

**TESTIMONY BY  
JOHN J. DOHERTY, COMMISSIONER  
NEW YORK CITY DEPARTMENT OF SANITATION**

**HEARING BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON  
SANITATION & SOLID WASTE MANAGEMENT  
TUESDAY, SEPTEMBER 25, 2007  
10:30 A.M. – CITY HALL – COMMITTEE ROOM**

**RE: Intro. No. 582-A - A Local Law to amend the administrative code of the city of New York, in relation to interfering with employees of the department of sanitation and the unauthorized collection or removal of solid waste and recyclable materials**

Good morning Chairman McMahon and members of the Committee on Sanitation and Solid Waste Management. I am John Doherty, Commissioner of the New York City Department of Sanitation. I am here with Michael Bimonte, First Deputy Commissioner of Operations for the Department, and Todd Kuznitz, Director of Enforcement for the Department, to testify on Intro. No. 582-A under consideration by this Committee.

Since the Department testified on Intro. No. 582 in June, staff for the Administration and the New York City Council worked to finalize Intro No. 582-A that amends Section 16-118(7) of the New York City Administrative Code. This improved legislation imposes stiffer sanctions against persons operating a vehicle who unlawfully remove or transport recyclables from the residential curb without the building owner's authorization. In buildings containing more than three dwelling units, the owner's authorization must be evidenced in writing and filed with the Sanitation Commissioner.

This legislation also adds new provisions imposing sanctions against persons, while operating a vehicle, who remove recyclable materials placed at the curb by commercial establishments and premises occupied by city agencies and institutions that receive Department collection service. It also imposes sanctions against persons who receive recyclable materials for storage, collection or processing from anyone other than an authorized Department employee or agent, or employee of a company licensed by or registered with the New York City Business Integrity Commission, or a not-for-profit organization.

Sanctions for unlawfully removing or transporting recyclables under Intro No. 582-A include increasing the civil fines from \$100.00 to \$2,000.00 for a first time offender, and \$5,000.00 for second and repeat offenders within a twelve-month period. The legislation also authorizes the Department to impound vehicles used by persons violating the law, similar to the Department's illegal dumping enforcement operations. In addition, the legislation empowers the Department to arrest individuals caught unlawfully removing recyclables from the residential curb, and individuals who also unlawfully receive "stolen" recyclables.

Department enforcement personnel continue to witness vans and vehicles searching for valuable recyclables that residents and building owners place at the curb for Department collection. The operators of these vehicles remove the valuable recyclables intended for the Department to collect, and load the material into their vehicles. From January, 2007 to the present, Department enforcement agents have issued 128 summonses to operators of vehicles who unlawfully removed from the curb recyclables that residents placed for Department pick-up the next morning.

The Department is committed to maximizing the amount of recyclable materials it collects for processing and marketing in fulfillment of its goal under the City's long-term solid waste management plan. We believe that increasing the fines for this violation will deter individuals from interfering with the Department's recycling collection operations. For these reasons, the Department fully supports Intro No. 582-A and urges its passage by this Committee and the full Council.

Thank you for the opportunity to testify on this bill.