are affordable
23 and more than anything else honest competition drives
24 the industry. Of course, organized crime continues
25 to attempt to work its way into the industry, but it-

1 -and it remains BIC's core mission to ensure that
2 this does not happen.
3

4 Now, to be clear, the current heating oil
5 delivery industry is not as shrouded in fraud as
6 trade waste had been, but there is real systemic
7 corruption in this industry. While there are many
8 good honest companies, the bad ones exert too much
9 influence, and as I explained, stealing is simply too
10 easy and profitable, which makes it difficult for the
11 honest companies to fairly compete. As DA Vance
12 announced at the time of the indictments, the fraud
13 resulted in a loss of tens of millions of dollars
14 annually, and this was just a portion of the
15 industry. I look forward to discussing the problems
16 in the heating oil supply industry in more detail
17 with the Council soon as well as potential
18 legislation to increase oversight of this largely
19 unregulated industry. Beyond heating oil, BIC's
20 investigators joined by our NYPD squad detectives are
21 working on other criminal investigations related to
22 the industries we regulate. Other law enforcement
23 agencies also regularly seek us out to work with them
24 due to our knowledge and expertise in the trucking
25 industry. BIC routinely collaborates with other New

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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 benefits 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 the com--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--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 kick-off 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--of a more collaborative working relationship with the agencies, 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 truck waste--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--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. Example: The accident yesterday. It is gratifying to see that the carters are just as concerned with this as the public and the City Council--and this City Council Committee. While the Council passed Local Law 56 in 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 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 operations safer. Many of the ideas, and I will--and I will make them a reality, are coming from the carters

1 themselves. They truly want this to be a better,
2 safer industry. In addition to our work in the
3 trade waste industry, we are also actively engaged in
4 a dialogue with members of the public wholesale
5 markets that we regulate. In fact, earlier this
6 month, we attended a board meeting at the Hunts Point
7 Produce Market Cooperative to listen to their
8 concerns where we visited and had a discussion with
9 regard--with regard to various wholesale meat markets
10 in the city. And have done the same with respect to
11 the new Fulton Fish Market. Those businesses are
12 experiencing real growing pains particularly with
13 respect to the condition of their aging market
14 facilities in Hunts Point. Our discussions with the
15 markets are aimed at staying apprised of unique
16 issues at each market, and ensuring that our actions
17 as the--as we regulate foster a positive and
18 production environment for all those involved in the
19 markets.
20

21 On a less bright note our PMMR statistics
22 continue to be a concern for us. Clearly, it is
23 still taking too long to process applications.
24 Having said that, I am glad to advise you that our
25 statistics are actually better than what was first

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reported in the PMMR. In early January when we first calculated the application processing stats from our PMMR, we scratched our heads because we knew that the statistics could not be accurate because we had already instituted new measures that it 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 those errors made it appear as if the backgrounding process had taken as long as ten years. Even a single record with this type of error can cause overall statistics to be skewed as much as 50%. We advised the Mayor's Office of Operation of our findings and correcting 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 wholesale market's 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, which would be July 1 of 2014 to November 1st of 2014, we completed 177 applications. For those

1 same four months in Fiscal year 2016, we completed
2 222 applications. That is an improvement of just
3 over 20%. Even more striking is the difference
4 between the first eight months of Fiscal Year 15
5 versus the first eight months of the current fiscal
6 year, which period we just completed. For that
7 period in Fiscal 2015, we completed 497 applications.
8 For the same period in Fiscal Year 16, we completed
9 665 applications, which is an improvement of 36%.
10 The numbers show that we are headed in the right
11 direction, and I am confident that we will continue
12 to improve. To this end we are focused on enhancing
13 the performance of the agency's Background
14 Investigation Unit or BIU, which plays a major role
15 in vetting all the data on the applications.
16

17 We are also having our experienced
18 attorneys in the Legal Unit work more closely with
19 the BIU Intel--Intelligence Analyst to be more
20 efficient--to more efficiently identify and resolve
21 any issues with applications. To further improve our
22 efficiency, we are moving ahead to make various
23 online BIC applications a reality. This will make it
24 easier for the industry to submit the applications,
25 and for us to process them. The online application

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1 will eliminate the majority of manual data entry by
2 our Licensing Department. This will speed up the
3 process in terms of when we can begin conducting the
4 background checks on the applications and will
5 eliminate--eliminate human error in the data entry
6 process. We are also continuing to streamline the
7 information we ask on the applications, but
8 particularly for the Class 1 registrants. Those
9 registrants haul only their own waste and are
10 generally small businesses like landscapers. BIC is--
11 it is BIC's number one priority to be more
12 efficient--to more efficiently process our
13 applications, and Chair Reynoso I expect during the
14 coming year to have regular meetings with you to
15 discuss our progress. This is a summary of the
16 projects and main issues at BIC and we are happy to
17 answer any questions.

19 CHAIRPERSON REYNOSO: Thank you,
20 Commissioner and first I want to congratulate you on
21 the effort regarding the heating oil industry. I
22 want to applaud you and thank you because you're
23 saving the City \$10 million. Only if it could go
24 into--into budget of BIC. We just talked about that
25 with--with Sanitation who also doesn't receive any of

1 the fines that they give out. So, you know, part--
2 we'll make progress hopefully some other time. I
3 just want to thank you again. I'm extremely
4 grateful. I want to talk about that industry,
5 though. What--what has the City done since to make it
6 so that this doesn't happen again? Or, I just kind
7 of want to go through that with you a little bit.
8 What has the City done?
9

10 COMMISSIONER BROWNELL: And you're
11 talking about the heating oil base.

12 CHAIRPERSON REYNOSO: The heating oil
13 industry right.

14 COMMISSIONER BROWNELL: Right. So as I
15 indicated to you, BIC and DOI joined together. In
16 fact, I was from BIC. I went personally because
17 everybody at BIC was actually doing the criminal
18 investigation finding out the ways that consumers
19 themselves including the, you know, city buildings
20 can effectively stop that from having--happening, and
21 the biggest thing is to have a responsible
22 knowledgeable person present during each of the
23 deliveries. And so the report that we issued with
24 DOI is fairly comprehensive. As I said, there's a--
25 BIC put together--DOI put together a--a working group

1
2 of city agencies. And believe it or not, the MTA
3 actually had the best process, and even though
4 they're not a city agency, they were generous enough
5 to be part of the working group, and they have
6 protocols all set up, and they are--you know, they're
7 very, very effective.

8 CHAIRPERSON REYNOSO: So outside of--
9 outside of that report, has the city engaged for
10 example what's happening right now, and you didn't
11 read your report, and you're a homeowner, what--what
12 precautions--I guess, if you read the report you know
13 what precautions to take. But thereafter what is the
14 City doing to make sure it doesn't happen again I
15 guess?

16 COMMISSIONER BROWNELL: Well, as I
17 indicated, you know, in--so I was at the DA's office
18 when I--as I indicated in my testimony when I first
19 heard about this. As it turned out--

20 CHAIRPERSON REYNOSO: [interposing] Uh-
21 huh, right.

22 COMMISSIONER BROWNELL: --the pros--the
23 main prosecutor on the trade waste cases of over 20
24 years ago was a good friend of mine, and I remember
25 when she was starting the investigation in '92 and

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1 '93 of the trade waste industry and the more I
2 learned about what was going on in heating oil, it
3 just reminded me of a very similar set of
4 circumstances. Again, not as bad as trade waste was
5 where the whole thing was completely controlled by
6 organized crime. But you have an industry that--that
7 way too much of it is, you know, ensnared in fraud.
8 And so, you know, I think the thing to do, and we're
9 working on that with other agencies, is to think
10 about what kinds of regulations could be passed that
11 like in trade waste industry, you know, we can in
12 addition to what consumers can do to protect
13 themselves. What the City can do to make sure that,
14 you know, that the bad guys in this industry, which
15 again is not the whole industry are kept out.

17 CHAIRPERSON REYNOSO: Right, and the
18 heating oil industry to this point doesn't
19 necessarily have oversight agencies I guess.

20 COMMISSIONER BROWNELL: Well, there is--
21 there is oversight. We've been meeting and they've
22 been very helpful I have to say.

23 CHAIRPERSON REYNOSO: Okay.

24 COMMISSIONER BROWNELL: The New York
25 Heating Oil Association has been, you know, and, you

1 know, I'm sure they don't want regulation. But
2 despite the fact that we have obvious differences,
3 the discussions we've been having with them are very
4 productive. We've asked them for information.
5 They've been great at getting us the information we
6 need, and I expect that they're going to be a part of
7 the conversation going forward as they should be.

8
9 CHAIRPERSON REYNOSO: And so what you're
10 saying is that BIC has the authority to continue to
11 pursue these type of cases at the moment from the
12 City of New York?

13 COMMISSIONER BROWNELL: No, we don't
14 really need authority to do criminal investigations.
15 I mean mainly we stick to investigations involving
16 trade waste of the markets. We also get involved
17 because there's a certain correlation between all
18 commercial car--trucking, and John is one of the main
19 people at BIC that gets involved in those
20 investigations from the attorney standpoint. So
21 we're involved in a number of different kinds of
22 investigations. Again, as I indicated in the
23 testimony, we've been particularly focus--focusing on
24 trucking companies, and other companies that defraud
25 union benefits, and the main way they do that is by,

1
2 you know, their unfair treatment of undocumented
3 workers.

4 CHAIRPERSON REYNOSO: I'm excited to hear
5 about that report when it does come out of your
6 investigation when hopefully you--you protect and
7 save some folks. I've been a huge proponent or
8 advocated or a champion for safety rights or just
9 workers rights, and workers protections that I think
10 are going unnoticed at the moment. So I'm glad to
11 hear that you're--you're pursuing that. My concern
12 here is your capacity to take on another industry
13 with the same set of, you know, soldiers for example.
14 And just want to get a grasp from you on the--the
15 work that you're doing, and it just doesn't seem
16 appropriate to sit there--to begin taking on a whole
17 other industry without the appropriate resources. So
18 I just wanted to make sure I--I kept that in mind.

19 COMMISSIONER BROWNELL: Yeah, and--and--
20 and Peggy actually has been the one--we're in very
21 productive conversations with OMB about potential new
22 needs assuming that regulation, you know, additional
23 regulation comes our way, and so we're in that
24 process.

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CHAIRPERSON REYNOSO: Okay. That sounds--
--that sounds great, and I--I can't imagine that Peggy
is going to single-handedly oversee the heating oil
industry.

COMMISSIONER BROWNELL: No, no she--

DEPUTY COMMISSIONER TIERNEY: [off mic]
He manages. (sic)

COMMISSIONER BROWNELL: Yeah.

CHAIRPERSON REYNOSO: Easy right and I
just wanted to make sure I put it in perspective
above like the needs we have how this is something
that's gone unchecked forever since it's existence I
guess. Or it's gone unchecked for awhile, and that
maybe we do have a place here where we could start
doing something about it. And I just want to make
sure that we reference it, and hopefully when the
time comes we could start pushing it. I have a piece
of legislation actually that I'm looking to
introduce--

COMMISSIONER BROWNELL: [interposing] Uh-
huh.

CHAIRPERSON REYNOSO: --that would
actually look to give authority to BIC. So hopefully
that comes to fruition, and we could start talking

about the needs that come thereafter with that piece
of legislation.

COMMISSIONER BROWNELL: Right. I mean as
I said, the great thing is that using the model of
what started out as the trade waste industry we know
that--that something like this can be effectively
regulate--regulated to go a long way to stopping, you
know, the kind of systematic fraud that exists in an
industry.

CHAIRPERSON REYNOSO: And I thank you for
that insight as well. I--I guess I also want--
another question, and I think just so you can help us
put it in perspective, but it seems like the waste
applications, the waste hauling applications that
have been denied have gone up slightly to 4.4%. I
don't know if it's 4.4 of what percent? I don't know
if you done 10,000--10,000 applications or 10
applications and I guess it's--it's all relative. So
I just wanted to know are you guys just, you know,
you have a deny stamp that's a lot--a lot brighter?

COMMISSIONER BROWNELL: I'll have Noah
address that.

DEPUTY COMMISSIONER GENEL: I'm Noah
Genel. I'm General Counsel at BIC. I don't think

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1 that the percentage as--is as important as the number
2 that we've been doing, and over the last 12 months we
3 denied 27 trade waste companies, and one from the
4 markets, which is in comparison to the year before
5 was 16 trade waste companies and none from the
6 markets. We have approximately 2,000 licensees and
7 registrants. I think 100--1,999 to be exact, and so
8 it's a very small percentage. We view--we view
9 denials as really a last resort with our licensees
10 and registrants because it's such an extreme measure,
11 and it puts companies out of business. So, we seek
12 to use any alternative that we can before leading to
13 denial. But there are times when denials are
14 necessary, and I think as you can see, 27 out of
15 2,000 was actually a small percentage.

17 CHAIRPERSON REYNOSO: Right. Okay, thank
18 you for putting that into perspective. And out of
19 those applicants have--have--that--that were denied,
20 was there an appeals process to that--to the denial?

21 DEPUTY COMMISSIONER GENEL: Well, there's
22 the--they can bring an Article 78 law suit and--and
23 they can--so they can appeal it to the courts.

24 CHAIRPERSON REYNOSO: [pause] I--I got--
25 I'm getting to the--the--your role in--in--in--as it

1 relates to market competition, and whether or not
2 you're playing a major role in--in modifying that in
3 any way especially in the wholesale markets. Is
4 there--do you guys play a role outside of
5 applications to deny for example--not deny, but
6 regulate who's doing what--what and I've never been
7 to the site, by the way. So I don't know if you have
8 20 vegetable--

10 PEGGY TIERNEY: [interposing] Yes.

11 CHAIRPERSON REYNOSO: --stands and
12 whether or not you could limit the amount of
13 vegetable stands that can be there, or--and do you
14 regulate that at all or you kind of just--
15 applications come in and applications go out?

16 COMMISSIONER BROWNELL: So we really
17 don't. I mean it's--it's really just the
18 applications itself. I mean EDC obviously plays a
19 very, you know is the technical landlord up there is--
20 -is very much more involved in that sort of thing
21 that we are. And we interact with them to a large
22 extent and Noah and John have regular meetings with
23 the EDC people assigned to the market so that, you
24 know, that we all sort of working collaborative--
25 collaboratively with what's going on up there. But

otherwise we don't sort of regulate who comes in or out other than through the regular application process.

CHAIRPERSON REYNOSO: All right, and I think I read that question wrong, but it's still a good answer on the questions that I did ask. I also want to ask 100% of your--the violations that were heard under OATH were admitted to or upheld. And I just want to speak to your--your perfect mark in--in the violations that you have issued, and whether it's the water in the big facilities that makes it so you've got flawless lawyers or how it is that we get 100%.

COMMISSIONER BROWNELL: Well, I'll let Noah respond to that.

DEPUTY COMMISSIONER GENEL: I think we bring a relatively small number of cases to OATH, and we are selective with the violations that we issue. We try not to issue violations where it's not absolutely necessary. And then when we do issue them, they're strong cases and so really the majority, the vast, vast majority of our violations are decided before OATH in an early settlement program. I think only 20 something violations

1 actually went to OATH in the recent past, and of
2 those they were upheld.

3
4 CHAIRPERSON REYNOSO: Do you report on
5 the settlement numbers at all, how many were settled
6 and for how much?

7 DEPUTY COMMISSIONER GENEL: I can tell
8 you [pause] I believe I have the statistics with me.

9 CHAIRPERSON REYNOSO: Okay.

10 DEPUTY COMMISSIONER GENEL: So we issued-
11 -over the past year we issued 817 NOVs, Notices of
12 Violation that were returnable to OATH, and 27 of
13 them actually went to a hearing, which is
14 approximately 3% of them, and we were successful on
15 all 27 of those.

16 CHAIRPERSON REYNOSO: So, and folks are
17 negotiating with you on every other application. So
18 that--that really is a process by which you go
19 through that allows for settlement options obviously.

20 DEPUTY COMMISSIONER GENEL: On a daily
21 basis and we--we tend to settle those violations for
22 much less than the maximum, which is what we usually
23 get when we actually have to litigate it at OATH.

24 CHAIRPERSON REYNOSO: Oh, okay. So your
25 numbers are not as impressive as they look on paper.

100%. I thought you were going, which is really good. It's okay. We are good, Noah.

DEPUTY COMMISSIONER GENEL: Thank you.

CHAIRPERSON REYNOSO: You're--you're very good, but it's good to put that in perspective.

PEGGY TIERNEY: Yeah.

CHAIRPERSON REYNOSO: This is the second--this is second thing you guys have put in perspective. I think the denial of applications and the 4.4% and the 100%, you know, conviction rate or whatever you want to call it or judgment is good to put it in perspective. I--I care deeply about justice and, you know, you can't be right 100% of the time. There has to be some person that got a justifiable reason as to why they think they did something or--or--or didn't do something, but given that 27 out of how many, 800 applications of--of--of judgments and what?

DEPUTY COMMISSIONER GENEL: Violations.

It--

CHAIRPERSON REYNOSO: Right. That--that helps. Thank you for that. Do--do you believe that the Preliminary Plan that was put out by Mayor de

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Blasio includes an adequate level of funding for the operations that you're going to be pushing in 2017?

COMMISSIONER BROWNELL: I'm sorry. I didn't hear the first part of the question.

CHAIRPERSON REYNOSO: Right. The Preliminary Plan, the Budget that was put out by the Mayor's Office, do you feel that you have adequate level of funding for 2017?

DEPUTY COMMISSIONER TIERNEY: [off mic] I'm talking to that. Me. As it is, as we operate really--

CHAIRPERSON REYNOSO: Can you just on the record just state your name.

DEPUTY COMMISSIONER TIERNEY: [on mic] Oh, sorry, sorry. Peggy Tierney, Chief of Staff and DC of Operations. So, yes, as is our budget is pretty straightforward and our headcount there's nothing, you know, complicated there, and we manage our budget well. We make the most of it, and I think we do very well with what we had. Anything additional, new, which we've already mentioned, that whole other ballgame and that's, you know, we engage in the process then with OMB separately. We separate

1
2 them apart from our regular budget, but we--we--we
3 manage our budget well, I think.

4 CHAIRPERSON REYNOSO: Okay, it's what--
5 the increase of one in the headcount. You know I
6 just want to also put it in perspective here that I
7 don't think--I think you're talking about a lot of
8 things here. When we're talking the--the possibility
9 to look into the union, these are labor. [background
10 comments] I know but not the union, the--you just
11 talked about them in the new investigation that you
12 guys are starting, you're moving forward. We are
13 talking about the heating oil, and we're talking
14 about the haulers, but you're talking about is it
15 pension work or?

16 COMMISSIONER BROWNELL: Just to be clear,
17 that's an investigation that John and some of our
18 people are doing with what? Four or five other law
19 enforcement agencies. It's a very large
20 investigation. It's not just us.

21 CHAIRPERSON REYNOSO: Okay. All right,
22 but I'm just looking at things that I wasn't aware
23 that you did before and those two new items, and
24 getting an increase of one for your headcount, and I
25 don't think it's necessarily a lawyer.

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COMMISSIONER BROWNELL: No, it's not a
lawyer.

CHAIRPERSON REYNOSO: A digital
investigator?

COMMISSIONER BROWNELL: Forensic
investigator.

CHAIRPERSON REYNOSO: A forensic
investigator.

DEPUTY COMMISSIONER TIERNEY: [off mic] A
forensic investigator.

CHAIRPERSON REYNOSO: Right. So I just--

DEPUTY COMMISSIONER TIERNEY: It's like a
pick a part of computer.

CHAIRPERSON REYNOSO: Right.

DEPUTY COMMISSIONER TIERNEY: In this day
and age you have to have it.

CHAIRPERSON REYNOSO: Right. How much--

how? [pause] All right, it's a \$75,000 increase.

Okay, which is again, perspective is important. So

the--the part that we see that's a little concerning

is the 830 pending applications, which is an increase

of 237 applications--

COMMISSIONER BROWNELL: [off mic]

[interposing] Right.

CHAIRPERSON REYNOSO: --or 40% as compared to the first four months of Fiscal Year 2016. I just want to also a perspective--put that in perspective as well in regards to the struggles that the agency is having when it comes to the pending applications and getting those through.

COMMISSIONER BROWNELL: So that--

CHAIRPERSON REYNOSO: [interposing] And you did speak to that on--in your testimony, by the way. So, I just want to I guess--

COMMISSIONER BROWNELL: [interposing]
Yeah, I mean so--

CHAIRPERSON REYNOSO: --go into that.

COMMISSIONER BROWNELL: --you know one of--and again, I don't want to make excuses for what happened. One of the things that didn't help is the last nut the fall of '15 but the fall of '14 into the early winter of '15, we happened to lose a lot of our key background analysts. [background noise] What we do at BIC to process applications isn't like what DMV does. It's not perfunctory. There's actually--you have to know a good bit about law enforcement to know what to look, to know what's important versus not important. When you lose a bunch of senior people,

1 and again we're only talking about eight or nine
2 people altogether, not only do we lose their
3 expertise, but when new people come in, it takes us
4 couple of months to train them so they actually know
5 what to look for. So we had that, which didn't help,
6 and then, you know, the heating oil investigation,
7 and again, I know you guys aren't in law enforcement,
8 but for those two winters we were up on--for an
9 investigation what they call a very large number of
10 wires or phones. That's very labor intensive, and we
11 had to use some of our background analysts to help
12 man the wires along with the PD, along with people
13 from the District Attorney's Office, and again that
14 was a decision we made. It was great that we had two
15 very cold winters. Not this past winter, but the
16 last two. It was great for the case because the
17 phones were going nuts, but the evidence we
18 collected, you know, was extraordinary. And so, in
19 some ways it's a tradeoff, but-- So, what we're
20 doing is, you know, pushing ahead to try to make
21 online applications, which first of all, we should be
22 doing anyway, that also helps. The other thing that
23 we're doing is that, you know, there's a two-year
24 time period between applications, and it's always
25

1 been up to this point-- Let's see, if your
2 application is due January 1st of 2014, well, it's
3 due again January 1st of 2016 even if it took us, you
4 know, nine months to process it. Well, you know,
5 that's probably not a very good way to do it. It's
6 not very fair. So what we're doing, what we're going
7 to do is as soon as we figure out the computer aspect
8 of it is to have a two-year period run from the date
9 of the grant. So if it--if you got the application
10 there on January 1st of '14, and we got it granted by
11 October 1st of '14, you're at--your next application
12 isn't due until October 1st of '16. It--it helps
13 [background noise] us a bit because we're spacing out
14 the applications, but as I indicated, it's also
15 fairer to the carter. So that's something we're
16 doing. And then another thing we're doing especially
17 with myself and these two guys here is we are--we
18 have--we--in the last--starting last month, and we're
19 going to keep this going for several months, we've
20 initiated sort of an all-hands on deck process of
21 reviewing applications where we have our two most
22 experienced attorneys along with the BIU people
23 sitting down on a weekly basis, starting with the
24 oldest cases going forward. These--identifying the
25

1
2 issues. These are the things we need to look at and
3 nothing more, and then getting those done. And we've
4 already--we've gone through I think 110 cases, and
5 we've approved almost half of those to date, and I
6 expect that that rate is going to continue as we go
7 forward because it has to be our number one priority.

8 CHAIRPERSON REYNOSO: Are--are some of
9 these pending applications still relevant or have you
10 seen some that because the process took so long
11 they're just not pursuing the application any more?

12 COMMISSIONER BROWNELL: There's couple
13 that that's the case, but not very many. The--the--
14 the good thing for--and these are all renewals. So
15 the good thing for the businesses is they continue to
16 operate even while the renew is pending. So it isn't
17 affecting them any, but it's, you know, it's--it's
18 bad for us. It's--it has to be fixed and I--and I
19 indicated, I think--and Peggy has had a lot to do
20 with this. I think we've instituted a lot of
21 measures besides making it a priority that are
22 actually beginning to show progress, and I expect in
23 our conversations over the next year to report to you
24 on a fairly regular basis how we're making major
25 dents in our pile of old applications.

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CHAIRPERSON REYNOSO: But when it comes to the online, do you have a time--a timeline for the online application process.

DEPUTY COMMISSIONER TIERNEY: Well, I speak to that sort of more generally or broadly, and--and-- Oh, I'm sorry.

COMMISSIONER BROWNELL: It's on.

CHAIRPERSON REYNOSO: People at home want to hear you. I want to hear you.

DEPUTY COMMISSIONER TIERNEY: I'm not soft spoken. [laughs] It's--it's something that we're looking at across the board. We mentioned the online applications and it actually dovetails into your question about data collection and things like that, and--so I might as well speak to that because it's all sort of together. The way that BIC in general collects all kinds of data, and there's a lot of different ways we collect it, is very archaic. It's basically--it's paper forms that we have to, of course, have staff doing data entry, which leads to all kinds of data corruption and errors and things like that. In the application process, for example, decisions had to be made in there. Because of staffing and time that not everything is entered into

the database, which then, of course means when you do studies, or you need to retrieve this information you can't regularly get your hands on it in any quick, easy, comprehensive way. So that's an issue that we have sort of across the board, not just with applications. There's semi-annual filings of customer registered data, which goes back to the study. Also, financial statements. All of that is gone either through paper or at spreadsheet emails. It's not a great way to do it. So, we're embarking on a very ambitious project to change all of that, and one by one to work on it. I have a very limited IT staff so, you know, there's some resource issues. But to one by one work through filings. The customer register is something that we started with in the house. So I have somebody in-house working on that, but of course, it takes time. But to--to make it where there's a portal, whether it's the public applying, whether you're doing a renewal, whether you're already licensed and you're doing any of these filings, we--the goal is that you'll--you will go to this portal, and that is how the data will come in. And then, obviously, we'll be collecting better, clean, more accurate data. You know, we have things

now like the way things are set up, you know, you can put numbers where letters go, and all kinds of stuff. So that that unfortunately does tie into your other issue about the quality of the data where you're now trying to use it to do things. So, that's the direction we're going. I mean even as simple as we were mailing every communication, which was a lot every time we had to reach out to any of our licensees and registrants. We've already converted that to email. So it sounds very simple and basic, but it needs to be done, and that's the direction that we're going. It's not going to happen over night, but I've set a very aggressive schedule for it because it makes me crazy.

CHAIRPERSON REYNOSO: It--it seems that you guys are--so you're looking to modernize the agency as best as possible--

DEPUTY COMMISSIONER TIERNEY:
[interposing] Right. [coughs]

CHAIRPERSON REYNOSO: --and continue to do the work that expected of you, and I just see the--I feel that the increase of headcount to one doesn't--isn't respectful or respective of the needs that you might have in the conversion to--to--to

1
2 online applications and--and other--other things that
3 you guys need to do. So, I just wanted again to make
4 sure I got as much input as possible. So if need be,
5 in the response that I would give, there would be an
6 increase in--in--in resources so that you can
7 accomplish that. There are important things that are
8 happening in my district today to truck traffic and
9 truck issues that can't be addressed as quickly as I
10 would them to be because of the lack of reporting.
11 So the faster you guys get this done, the better--
12 the--the easier it is for me to help my district. So
13 I'm deeply interested in you guys getting this thing
14 together. So--and I know that comes with a need--
15 with resources so I'm--I'm--I'm paying attention to
16 that. But outside of that, I think there was one
17 other thing. Was it the--[background comments] So
18 the other one would have been the--the commercial
19 lease (sic) study that's happening and the--the data
20 issues that DSNY talked about. I guess we just--we
21 just went through that. So I guess--that was my last
22 question actually. So I think we're good here. I
23 really appreciate you guys coming down, and hope that
24 we can see some progress in the future regarding a
25 lot of these app--these older applications and the

1
2 online--the online applications. So thank you guys
3 very much.

4 COMMISSIONER BROWNELL: [off mic] I
5 really want to thank you for your support. It's made
6 a huge difference.

7 CHAIRPERSON REYNOSO: Absolutely. Well,
8 that's what we're here for. We're here to make
9 things better not worse, and I appreciate the work
10 you guys have done. Oh, and thank you for the
11 compost work that you've--you've done. That can't go
12 un--unheard or unseen. How many applications have
13 you gotten so far? Do you know how many of these
14 folks finally decided to come up and say--

15 COMMISSIONER BROWNELL: We're still--
16 we're still--

17 CHAIRPERSON REYNOSO: [interposing] Okay.

18 COMMISSIONER BROWNELL: --working out to--
19 --to the online process of it. So it's actually been
20 Sal and--and Santiago back here that have been doing
21 all of that stuff. [background noise]

22 CHAIRPERSON REYNOSO: Right, I just
23 appreciate your--your flexibility on this issue and
24 your openness to have a conversation and actually
25 find real solutions because obviously this on display

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and this one issue that might be very small to you,
but very large to these folks doing this work. So
I'm--I'm extremely grateful and appreciative for
that. So thank you guys.

COMMISSIONER BROWNELL: Thank you.

DEPUTY COMMISSIONER TIERNEY: Thank you.

CHAIRPERSON REYNOSO: All right, now
we're up to our public portion of the meeting. So
we're going to have Susan from the Queens Botanical
Garden and Melissa--Okay. [pause] And I think I have
their information. I think I might already have the
information for the--there you go. It's a part of
that.

LEGAL COUNSEL: It's the Queens Botanical
Garden. Thank you.

CHAIRPERSON REYNOSO: Well, it's t he
Queens Botanical Garden. [pause] Susan, how are
you? Okay. Yeah, I know you caught me in the
hallway with this one sheet of--I've been able to
look at it yet. I've got it here, but I want to give
you the opportunity to go ahead and testify. Thank
you. [pause] Is your--I don't think your--it's--it's
on.

SUSAN DAVIS: The red light. Do you hear
it now?

CHAIRPERSON REYNOSO: The red light is--

SUSAN DAVIS: Closer? Okay. Over 20
years the Department of Sanitation started a
partnership that has really helped transform the city
I believe. They--it's now called the Bureau of
Recycling and Sustainability, but it was called other
things at other times. And really people really now
understand the--the resource issues, understand that
we have a lot of organics, and that those can go to
improve the soil. And over the years I've seen them
do so many different things like leave it on the
lawn. You could leave your lawn clippings there and
not haul them off because we heard a lot about the
costs and challenges of transporting, and you know
that from your district. A lot. But there's also--I
mean working with firehouses, working with schools,
working with the Housing Authority. Brown bags. I
remember when they came and gave brown bags just to
get people started with organics. The people came
from all over. They were crazy for these brown bags.
When we do compost giveaways at the garden, people
are absolutely passionate. There are things like

1 pumpkin smash, leaf crunch, and we Ewaste events at
2 the garden where people come because it's now illegal
3 to just leave things, as it always should have been
4 really. But people do come and they engage and they
5 understand. The Master Composter Program is
6 particularly strong because it has trained a whole
7 cadre of people that are really eager to help solve
8 some of the issues that are in the city. And with
9 organics being one-third of the waste stream, it's
10 really important that people do understand this.
11 There is such passion in the city about the whole
12 thing. So, I really wanted to give a plug for all
13 the good work that Department of Sanitation does with
14 its partners in the Botanical Garden. Because we
15 have the community presence. We know the community.
16 We have facilities, and it's really a perfect
17 partnership. So that's what I wanted to say.

18
19 CHAIRPERSON REYNOSO: So the Commissioner
20 mentioned to me that you have--they have a great
21 working relationship with the Queens--

22 SUSAN DAVIS: [interposing] Yes.

23 CHAIRPERSON REYNOSO: --Botanical Garden.
24 Can you just go over a couple of things that you guys
25

to together that helps get closer to the Zero by 30 goal?

SUSAN DAVIS: Well, one thing is the organics. We're actually starting a Master Composter Class tonight. I'm supposed to go back there and say hello to all of them. But in addition we are part of the organists collection where we go out into the community and there are different drop-off locations where people can bring their organics, and then it comes back to the Garden and then we help process it. But there's also a lot of classes about all of that, too. So people really understand.

CHAIRPERSON REYNOSO: Do you have a lot of capacity in the Queen Botanical Garden to take let's say a--a lot of compost?

SUSAN DAVIS: Not a lot. [laughs] I mean it's a 39-acre cultural facility, but in regards to understanding the cycle and what ed--education. We do have some property that we are doing that. Yes.

CHAIRPERSON REYNOSO: Okay, that's awesome. Thank you so much for the--the contributions that you're making to--to this, and I just want to thank you, too, for contributions that are here.

1
2 SUSAN DAVIS: Well, in this pic--the
3 carrots here in the picture. You know, it's the
4 cycle because it's the cycle of nature and it's a
5 cycle all the way around. We eat food. Things
6 happen to that food. We can put it back into the
7 soil, and then it helps make more food. And then one
8 other thing, there's textbook on public garden
9 management, and actually I wrote the outreach chapter
10 and I talk about this relationship with Department of
11 Sanitation. So it's a real great model for the world,
12 too, and I want to leave that with you as well.

13 CHAIRPERSON REYNOSO: Okay, and Ms. Davis
14 so when you talk about it--you could--you could stay
15 there. I'm going to ask you a couple more questions.

16 SUSAN DAVIS: Sure.

17 CHAIRPERSON REYNOSO: They got--we got
18 people to do that work. Don't even worry. It's all
19 right. It's okay. We want to keep you. We want to
20 be efficient.

21 MS. DAVIS: Uh-huh.

22 CHAIRPERSON REYNOSO: If you have
23 anything you can just always give it to the Sergeant-
24 at-Arms.

25 Okay. I think I have one.

CHAIRPERSON REYNOSO: And any--any time you come back, and they'll--they'll be able to bring any time.

SUSAN DAVIS: Okay.

CHAIRPERSON REYNOSO: When you talk about outreach, is there a specific outreach that you're doing that might be different from what DSNY is doing at the moment for the Compost Project?

SUSAN DAVIS: Well, we're really on the street. I mean they're on the streets in a different way with snowplowing and picking up garbage, but we interact with people all the time. So we're known for educational programs, and how to reach people of all different ethnicities, and in different languages that's what it--really what we excel that, and that's why the Department of Sanitation partnered with us years ago. It's a great partnership.

CHAIRPERSON REYNOSO: So this is my formal request to be invited to the Queens Botanical Garden--

SUSAN DAVIS: [interposing] Absolutely

CHAIRPERSON REYNOSO: --and see how it works. I would like to see it personally. So thank you so much for your service and help.

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SUSAN DAVIS: So you have in Queens, too.
You actually have some of that.

CHAIRPERSON REYNOSO: That's Ridgewood,
Ridgewood.

SUSAN DAVIS: Yes.

CHAIRPERSON REYNOSO: Yeah.

SUSAN DAVIS: All right, thank you very
much.

CHAIRPERSON REYNOSO: Thank you. Thank
you. Now, we have Melissa Elstein. How are you,
Melissa? Yeah. [pause]

MELISSA ELSTEIN: Is it on now? Okay.
Thank you, Chair Reynoso for this opportunity. My
name is Melissa Elstein. I'm a founding member of
the West 80s Neighborhood Association as well as the
New York City Coalition of Block and Community
Leaders. As part of my volunteer community work, I
organize Upper West Side Street, Sidewalk and Tree
Bed Cleanup days including the Annual Spring Love
Your Street Tree--Street Tree Event co-sponsored by
Council Member Helen Rosenthal and other elected
officials, Community Board 7, environmental groups,
local business, schools, non-profits, city agencies
such as Department of Sanitation, and the Parks

Department. 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 for November 11th of last year--here's the flyer--that was attended by over 100 people from all over the city. And that many of the events is on my association's and City Council Member Rosenthal's websites. We have recently organized plastic bag and balloons in tree removal events along with New York Restoration Project, that organization. We do periodic graffiti removal days as well. So you can tell I'm passionate about these issues. I do all this on my volunteer--you know, my free time. So today I'm testify, however, as a New York City resident and not representing non-profit community organization. Under Mayor de Blasio's CleanNY initiative, these--these are my recommendations. I would like to see increase in funding for purchase and installation of the public safe trash and recycling bins, and increase pickups to eliminate what we see daily. Council Member Kallos described what I see on the Upper West Side as well. Overflowing sidewalk trash bins with trash spilling

onto the street, sidewalk and into the storm drains.

This is a result--results in the rat issues that we

deal with on the Upper West Side, as well as our

garbage flushing into our waterways. Especially

disturbing given the recent study conducted by the

New York New Jersey Bay Keeper indicating that

currently there are 165 million plastic particles in

the water surrounding NYC. That article came out a

couple weeks ago. Everyday, plastic bags, straws,

bottles where it can be found alongside the street

tree drains to be brought--washed into the waterways

upon the next storm. Recent reports additionally

indicate that by 2050, there will be more plastic

than marine life in the ocean if we don't change our

waste management practices globally as well as our--

our own personal practices. So I'd like to know how

many recycling bins exist on the city's streets, and

should not every trash bin be accompanied by the

recycling bins. Take a look at what is in our

sidewalk cans. I wonder how many items such as the

newspapers, cans, bags, cups, et cetera could be

diverted to recycling. We are wasting money by

throwing this valuable trash resource away into

landfills and our incinerators, both options not

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environmentally friendly, when this waste could be a source of rent--revenue. You know, all this written out. So I'm just going to scoot ahead. Our current situation, and I believe Council Member Kallos also mentioned this, is that it runs counter to the Zero Waste and Landfill Goal set forth by the government. An increase in the negative quality of life urban experience akin to the broken car window glass that I remember from the 1980s. One of the most common complaints to my City Council Member's Office, Helen, is the overflowing public space garbage cans as well as dog waste. With the Mayor's Clean NYC Plan, the City seeks to rectify this current situation. However, this plan needs legislative teeth and funding. Part of that funding I hope could be a job trainee's, Sanitation workforce doing sidewalk, curb, and street sweeping to assist with those problems and enforcement. Increase funding for more sanitation enforcement officers to issue tickets and collect fines for sidewalk litter. I think we heard today that maybe those fines don't go back to DSNY. They go to a general fund, but it's still a fund for the city. So it--and may--and maybe we can change that. Now that I heard that, maybe we can change it so it

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1 does go back to DSNY. But enforcement should be a--a
2 big component, and I remember is used to be. We used
3 to see cleaner sidewalks, and recently we're not. So
4 I'd like to know how much revenue was collected last
5 year from these fines. How many tickets were issued?
6 How does it compare with parking fines? I see a lot
7 of meter maids issuing tickets, but I don't see any
8 businesses of people getting fines or even being
9 approached with warnings. The same thing goes for
10 our dog pooper/scooper laws. All the signs were
11 removed. How can we get those signs back because dog
12 waste is a big problem, and it's a health issue in
13 our neighborhood, and it pollutes the waterways as
14 well.

16 Moving onto the Mayor's One NYC goal of
17 Zero Waste to Landfill by 2030, I'd love to see
18 funding for education and outreach, public service
19 announcements, TV, radio, New York One, subway ads,
20 bus stop ads, literature on waste issues on recycling
21 plastic pollution, reducing use in the first place.
22 We have seen a lot of these ads from the Department
23 of Health regarding cigarette smoking. Well, waste
24 is--is--is an environmental health problem as well.
25 How come we haven't seen any? I would love to have

1 funding for that, and that would be a good way to
2 market this issue to the general public. And
3 speaking of smoking, the number one source of ocean
4 debris are cigarette butts which, of course, con--
5 contains plastic and chemicals and other toxins. How
6 do we prevent those cigarette butts from getting into
7 our waterways in the first place? How do we prevent
8 the butts from being tossed onto our sidewalks,
9 curbs, tree beds and into the storm drains?
10 [background noise] Can we find ways to incentivize
11 buildings and businesses to provide cigarette
12 collection containers to divert the cigarettes?
13 Terra Cycle provides such containers and services for
14 example. Again, enforcement and then with regard to
15 organics, more processing facilities, a lot of people
16 already talked about that. So I'm going to move on
17 from there. However, I'd like to request, and this
18 was mentioned already, how do we support compostable
19 bags being used to organics. There's really no
20 reason that--I bring my food to the Green Market. I
21 either use a brown paper bag in the freezer or a
22 compostable bag. There really is no reason to use
23 plastic bags especially as we're moving towards
24 hopefully passing Intro 209. So how we support that
25

1 use of compostable or recycled paper? I'd also like-
2 -you know, I understand the City is planning to
3 switch to single stream recycling by 2020,
4 residential. Do we know if--what, you know, has
5 there been a study on that? I'm worried about
6 contamination of the paper source.
7

8 And then finally moving on to messaging
9 and marketing. I think a great way to--to help DSNY-
10 -they have these wonderful--these marketing materials
11 and the authority. How about creating an DSNY app
12 just like--just the MTA did a subway map. An app
13 explaining the recycling rules in a clear engaging
14 format? Underlying all of these issues, however, is
15 the reduction of waste and reduction of single use
16 discardable items. We can't have this conversation
17 without that. So how can we change public behavior
18 and business models that externalize their business
19 costs to taxpayers such as--I won't mention them--
20 certain coffee and tea chain establishments, fast
21 food where plastic containers, plastic straws,
22 plastic culturally--cutlery are to be seen mere feet
23 away, and we are paying for the--the collection while
24 all these businesses profit. Basically externalizing
25 their costs to the taxpayer. So how do we encourage

businesses to embrace a cradle-to-cradle closed loop product and merchant day--merch--merchandising by passing product stewardship legislation, a/k/a Extended Producer Responsibility Laws and to encourage using like bamboo, reusable cutlery that I always travel with, my steel straw and other options. Finally, can we make using these fashionable and trendy somehow coordinating with the Mayor's film and TV and PR Office. You know, product placement. I don't know. I'm just putting it out there. Enacting a City Council resolution for clean. The City Council Aware--the City Recycling Awareness Day, one of community events. There is already an America Recycles Day. I think it's November 15th. Increase funding for these beautiful DSNY materials, comic books, et cetera. They--they do an incredible job, and we did disseminate them broadly. And then finally, can we provide funding in the budget for large annual community events to be held by Department of Sanitation, City Council or other agencies regarding recycling and zero waste. I attached the op-ed, however, after our large zero waste forum and here's the flyer. It was really popular. There's no reason that couldn't be done

1
2 throughout the city to generate more interest in
3 this. So thank you for this opportunity. I
4 appreciate it.

5 CHAIRPERSON REYNOSO: Thank you for your
6 time, Melissa.

7 MELISSA ELSTEIN: You're welcome.

8 CHAIRPERSON REYNOSO: There--there are
9 many good ideas here that we definitely want to look
10 into, and I think when 209 starts moving forward, and
11 other things that we're trying to do, start moving
12 forward, we're going to start seeing a lot more money
13 being put into making sure that we follow through
14 with our--our laws, our commitments, which is, of
15 course, the plastic bags. And the recycling day
16 thing, I definitely want to see what we can do there.
17 I--I do want to say that NYCHA is now doing a
18 recycling program, and everywhere they're going to
19 install their recycling program, they're doing one
20 day where they want all the residents to come out and
21 learn about it. So, it's happening in NYCHA now.

22 MELISSA ELSTEIN: Great.

23 CHAIRPERSON REYNOSO: So that--that--that
24 is a part of what you were saying. I think you want
25 to do it more broadly, and then I'm just looking at a

lot of things here that I'll have it in more
thoroughly.

MELISSA ELSTEIN: [laughs] I know. I'm
sorry. I figured I had this opportunity to--to speak
so--

CHAIRPERSON REYNOSO: Oh, it's great.
It's great. So we'll definitely be looking into it,
and see what makes sense, and look at what we could
do and what we can't, or at least have a conversation
to start that conv--start that process. I think
we're getting to a point where we're past the phase
of how we're going to get to Zero by 30, Zero to 30
and we're going to start getting into the action
phase. So once that starts moving forward, I think a
lot of the things you're asking here are going to be
answered. So I really thank you for your enthusiasm
and for your testimony, and you're also the last
person of the day here. So, yes, you are the last
testifier.

MELISSA ELSTEIN: That's great.

CHAIRPERSON REYNOSO: So thank you so
much, and I--I think we are--

MELISSA ELSTEIN: [interposing] Well,
thank you for your time. I appreciate.

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2

CHAIRPERSON REYNOSO: --we are done.

3

Absolutely.

4

MELISSA ELSTEIN: Nice to meet you.

5

CHAIRPERSON REYNOSO: Nice to meet you as

6

well. [gavel] We're done.

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C E R T I F I C A T E

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



Date April 15, 2016