



The City of New York Department of Sanitation



TESTIMONY OF KATHRYN GARCIA, COMMISSIONER NEW YORK CITY DEPARTMENT OF SANITATION

HEARING BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON SANITATION & SOLID WASTE MANAGEMENT

FRIDAY, FEBRUARY 13, 2015– 10:00 A.M.
COUNCIL CHAMBERS, CITY HALL

**Introductory No. 495: In relation to reducing permitted capacity at
putrescible and non-putrescible solid waste transfer station in
overburdened districts.**

Good morning Chair Reynoso and members of the City Council Committee on Sanitation and Solid Waste Management. I am Kathryn Garcia, Commissioner for the New York City Department of Sanitation. With me today is Robert Orlin, Deputy Commissioner for the Bureau of Legal Affairs for the Department. I appreciate the opportunity this morning to testify on Intro No. 495. As proposed, this bill would substantially reduce overall private transfer station capacity in the community districts of Brooklyn 1, Bronx 1, Bronx 2, and Queens 12.

Before I begin, I want to assure you that the Department is sensitive to the concerns of these communities and other areas of the City where transfer stations are authorized by the Zoning Resolution to operate. For reasons I will explain, however, the Department must respectfully oppose this bill. We are prepared, though, to immediately re-open negotiations with the industry to achieve voluntary reductions of transfer station capacity at levels that do not endanger public health and safety in the City.

The Solid Waste Management Plan and Long Term Export

Essential to managing the City's solid waste over the long-term is the establishment of efficient and reliable transfer station infrastructure, including the reconstruction of four marine transfer stations -- a key component of the City's Comprehensive Solid Waste Management Plan (SWMP). Adopted by the New York City Council and approved by the New York State Department of Environmental Conservation in 2006, the SWMP allows the City to achieve a

more environmentally friendly and equitable waste transfer system so that waste generated by the residents of one borough will not be transferred to another borough for handling or disposal, as was the City's previous practice for nearly 50 years.

The SWMP provides a framework for managing approximately 13,000 tons per day of Department-managed solid waste generated in New York City. In addition to advancing our recycling and sustainability initiatives, a key component of the SWMP includes the containerization of waste and the export of that waste in containers by barge or rail. This plan was designed to reduce the City's reliance on a network of land-based transfer stations and long-haul trucking to export residential waste, and to achieve equity and fairness in communities across the City.

The SWMP will greatly reduce truck traffic from City-managed waste, as well as from commercial carters. Under the SWMP, the Department will utilize a waste to energy facility in New Jersey, four Marine Transfer Station (MTS) sites and one public and three private stations served by rail in order to eliminate significant amounts of waste-hauling truck traffic -- approximately 55 million vehicle miles traveled annually -- from City and regional roadways, including 2.8 million vehicle miles traveled annually by tractor trailer trucks within the City, and 2.8 million vehicle miles traveled annually by DSNY collection trucks. Under the SWMP, all tractor trailer trips carrying Department-managed waste will end.

As you know, the Staten Island Transfer Station was completed several years ago with all Department-managed waste generated on Staten Island transported out of the City by rail. Both the Hamilton Avenue and North Shore MTSs are near completion, and construction of the East 91st Street and Southwest MTSs are underway. The MTSs are designed to also handle commercial waste. We have begun outreach and preliminary design for the Gansevoort Recycling and Education Center, in order to proceed with converting the West 59th Street MTS to handle commercial waste.

In the Bronx, and for portions of the Brooklyn and Queens residential waste streams, the Department has entered into long-term, twenty year contracts with private transfer station vendors for the export of Department-managed waste from the City by rail. Today, all Department-managed waste generated in the Bronx is transported out of the City by rail at the Harlem River Yard. Department-managed waste generated from part of the former Greenpoint MTS waste shed is transported out of the City by rail by a private vendor from the Varick Avenue Transfer Station in Brooklyn. Starting this summer, a portion of Department-managed waste generated in Queens will be transported out by rail by a private vendor from the Review Avenue Transfer Station. For waste generated on the west side of Manhattan, the City entered into a long-term contract with a waste-to-energy facility in New Jersey. When the SWMP becomes fully implemented, we estimate that 88% of the City's residential waste will be exported from the City by rail or barge.

The SWMP also recognizes that private solid waste transfer stations are an integral part of New York City's solid waste management system and essential to the City's ability to handle more than 26,000 tons of residential and commercial waste, excluding fill material, generated in the five boroughs every day. Since the enactment of Local Law 40 of 1990 which granted the

Department regulatory, permitting and enforcement authority over these facilities, the Department has undertaken several measures to ensure that lawfully-permitted transfer stations are well-managed and compatible with the surrounding area. We enacted a stringent and comprehensive set of operating rules governing the use, conduct and operations of putrescible and non-putrescible transfer stations. We also adopted strict siting rules which restrict both the siting of any new transfer stations and the ability of existing transfer stations to increase their daily permitted throughput capacity. The large majority of transfer stations today operate in the City's M-3 districts. The Department adopted its rules after a lengthy and extensive public review process and careful consideration.

In addition, recognizing that compliance and enhanced enforcement are key to mitigating any adverse impacts of transfer station operations in the surrounding community, the Department's Permit and Inspection Unit aggressively regulates the activities of all private transfer stations operating throughout the City by making unannounced visits to conduct thorough inspections of every putrescible and C&D transfer station an average of once per week. The vigorous inspection and enforcement efforts of DSNY have contributed to an overall reduction in the number of transfer station permits in the City by nearly two-thirds from 153 in 1990, to only 55 today.

In accordance with the 2006 SWMP that called for capacity to be reduced at putrescible and non-putrescible transfer stations by up to 6,000 tons per day in the four community districts covered by Intro No. 495, the Department began negotiations with transfer station owners almost immediately after the SWMP was approved by the Council. These negotiations continued regularly over a period of nearly eighteen months. By early 2008, the Department and the transfer station owners had met and consulted on numerous occasions in person and by phone, with Council staff participating in many of these discussions. The City and the industry reached a verbal agreement to achieve slightly over 6,000 tons per day of permitted capacity reductions, but these verbal agreements were never finalized because the Council ultimately decided not to pursue these reductions.

Operational Impacts on the City's Waste Management System

Consistent with Local Law 40 and the City's Solid Waste Management Plan (SWMP), we remain committed to meeting the goals outlined in the SWMP and, as I have outlined, the City has taken numerous measures to address the effects of transfer stations, especially in the four communities that are the focus of today's hearing. However, we believe Intro No. 495 is not the best way of furthering these goals due to its detrimental impacts on the City's ability to manage its own waste.

Intro No. 495 imposes two phases of reduction on transfer stations in four designated districts of the City that include Brooklyn 1, Bronx 1, Bronx 2 and Queens 12. Under the first phase, by January 1, 2016 the Department must reduce the permitted capacity of transfer stations in these districts to 125 percent of the average amount of waste that these facilities handled over the past three calendar years. Under the second phase, by the later of either January 1, 2017 or the opening of a Department MTS in the same borough, the Department must further reduce

permitted capacity in each of these districts to an amount that is 18 percent less than the average throughput handled at these transfer stations during the preceding year.

Collectively, these four community districts presently have approximately 34,000 tons per day of transfer station capacity. As written, however, Intro No. 495 would effectively eliminate overall private putrescible and C&D capacity in the City by approximately 23,000 tons per day. This would amount to nearly a 70% reduction in permitted capacity in these four districts.

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

I'd like to highlight four significant impacts on the City's waste management operations if the Council were to pass Intro No. 495 into law:

► Displacement of waste

Intro No. 495 could adversely impact long-term contracts which the Department has with private transfer stations in the impacted districts for the rail export of residential waste. As I mentioned earlier, the Department currently has two such long-term contracts with a private transfer station in Brooklyn 1 at 215 Varick Avenue, and one in the Bronx 1 at the Harlem River Yards. Since our long-term vendors would have to reduce capacity, on average, by 18% below existing throughput volumes, they would not be able to handle all the waste that they were awarded contractually.

Potentially, Department-managed waste in the Bronx could go to the Queens North Shore Marine Transfer Station and perhaps even a nearby privately operated transfer station in the Flushing area. Department-managed waste from Brooklyn District 1 might go to the Brooklyn Hamilton Avenue Marine Transfer Station (expected to open next year), and to privately operated transfer stations in Red Hook and in Sunset Park in Brooklyn. Commercial putrescible waste and C&D would also need to be diverted to transfer stations in other areas of the City. C&D now going to transfer stations in Brooklyn 1, for example, would likely go to East New York or to Staten Island if this legislation were enacted.

► Emergency situations

The reduction in capacity called for by Intro No. 495 could lead to the shutdown of smaller transfer stations, and would have an enormous impact on our ability to manage the City's solid waste, particularly during weather-related or other emergency crises such as Super Storm Sandy in late 2012. Although Intro No. 495 contains an emergency waiver that would allow the Sanitation Commissioner to temporarily waive permit capacity reductions, the transfer stations

are likely to no longer exist or have the infrastructure to meet an emergency need. A transfer station owner, whose capacity is reduced by this legislation, will not continue making the same capital investment into its operations as it did in previous years when operating at a higher capacity. The emergency waiver is therefore meaningless if a transfer station lacks the necessary equipment, personnel and operating infrastructure to handle increased capacity as a result of an emergency.

In the aftermath of Superstorm Sandy, several facilities the Department uses to process the City's waste were shut down due to damage, flooding or lack of power, including a major facility in New Jersey that handles a majority of Manhattan waste. Fortunately, the Department was still able to find capacity, almost entirely in-City capacity, to handle and process 80,000 tons of waste during a seven day period – which is 33% more than the Department handles in an average seven-day period. The lack of sufficient in-City capacity to compensate for any weather or other emergency crisis will cripple the City's waste disposal network and jeopardize public health and safety.

► Organics Collection

Organic waste, including food scraps, soiled paper and leaf and yard trimmings, comprises roughly 37% of the refuse collected by the Department. Our ambitious goals to double our recycling rate and achieve our landfill diversion goals cannot be achieved without a robust organic waste diversion program. Separating organic material for transfer to other sites for processing into commodities, such as compost and renewable energy, provides a valuable environmental and economic opportunity for New York City, but this legislation does not exempt source separated organic material from the mandated capacity reductions.

In order for the City's residential and commercial organics initiatives to foster and grow successfully consistent with Local Laws 77 and 146 of 2013 passed by the Council less than fourteen months ago, the City must have the necessary private infrastructure in place to support a robust and ambitious residential and commercial organics program. Intro No. 495 would severely impede any chance for the City's organics program to succeed if transfer station capacity is restricted.

► Economic impacts on other private sectors

The capacity reductions called for by Intro No. 495 will also have a significant economic impact on the solid waste transfer station industry and other private sectors. With the shortage in capacity for waste transfer, one can realistically expect transfer station owners to increase their tipping fees, which private carters will pass on to their business customers, such as bodegas, delis, restaurants, and other small businesses. These small businesses will, in turn, be forced to pass this cost on to their customers and, where necessary, may cut their workforce. Private carting companies, whose costs to operate could also rise, would likely seek an increase in the current rate cap set by the Business Integrity Commission. This ripple effect will also be felt by the construction industry, as market conditions prompt transfer station owners to increase their tipping price per ton which will raise prices for new housing, including affordable housing, home and office renovations, and other commercial construction.

Additionally, the reductions called for by this legislation would be based on a depressed generation of waste, particularly for construction and demolition debris. For example, from 2001 to 2007, there was approximately 30 percent more C&D debris generated in the City than there has been in the past three years due to the recession. Consequently, during another major construction period in the City, there will be a particular shortage of capacity for C&D material which gets recycled.

Other Concerns

In addition to the operational impacts I have just outlined, there are also legal implications of Intro No. 495 that must be considered. The cumulative traffic, air and noise impacts from potentially diverting trucks longer distances to other facilities in other community districts, the socioeconomic impact to the private solid waste transfer station industry, as well as the overall change to the City's solid waste infrastructure for handling solid waste generated in the City, will require a thorough environmental review.

Additionally, reducing the City's private transfer station capacity by 50% called for under Intro No. 495 will likely require a modification to the 2006 SWMP. The SWMP specifically includes the public and private transfer stations that are available to manage solid waste generated in the City and the throughput capacities of all such facilities.

Reducing the Impacts of Sanitation Trucks

I also wish to point out that an important component of improved air quality in New York City has been a cleaner, more efficient City fleet. The Department's Clean Fleet program, together with Local Law 39 of 2005, have reduced the Department's truck emissions of particulate matter by more than 90%, and emissions of NOx by more than 75% since 2005 by the use of diesel particulate filters, ultra-low sulfur biodiesel fuel, and other technology. Improving our medium and heavy-duty fleet continues to be an important Department goal that helps build on the progress we've achieved to date in dramatically reducing air pollution across our communities and across the region.

Additionally, private carter trucks are getting greener as well, due to federal and local legislation and fleet turnover resulting from Local Law 145 of 2013 that requires emissions retrofits of best available technology within five years for all pre-2007 year trucks. The impacts of truck traffic associated with solid waste transport operations will continue improving over the near term, as private companies upgrade or replace their fleet to achieve Local Law 145's important clean air and energy goals that aim to protect the health and air quality in all communities across the City where solid waste trucks must travel.

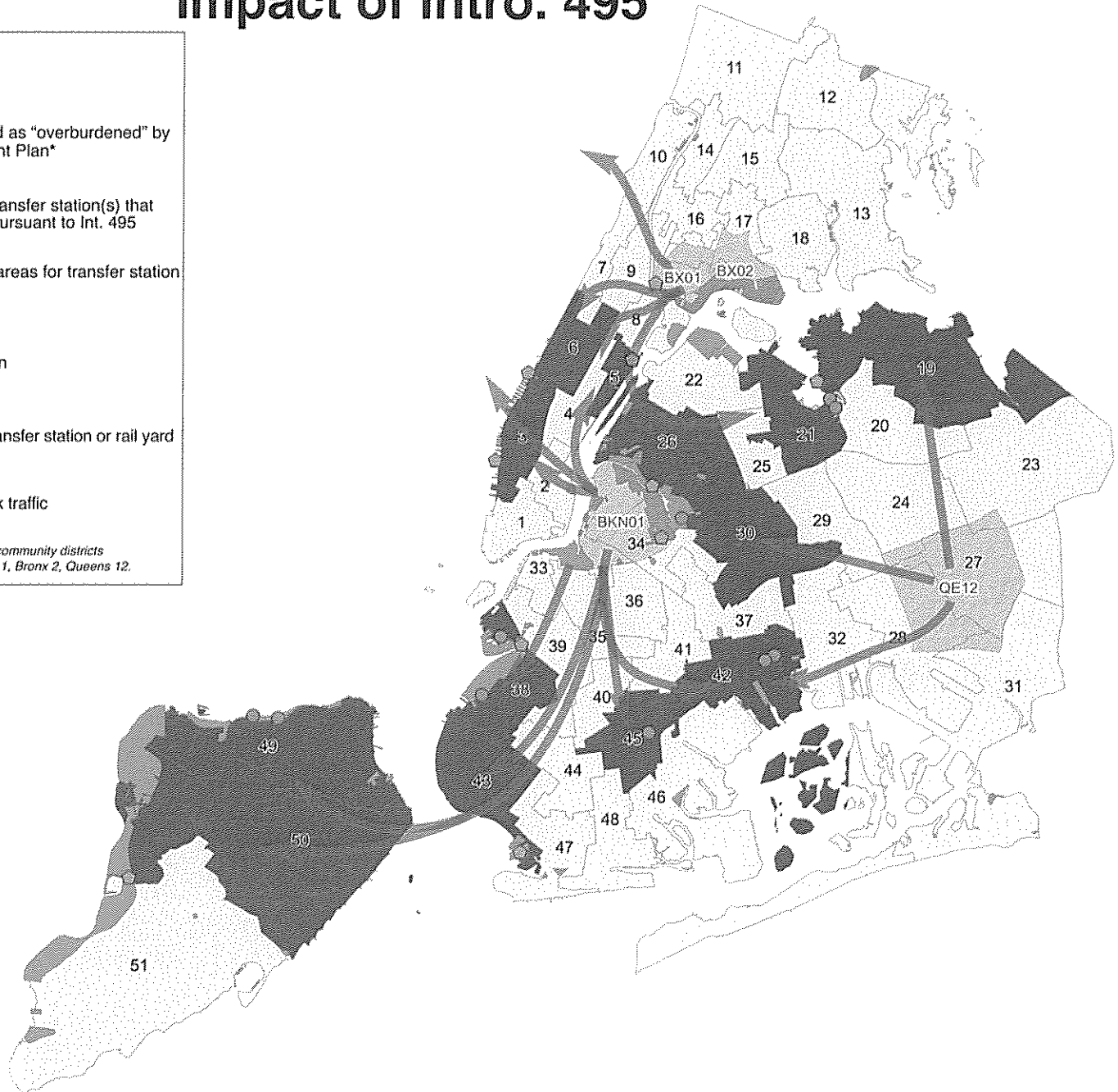
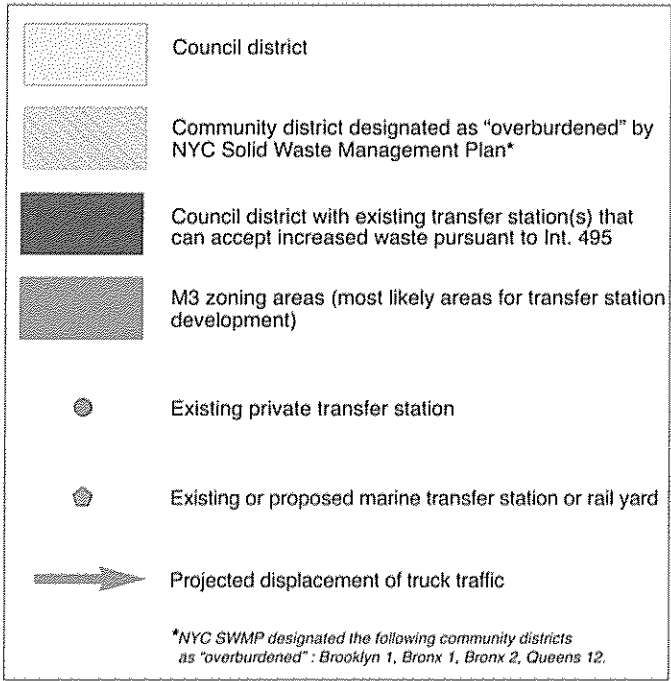
Closing Remarks

We understand the concerns of these communities, many of whose residents are here today, and the councilmembers who are committed to serving them. I want to assure you that the Department was serious in its previous efforts to negotiate capacity reductions, and we are equally committed to doing so today in order to help minimize the impacts of solid waste operations in these communities.

For all of the reasons I have outlined to you, however, the Department cannot justifiably support Intro No. 495 without jeopardizing health and sanitary safety in the City. Instead, we are prepared to immediately re-open negotiations with the industry to achieve higher voluntary reductions of transfer station capacity in these four community districts at levels that do not endanger public health and safety in the City. Working with the Council, we must collaborate to accomplish this endeavor responsibly to ensure New York City has sufficient capacity to manage all of its solid waste, with a goal toward achieving sustainable communities in the four districts as we continue to advance our SWMP programs that will promote equity and fairness over the long term.

I am now happy to answer your questions.

Impact of Intro. 495



FOR THE RECORD



January 21, 2015

City Council Speaker Melissa Mark-Viverito
Office of the Speaker
City Hall
New York City, New York 10007

Dear Speaker Mark-Viverito:

I trust the New Year finds you well. As President of the Building Owners and Managers Association of Greater New York, I write today in opposition to Intro. 495, a proposed bill that would cut the city's ability to handle its commercial waste nearly in half. Although the primary goal of the bill—to reduce truck traffic in Districts most impacted by waste transfer stations—is indeed commendable, the potential negative impacts of such a drastic action have not been sufficiently studied or disclosed. Indeed, it is not clear that the proponents of this legislation have even thought through what those impacts could be.

Cutting permit capacity in the city in half will inevitably increase costs of waste disposal for buildings and businesses. When the bill is fully deployed, options for in-city transfer station capacity will be greatly diminished, both because some transfer stations will have closed and others will handle less waste. As a result, the remaining capacity will be more valuable, and haulers and their customers will be charged more. In addition, waste haulers who cannot find in-city capacity due to the newly-imposed permit reductions will incur additional costs due to having to travel longer distances to out-of-city stations. These substantially higher costs will also be passed on to building owners and the tenants that occupy their buildings at a time when many of these tenants are closely evaluating reducing their costs of doing business in order to remain profitable. To my knowledge, however, there is no evidence of an adequate analysis of the bill's potential impact on costs to our industry.

Intro. 495 will redirect trucks within the city and will lead to increased truck miles in and around the city. Again, because in-city capacity will be greatly reduced, trucks will have to find capacity elsewhere in the city and outside the immediate area of New York City, which will create increased labor costs from double handling associated with transferring these materials to over-the-road trucks. In addition the impact and stress on neighborhoods adjacent to transfer stations where remaining capacity exists will need to be carefully considered.

Intro. 495 will cost jobs in the city. When transfer stations close or reduce their size due to this legislation, workers will pay the price, and the jobs lost will usually be union jobs. Yet again, proponents of this legislation have made no attempt that I am aware of to calculate how many such jobs or transfer station businesses will be lost when this law is enacted.

To pass this legislation without understanding these and other potentially negative impacts to the city would be inappropriate and irresponsible. The city's Solid Waste Management Plan took decades to formulate and came with extensive environmental review and other analyses. A similar approach should be taken prior to completely re-shaping how we regulate commercial waste in the city. A failure to understand these potential impacts could harm the buildings sector and, indeed, all city businesses.

BOMA/NY is prepared to work with the Council and other advocates and experts to craft a solution that will reduce truck impacts on the targeted districts while understanding and minimizing any significant negative impacts. Thank you for your time and attention in this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Hill', written in a cursive style.

Thomas L. Hill, RPA
President

FOR THE RECORD



Testimony of Denise Richardson, Executive Director

The General Contractors Association of New York

New York City Council Committee Sanitation and Solid Waste Management

February 13, 2015, 10:00am

Intro 495-2014

Thank you Chairman Reynoso and members of the Sanitation and Solid Waste Management Committee for the opportunity to comment today about the impact of Intro 495 on construction costs in New York City. I am Denise Richardson, Executive Director of the General Contractors Association of New York.

The GCA represents the unionized heavy civil contractors who build New York City's infrastructure and building foundations. We are deeply concerned about the impact of Intro 495 on the cost and ability to dispose of construction and demolition ("C&D") debris and on the loss well-paying jobs that may result from this bill.

Reducing the amount of construction and demolition debris that a waste transfer station can accept is estimated to increase the cost of disposal of these materials by up to 35 percent. There are currently 20 stations located in New York City that are capable of handling C&D waste. If the permitted capacity of these stations were reduced just as construction starts and industry employment is returning to pre-recession levels, trucks would be forced to travel further through New York City's communities or out to Long Island or New Jersey to dispose of debris. We estimate that for the Department of Design and Construction's water and sewer repair and replacement program alone, construction costs would increase \$30 million annually. This is the equivalent of building and repairing 10 community parks each year. Extrapolate these cost to the rest of the City's capital program and the resulting cost increase will be significant and will impact the city's ambitious affordable housing goals.

By making the reductions proposed by Intro 495, the amount of debris disposed of is not reduced, it is only redirected to other communities. This forces contractors and trucking firms to travel longer distances to dispose of debris, thereby increasing costs, reducing efficiency, and increasing truck travel in other communities.

The factors that make New York City successful – a growing economy, increased density and housing expansion, increased development – are also the same factors that pose challenges to certain communities. The answer is not to restrict the vital activities that support the city's growth, but to enact policies that enable these services to survive with minimal impact on the surrounding areas. The City has already taken steps to address the impact of neighborhood truck traffic through the passage of Local Law 145.

Local Law 145 requires all trucks that handle trade waste to be retrofit with Tier IV engines -- the newest engines for reducing emissions of particulates and NOx. This change will ensure that trucks transporting construction and demolition debris to New York City's waste transfer stations will be the cleanest burning vehicles in the industry. As this market is regulated by the New York City Business Integrity Commission, compliance with local law 145 will be a pre-requisite in order to obtain a license or registration to operate a trade waste vehicle in New York City. Local Law 145 will have the impact of protecting all communities in the city and is a model for how other issues associated with the neighborhood impacts should be addressed.

Accordingly, the General Contractors Association of New York opposes Intro 495.



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**Testimony of
GAVIN KEARNEY,
NEW YORK LAWYERS FOR THE PUBLIC INTEREST
in support of
INTRODUCTION 495 OF 2014 A LOCAL LAW TO REDUCE
PERMITTED CAPACITY AT TRANSFER STATIONS
IN OVERBURDENED DISTRICTS
February 13, 2015**

Good morning Chairperson Reynoso and Members of the Council, thank you for the opportunity to provide testimony today. My name is Gavin Kearney, and I direct the Environmental Justice Program at New York Lawyers for the Public Interest (NYLPI). NYLPI has been working for over a decade with a City-wide coalition of community-based and environmental justice organizations committed to advancing responsible and equitable solid waste management practices for New York City. I am here today to testify in strong support of Intro. 495.

For far too long, a small number of low-income communities and communities of color have been burdened with handling the great majority of waste generated by all New Yorkers. Of the more than 20,000 tons of waste that is processed at transfer stations in New York City each day, seventy-five percent is trucked to and from waste transfer stations in just three communities – North Brooklyn, the South Bronx, and Southeast Queens. If anyone were to propose this arrangement as policy for New York City, we would all decry it as unconscionable. It is one of the starkest manifestations of the inequality gap that the Mayor has so rightly condemned as anathema to our collective well being and future. And yet this state of affairs persists.

Not surprisingly, in these overburdened communities rates of asthma, cardiovascular disease and other ailments associated with diesel emissions and other pollution exceed local and national averages. On a day-to-day basis, residents in these communities deal with soot, constant noise, and dangerous traffic conditions. Kids in North Brooklyn play on a playground feet away from Metropolitan Avenue and its constant stream of truck traffic. In the South Bronx, trucks idle up and down the street next to a waterfront park, waiting to get into transfer stations sited right across the street. Moreover, the system harms all New Yorkers with its excessive reliance on trucks driving unnecessarily long distances to take waste to and from these clusters of transfer stations.

In 2006, the City Council and the Mayor passed a landmark Solid Waste Management Plan whose fundamental goals including dramatically reducing the traffic, air, and noise pollution caused by this over-reliance on trucks and fairly allocating throughout the five boroughs responsibility for managing the City's waste. When fully implemented, the SWMP will eliminate millions of truck miles travelled in the City each year.

To ensure equity, the SWMP directs the Department of Sanitation to seek a “meaningful” reduction of 6,000 tons per day in the amount of waste sent to the three overburdened communities of the South Bronx, North Brooklyn, and Southeast Queens. DSNY was to first achieve these reductions through voluntary negotiations, and if these proved unsuccessful, DSNY was to work with the Council to legislate these meaningful reductions.

DSNY’s Voluntary Negotiations. DSNY’s negotiations with transfer station operators resulted only in meaningless reductions. The reason for this is that across these communities there are thousands of tons of permitted capacity that are never used. Not surprisingly, this unused capacity is what transfer station operators voluntarily gave up. On a typical day, all of the reductions voluntarily agreed to in the overburdened communities would not take one single truck off the street. Even on days when the amount of waste generated in New York City is at its peak, the negotiated permit limit reductions would have the most marginal impact, a few dozen less tons of waste taken to Southeast Queens and no impact in North Brooklyn or the South Bronx.

Intro. 495. Intro. 495 will accomplish what voluntary efforts failed to do – it will provide meaningful benefits to the three overburdened communities through modest reductions in the amounts of waste each handles. Specifically, it requires an 18% reduction in the amount of waste actually handled in these communities. Although these communities will continue to handle most of the City’s waste, the legislation will take several hundred trucks off their streets each day. And by timing reductions to coincide with the opening of the City’s marine transfer stations, it will contribute to the goal of eliminating long-haul truck traffic in New York City generally.

Targeting reductions. The bill instructs DSNY to maximize the public health benefits of these reductions. This means targeting reductions to businesses that have poor environmental track records, that have unsafe working conditions, that run open air operations, and that operate across the street from parks or down the block from people’s homes. Good actors in the industry, those that run clean businesses, have safe working conditions, and minimize environmental impacts, will see limited impacts from the bill.

Intro. 1170 places ultimate discretion in administering reductions in the hands of DSNY. The bill also gives DSNY the authority to lift permit limits when emergency conditions require greater processing of waste. Given the modest level of actual reductions in the proposed legislation - reductions far smaller than the capacity to be added in the City under the SWMP, and the discretion and authority retained by DSNY under the bill, we are confident that Intro. 1170 will not impede the City’s ability to meet its solid waste management needs.

Sufficient capacity in NYC’s waste management system. Much of the opposition that I expect you will hear today is predicated on the assumption that Intro 495 will leave New York City with a scarcity of transfer station capacity. This alleged scarcity will in turn drive up collection costs for businesses and leave haulers wandering the region in search of a place to tip their loads. This is simply not the case.

Intro. 495 reductions will occur after the city's new marine transfer stations become operable. At that time, there will be about 10,000 more tons of capacity in the private and public sector than is used on an average day. In fact, Intro. 495 will reduce the amount of **putrescible waste** handled at private transfer stations in overburdened communities by 1600 tpd at the same time that DSNY is taking more than twice that amount waste - 3,300 tpd - out of the private transfer station system.

The reductions in **construction and demolition (C&D) waste** required by Intro 495 can also be absorbed by the current system. Intro. 495 would require about an 1100 ton reduction in C&D waste handled in overburdened communities. There is over 4,000 tons of currently unused capacity that would remain in the system after 495 reductions. Intro. 495 would also allow C&D operators to absorb seasonal fluctuations in the waste they handle by imposing a quarterly rather than a daily cap – transfer stations can exceed their limit on peak days, offsetting these peaks by lower volumes on non-peak days. The C&D capacity left in NYC after 495's reductions would be well above current C&D generation rates and high enough to handle every quarter of C&D production in NYC over the last ten years, including every quarter of 2006 and 2007 when the construction market was booming. When the City begins processing C&D at the W. 59th Street MTS in Manhattan there will be even more capacity in the system.

Intro. 495 and truck efficiency. Industry opponents to 495 also claim that the bill will be bad for the environment because it will require waste haulers to drive further distances to access available capacity. This argument is predicated on the assumption that haulers currently take their waste to the closest available transfer station. This assumption is simply false. Data reported to the Business Integrity Commission by haulers, which we obtained through a freedom of information request, has allowed us to map every business whose waste is trucked to a given transfer station in New York City and doing so has revealed shocking inefficiencies and grossly excessive truck miles being driven in New York City today. We found waste collected in Coney Island being driven to a transfer station in Jamaica, Queens. We found waste collected in Inwood being trucked to Greenpoint. And we found waste collected in Sunset Park being trucked to the South Bronx.

In each instance, haulers were bypassing closer transfer stations to get to their preferred facility and these were not isolated instances. Regardless of where waste is generated in today, three-fourths of it is trucked across the city to one of the three overburdened communities. It is the current system that is inefficient, exposing all New Yorkers to excessive truck traffic and diesel emissions.

Intro. 495 and the marine transfer stations. Several of the council members who will be hosting marine transfer stations as a result of the SWMP have expressed their support for Intro. 495 while others have expressed strong concerns about it. To the latter group, I would emphasize that Intro 495 will have no impact on whether the MTSs are built and no impact on the amount of waste they receive. The four MTSs that will handle putrescible waste are all in various states of construction and whether they are completed, a likely result at this point, will be influenced in no way by whether Intro. 495 passes. Once they open, DSNY will redirect its waste to them. Each MTS also has some capacity reserved for commercial waste. DSNY has indicated their commitment to attracting commercial haulers to the MTSs, whether they succeed

in doing so will hinge upon their ability to compete in the market. Intro. 495 in no way compels commercial haulers to use the MTSs. Nor does it make such use more likely. There will continue to be a significant surplus in putrescible capacity in NYC after 495's reductions, scarcity will not drive higher prices that make the MTSs more attractive.

Intro. 495 strikes a responsible balance between the basic right of New York City residents to live in a healthy community and the City's need to manage its solid waste. As noted earlier, it provides modest but meaningful relief that is long overdue for residents of the South Bronx, North Brooklyn, and Southeast Queens, and it also ensures that no community in the future should be subject to such grossly disproportionate burdens from handling waste. For these reasons, I strongly urge you to support its passage.



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Comments

By the Food Industry Alliance of New York State, Inc. in opposition to Int. No. 0495-2015

Thank you for the opportunity to testify at today's public hearing. My name is Jay Peltz and I am the General Counsel and Vice President of Government Relations for the Food Industry Alliance of New York State (FIA). FIA is a nonprofit trade association that promotes the interests statewide of New York's grocery stores, drug stores and convenience stores. Our members include chain and independent food retailers that account for a significant share of New York City's retail food market and the wholesalers that supply them, as well as drug stores and convenience stores.

Many of our members are small businesses struggling to survive as we muddle through the sixth year of the weakest recovery on record. As a result, weak consumer spending has become the new normal. On top of that, new laws and regulatory changes, no matter how well intended, have imposed significant costs on businesses as they comply with the Affordable Care Act, the City's paid sick law, a 2013 state minimum wage increase (with another increase likely) and state as well as federal tax increases. The cumulative effects of these and other changes will raise the cost of doing business in the City and ultimately reduce business investment and therefore job growth. An unintended consequence is that we wind up hurting the very people we seek to help through policy changes.

Given this economic and policy context, this measure would further hurt our members, especially our small business members that are struggling to survive in a very low margin business being squeezed by nontraditional competitive channels such as warehouse clubs, dollar stores and internet sellers.

27 of the City's 38 waste transfer stations are located in the 4 designated community districts specified in the legislation. The bill's mandates would result in these 27 transfer stations having their permitted capacity and throughput significantly reduced. These reductions would be allocated by the commissioner based on the 9 factors specified in the bill, which are generally intended to distinguish between "good" and "bad" actors, rather than focusing mainly on costs or efficiency. We believe the unintended consequences of these allocations will be distortions and inefficiencies in the marketplace that will raise hauling and tipping fees. These higher costs will be passed through to our members.

This inflation will be accommodated by rule amendments adopted by BIC in 2013 that increased the rate caps for the collection, removal, disposal or recycling of trade waste by 15%. In addition, these rule changes require that a rate-setting hearing be held every two years beginning in 2015. Dislocations caused by the proposed local law could thus result in further rate cap increases.

We need to keep in mind that sending waste outside the 4 designated community districts does not cleanse the waste, or the attendant logistics, of its offensive aspects. So the answer is not to knowingly increase the burden in neighborhoods outside the 4 designated community districts. The answer revolves around more recycling. Our members recycle significant amounts of plastic, paper, cardboard and food waste, including meat scraps, fat and bones. FIA members also donate substantial amounts of food to nonprofits, thus keeping that food out of the waste stream. Accelerating these efforts on a collaborative basis will solve the problem in the fairest way, by avoiding the transfer of the offensive aspects of processing waste to other City neighborhoods.

Accordingly, the FIA, on behalf of its members, opposes adoption of this bill. Thank you for your time and attention to FIA's concerns and we are happy to address any questions you may have.

Respectfully submitted,

Food Industry Alliance of New York State, Inc.
Jay M. Peltz, General Counsel and Vice President of Government Relations
Metro Office: 914-833-1002
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**TESTIMONY OF THE
NATIONAL WASTE & RECYCLING ASSOCIATION
CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT**

February 13, 2015

Chairman Reynoso, members of the Committee and distinguished guests, my name is David Biderman and I am General Counsel and Vice President for Government Affairs at the National Waste & Recycling Association (NWRA). NWRA, formerly NSWMA, is a non-profit trade organization that represents waste and recycling companies that operate in all fifty states. Our members own and operate many of the transfer stations targeted by this legislation, as well as about 50 carters who will be adversely impacted by Intro. 495. NWRA's members employ more than 1,000 workers in New York City, who represent the fabric and diversity of this great city, as you can see from the industry and employee representatives here today. We appreciate the opportunity to testify today.

Intro. 495, if enacted, will reduce the ability of many transfer stations in New York City to process waste to below their current throughput – and significantly below their permitted capacity. The owners and operators of these facilities provide a vital service, comply with the numerous City laws and regulations governing their operations, and are working with the communities and neighborhoods in which they operate to reduce impacts.

Arbitrary reductions in transfer station capacity are not good for workers, businesses or the City. Waste generated in the City is increasing by 4-5 percent annually, and has to be handled economically so the City can continue to grow and develop. The Marine Transfer Stations (MTS) are about to come on-line, which will reduce refuse truck traffic significantly in north Brooklyn and elsewhere. Intro 495 will severely constrict private sector transfer stations that handle much of the municipal solid waste (MSW) and construction and demolition (C&D) waste generated in New York City.

Intro. 495 goes far beyond the permit capacity reduction goals established in the City's own state-approved Solid Waste Management Plan (SWMP). The bill is an unlawful attempt to modify the SWMP without following appropriate State regulatory procedures. Further, this bill would likely lead to the closure of several existing MSW and C&D transfer stations. This means the handful of transfer stations in the City located outside the four districts identified in Intro. 495 can be expected to receive sharply

higher volumes of waste. NWRA estimates that hundreds of trucks will be diverted to these other facilities, every day. We estimate at least 600,000 tons of waste will be diverted each year. The City Council has not analyzed the impact of redirecting this waste to the other transfer stations. Where is the traffic study that defines what the traffic impact will be in Brooklyn 5, 6, 7, and 17, Queens 2, 5, and 7, northern Staten Island, and other parts of the City? What will be the environmental impact of diverting hundreds of trucks on a daily basis from certain portions of the City to these other neighborhoods? What schools and parks will these trucks be passing on their journey to and from transfer stations in the districts I just mentioned? Before acting on Intro 495, the City is legally obligated to thoroughly analyze and consider adverse environmental impacts associated with the sweeping changes that it would impose on the City's existing solid waste management and transportation patterns.

Intro 495 will result in higher waste disposal costs for waste generators. Disposal costs will increase because the supply of transfer station capacity will decrease, and because carters will have to drive longer distances and wait on longer lines to dump their loads. NWRA estimates the additional disposal cost caused by Intro. 495 will be between \$50-100 million annually, and perhaps much higher, which carters would be forced to pass on to their customers. These economic impacts have not been studied, and will make New York City less affordable for businesses.

In addition, the bill will eliminate much of the capacity that New York City has to handle natural disasters that generate large volumes of waste. The transfer stations targeted by Intro 495 managed a substantial amount of the waste generated in the City after Hurricane Sandy, allowing the City to get back on its feet quickly. This legislation severely impairs the City's ability to deal with the waste generated by such storms, and is short-sighted. The MTS's, located on the waterfront, in flood zones, are not likely to be available immediately after a Sandy-type storm. Further, some of the targeted transfer stations will likely close and the properties sold and converted into other uses if this bill is passed, meaning they will no longer be available in the event of an emergency. For this reason, the proposed emergency waiver provision in the bill is not adequate. We are gravely concerned, as are others, about what will happen when the next storm hits.

Moreover, Intro 495 sends the wrong message about investing in recycling and waste diversion infrastructure in New York City. Companies and investors will be very hesitant to invest in expensive

new equipment for processing waste and recyclables or seek permits to open new recycling facilities, including organics diversion facilities, if legislation such as Intro. 495, which interferes with their permits and restricts their operations, is passed. And, as representatives of labor and others will testify today, an important collateral result will be the loss of many working class jobs at transfer stations for City residents.

We need to work together to develop a 21st Century approach to managing waste in the City, and set aside legislation that arbitrarily moves waste from certain neighborhoods to others without any consideration of the consequences of doing so. In a city that is now enjoying increased economic activity, approving numerous major development projects and buildings, including more affordable housing, is generating more waste, and is forecast to grow by one million new residents over the next few decades, legislation that reduces what transfer stations can legally handle to levels well below what they are currently processing is irresponsible and unreasonable. Thank you.



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TESTIMONY OF
ACTION ENVIRONMENTAL GROUP
RONALD S. BERGAMINI, CEO

NEW YORK CITY COUNCIL
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
COUNCILMEMBER ANTONIO REYNOSO, CHAIRMAN

FEBRUARY 13, 2015

Good afternoon. My name is Ron Bergamini; I am the CEO of Action Environmental Group, Inc. I would like to thank Chairman Reynoso and Sanitation Committee members King, Gibson, Constantinides and Matteo for the opportunity to comment on Intro. 495. Action Environmental is the largest private hauler operating in New York City. Our subsidiaries include a hauling company, transfer stations and recycling facilities.

I have three main points I would like to make regarding Intro. 495. First, this proposed legislation not only negatively affects our company and other companies like ours, it will negatively impact the greater New York City business climate across many sectors, and ultimately impact all residents and visitors to NYC. Second, at a time when New York City is attempting to expand recycling levels and reduce fleet emissions, this legislation will advance neither. Third, this legislation does not reduce the waste stream, but merely shifts the distribution from one neighborhood to another.

For Action Environmental in particular, this legislation has the potential to reduce the permitted capacity at our facility in the Bronx by more than 50%, substantially lower than our present throughput. Yet, our facility is appropriately located in an M-3 Heavy Industrial Zone, a mere minute or two to the Major Deegan and Tri Borough Bridge. In essence, we are where we are supposed to be.

This legislation will reduce investment and innovation required to meet future challenges. Recently we have made a \$15 million dollar investment, installing a state of the art optical sorting recycling system at our Bronx facility. This facility does not merely accept source separated recycling products, but we actually remove recycling products from the solid waste stream and thus divert materials previously destined for transport to a landfill.

This investment allowed us to increase employment to about 110 union jobs at this facility. These jobs are directly at risk from this legislation. Frankly, we are good neighbors and are aware of our responsibility to the greater community. In the seven plus years we have been in the business we now employ about 250

people in the south Bronx. Many of those people live in the neighborhood. Have you considered that dozens of these folks will lose their jobs if this bill is enacted?

The daily removal of waste from a city of 8.4 million residents, plus millions of daily commuters and visitors, while increasing recycling and reducing emissions, is complicated to say the least. But one must also be cognizant that reducing capacity will make it harder to manage our current waste as well as accommodate future population growth. Shifting capacity will increase waste transport miles, waste transport costs and increase emissions, making it more difficult to achieve environmental goals now and in the future.

Additionally, reducing capacity will make recovery from future natural disasters more difficult. After Sandy hit, we worked closely with DSNY. Our facility reached its permitted capacity for over 30 consecutive days. If this legislation is approved, that critical capacity will no longer be available. The emergency clause does nothing because we will not have the personnel to support the response required in an emergency.

Again, what problem are you trying to solve? Are you trying to reduce truck emissions? This body passed legislation which we and the industry supported to require updated emission standards. But keep in mind that **all** truck traffic accounts for only 6 percent of all vehicular crossings at the City's bridges and tunnels. And of the 2.4 million bridge and tunnel crossings made by trucks in November 2014, what percent were hauling waste? A very small fraction would be a reasonable answer. While our industry embraces cleaner trucks, we are only a tiny share of total vehicle emissions. This calls into question of why such a visceral reaction to refuse trucks?

Putting aside the lost jobs in the South Bronx, the redistribution of waste, the taking of a property right, you must consider the impact on the general business community. To implement a successful organics diversion program requires facilities that do not exist in the city today. Intro. 495 ensures that fewer companies will be willing to take such a chance, and who can blame them? No one will finance the building of composting or anaerobic digestion facilities knowing that their permits can be reduced by the stroke of the legislative pen.

Problems are best solved by the public and private sectors working together – not at odds. We want to be partners with the city and the communities we serve, and address legitimate concerns with reasonable solutions.

Thank you for your time.



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Friday, February 13th, 2015
Public Hearing on Intro. No. 495
250 Broadway

Testimony prepared by
The Point Community Development Corporation

My name is Kellie Terry and this statement is on behalf of The Point Community Development Corporation. The Point CDC has dedicated many years of advocacy to assist and fight for the equitable, balanced and just development of our South Bronx community and our waterfronts as members of the New York City Environmental Justice Alliance, the Organization of Waterfront Neighborhoods and as a lead project partner of The South Bronx Greenway.

THE POINT COMMUNITY DEVELOPMENT CORPORATION is a nonprofit organization dedicated to youth development and the cultural and economic revitalization of the Hunts Point section of the South Bronx. We believe the area's residents, their talents and aspirations, are The Point's greatest assets. Our mission is to encourage the arts, local enterprise, responsible ecology, and self-investment in the Hunts Point community. In our role as a community development agency, we strive to represent the voices of our communities and communicate needs and solutions that will improve the overall quality of life of our neighbors. We are here on behalf of our community that has been in the shadows, dealing with the disproportionate impact of handling the majority of the city's waste for decades. The Trash Capacity Reduction Bill (Intro. 495) is a step forward in creating a more sustainable and environmentally just city for us all. It creates an opportunity to divert needless waste facilities and truck traffic from our local streets and will alleviate over burdened neighborhoods like Hunts Point.

There are currently 9 waste transfer stations in the South Bronx permitted to handle nearly 12,000 tons of waste each day. As such, we have one of the highest concentrations of truck traffic in New York City constituting around 1400 truck trips to/from these waste transfer stations per day. This also means we have facilities that operate outdoors, where dust and debris spew out into the local community. These facilities are down the street from people's homes, schools and day care centers and across the street from parks, with trucks lining up down the street idling and polluting. As a result, asthma rates in the South Bronx are some of the highest in the country – eight times the national average. So are rates of other diseases and illnesses tied to air pollution.

Quite simply put, the current system of waste handling and transport is uneven and unjust; most communities in New York City are not handling their fair share of the garbage we all generate. The City is constructing barge- and rail-based transfer stations for waste export, eliminating nearly 6 million truck miles in NYC every year. Siting these facilities in all five boroughs will help ensure that each borough handles its fair share of residential waste.

In short, in order to continue to reduce the vulnerability of communities like Hunts Point, City Council should consider passing Int. No. 495 for the following reasons:

- **Relief for Overburdened Communities** by reducing the daily tonnage of waste handled at transfer stations in the South Bronx, North Brooklyn, and Southeast Queens by 18 percent.
- **Protection for All NYC Communities** by capping the percentage of the City's waste that any community can be permitted to handle at 5 percent.
- **Truck Relief** by tying capacity reductions to the opening of the City's marine transfer stations, where waste will be barged out of the City, eliminating thousands of long-haul truck trips in NYC every year.
- **Maximized Public Health Benefits** by focusing reductions on bad-actor private facilities, based upon public health criteria (the proximity of a transfer station to homes, schools and parks), the station's environmental track record, and the station's worker safety track record.

The current system of traffic is fundamentally disproportionate to low income neighborhoods -the introduction of this bill can change that to positively impact designated environmental justice communities like ours. We need our elected officials to step up and do the right thing – pass this bill. I thank the members of the City Council for their time and courtesy in hearing my community's position on this matter. I look forward to hearing from you and working with you towards achieving these goals in the very near future.

Thank you,

Kellie Terry
Executive Director - The Point Community Development Corporation

**Testimony of Laura E. Imperiale
Director of Government & Community Affairs
Tully Environmental Co. Inc.**

**Before the
NYC Council Committee on Sanitation and Solid Waste
Concerning "Intro. 495: Waste Transfer Station Capacity Reduction"**

**Friday, February 13th, 2015
250 Broadway, NYC at 10:00 am**

Good morning Chairman Reynoso and committee members. Thank you for the opportunity to testify before you today. My name is Laura Imperiale, I am the Director of Government and Community Affairs for Tully Construction Co. Inc. and their affiliate Tully Environmental Inc. Since the 1980's Tully Environmental, Inc. has been serving the solid waste needs of the city of New York and Long Island. Today, it is one of the largest privately held waste hauling companies in the country, diversifying its operations in four main fields: solid waste, aggregate recycling, biosolids management, disposal and environmental remediation.

Tully Environmental operates its own private transfer station in Flushing, Queens. This facility has been operational since 2000 and is a key component in the export of NYC Department of Sanitation's curbside collection in Queens. Each day, Tully handles 900 tons of MSW delivered by DSNY and ships it to a variety of landfills and incinerators throughout the region. In early 2009, Tully received an expansion of its permitted capacity to handle up to 1375 tons daily of MSW.

Although Tully is not directly impacted by Intro 495, we believe that increased and forcible regulations, that negatively impact businesses in our industry is bad public policy and bad for the city. At the very least,

we believe that if SWMP were fully implemented, which the administration and the City Council are committed to, introducing capacity reductions at private transfer stations is premature at best. We believe many of the issues related to the waste trade industry can best be will already be handled by the city' commitment to increase recycling rates, creating composting programs, and organic diversion. We also encourage the city to fully explore opportunities for waste handling in the many alternative waste to energy technologies that currently exist and are proven successful in other cities around the country. The implementation of SWMP, coupled with these programs and the passing of Local Law 145, will already reduce solid waste tonnage, decrease truck trips and emissions and will reduce the health effects of New York City residents.

My purpose in being here today is twofold: to show solidarity with our colleagues in the industry and as an active member in the NYC Chapter of the National Solid Waste and Recycling Association. The second is to counter the notion many council members and environmental advocates have that private waste management companies operate without adhering to any set of rules and regulation. I have many times at sanitation committee hearings heard the term "wild west", used in a way to describe our industry. I take issue with that statement and hope today to shed light on our industry and to dispel that notion.

Regulating Agencies

Private waste transfer stations in NYC are regulated by the following federal, state and city agencies, 9 in all to be exact: NYC DCP (Department of City Planning), NYC DOB (Department of Buildings), NYC DOF (Department of Finance), DSNY (Department of Sanitation), NYC DOHMH (Department of Health and Mental Hygiene), NYC DEP (Department of Environmental Protection), NYS DEC (Department of Environmental Conservation), NYS DOL (Department of Labor) and the US EPA (Environmental Protection Agency).

Governing Regulations

There are over 45 Regulations governing transfer stations stemming from the Administrative Code of the City of New York, the NYC Zoning Resolution, the NYS Environmental Conservation Law, Title IX of the NYCRR, and the NYS State Vehicle and Traffic Law, and the Business Integrity Commission. I have attached to my testimony a listing of the regulations for you to see.

I have with me today, just of the many transfer station regulations -the CEQR permit application, which you can see is over 600 pages of rules and application guidelines.

Regulations for Design Requirement & Equipment

These agencies and regulations apply to waste transfer station design requirements and equipment, which regulate ventilation, odor, and vibration.

Waste Transfer Station Operating Rules

Transfer station operating rules govern permits, bonds, leases, certificates of occupancy, proof of worker's compensation, and proof of disability benefits. Written plans by a professional engineer are required for ventilation, odor-neutralizing, vibration and noise reduction controls.

Inspections

Inspections of our transfer station, equipment and trucks are conducted on a daily, weekly, monthly and annual rate.

Operational Record Requirements

Operating record keeping is required and heavily monitored as well. For instance, Tully's transfer station operations are computerized and

linked directly to DSNY's system, so that Sanitation knows exactly what is coming into and out of our transfer station on an hourly basis.

I would like to make the point that if we were not to adhere to all the rules and regulations, we would be denied a permit to operate. Permits are renewed on annual basis and our inspections and operation records are under constant scrutiny.

The private solid waste industry is a critical component of ensuring the public health and public safety of the City of New York. Our public – private partnership with the city provides reliable and dependable service and addresses the increases in our population and the city's constant and ever expanding need for waste disposal. To limit the city's ability to meet these growing demands, and limit the industry's ability to provide that service is not rational public policy.

Lastly, the businesses in the private waste industry in NYC are not the enemy. I encourage members of the city council to work with us, as members of the NYC Solid Waste and Recycling Association, to think of us as a valuable resource. Our industry is on the cutting edge of all waste innovations and technology. Through these means, and not through more laws, can we achieve greater reductions in waste at its source. I would like to suggest that a working group be established between DSNY, the city council and members of our association to develop new strategies for solid waste management in the city. Our current SWMP plan is a 19th century land-filling plan, and I believe we can certainly do better than that.

Thank again for the opportunity to testify today, I am available for any questions you may have.

Tully Environmental, Inc.
Prepared by Laura Imperiale
June 2014

From NYC SWMP 2006 - Appendix G (SUMMARY)

Putrescible Solid Waste Transfer Stations

All transfer stations must comply with the permit, facility design and operation and equipment operating rules.

Agencies regulating : NYC Zoning Resolution, NYC DOB, NYS DOL, NYC DOF, NYC DSNY, NYC DEP, NYC DOHMH, NYS DEC, US EPA

Regulations:

- Administrative Code of the City of New York
- NYC Zoning Resolution
- NYS Environmental Conservation Law
- Title ix of the NYCRR (or successor)

Putrescible Waste Transfer Station Operating Rules

- NYC DSNY – permit issued for one year terms only. All requirements below must be met and submitted with a permit application form to DSNY for all first time permit issuances and renewals (every year).
- NYC Zoning Resolution – Demonstrate Use Group compliance
- Must be in compliance with the odor, vibration and noise controls
- NYC DOB – Certified Certificate of Occupancy
- NYS Department of Labor – Proof of worker’s compensation and proof of disability benefits coverage or show proof of exemptions.
- NYC Department of Finance – a certified copy of deed showing metes and bounds of the property OR a certified copy of the lease or sub-lease.
- Other agency permits: A copy or all “permits or other authorizations to construct or operate under local
- A surety Bond or an irrevocable letter of credit authorized to conduct business in the State of NY. The sum will be determined by the Commissioner of DSNY.
- A written plan for control of noise levels
- A written plan for control of vibrations
- A written plan by a professional engineer for control of odors, listing odor-neutralizing agents (not odor-masking) that will be used.
- Name Address of Facility and contact names, Company name, and seal of company NYS Corporation Filing Receipt

Design Requirements and Equipment:

Ventilation, dust and odor control

- Ventilation– regulated by NYC Health Code – operate in a safe and sanitary manner
- “exhaust air shall be vented through air filters and/or dust collectors and other equipment to remove particulate matter and malodorous by-products”, and regulations regarding the type of transfer station ventilation and odor control equipment.

- Note: “the Commissioner may authorize the use of alternative ventilations, dust, and odor control equipment”.
- Requires documentation of compliance including as-built drawings of these, and a letter of completion issued by DOB. Automatic water-misting system to suppress dust generation
- Fire protection and detection equipment, Dust and Odor Control
- A system for the sanitary disposal of sewage and waste water as per the NYC Health Code, NYC DEP and NYCDEC
- Pest Control Measures – NYC Health Code:
 - Must be kept free of, but not limited to rodents, insects, and other pests. Must provide written confirmation of at “least weekly engagements of a certified exterminator, this shall be available at all times.”

Operational Record Requirements:

- Weights and Measurements of Solid Waste – Records of all solid waste transferred into and out of the putrescible solid waste station shall be weighed and measured by volume. Records shall be maintained for a period of three years.
- Indoor and outdoor lighting shall provide for safe operation of the facility, but “shall not create a nuisance”.
- All transport vehicles must be appropriately licensed or permitted.
- Entrance or exit from a facility is allowed only if an attendant is on duty.
- The loading and unloading of all vehicles, shall be continuously supervised by an attendant.
- Permittee must regularly schedule and provide maintenance of equipment to DSNY.
- There must be no asbestos present at either the facility or in the solid waste – prohibited.
- All putrescible solid waste that has been either baled or loaded onto trucks must be removed within 48 hours of its receipt.
- The tipping area must be free of all solid waste for a 30 minute period each day during its hours of operations and shall have been “thoroughly cleaned, swept, washed and deodorized immediately prior to that period”.
- All litter, solid waste and equipment must be contained within the property line.
- All drainage systems must be kept clean, unclogged and functioning.
- Mufflers are required on all internal combustion-powered equipment and sound levels are established
- A sign no smaller than 4 feet, posted at all entrances to the transfer stations, shall indicate the waste accepted and not, the hours of operation, expiration date of permits and DSNY complaint number.
- Doors shall be kept closed at all times except when vehicles are entering or exhibiting the station for tipping.
- Transfer station shall employ effective dust suppression control measures.
- “No solid waste, construction and demolition debris, fill material, dust or other material may be tracked onto a city street, or public highway”. As defined by the NYS Vehicle and Traffic Law. Therefore a motor-vehicle tire cleaning procedure must be in place to prevent this.
- Total volume of waste shall not exceed the permitted capacity. As per granted by NYSDEC.
- The Transfer Station, its equipment and non-road vehicles shall be subject to inspection at ALL times during its hour of operations, by the DSNY.
- All stationary equipment and non-road motor vehicles shall be maintained properly and inspected annually by an observer trained in US EPA regulator to “ensure the equipment is

operating properly to minimize air contaminant emissions. These records of inspection and any subsequent corrective measures are filed with the DSNY.

- Density and opacity of any omission is measured.
- No stationary equipment or non-road motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant past the transfer station property boundary.
- No non-road motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant while the vehicle is stationary for longer than ten consecutive seconds.

Update:

2013 NYC Local Law 145 – regulation emission standards on waste trade trucks



WORKING FAMILIES ORGANIZATION

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TESTIMONY ON INTRO 495

JANEL QUARLESS, NEW YORK WORKING FAMILIES LEGISLATIVE MANAGER NEW YORK CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

February 13, 2015, 10:00am

Thank you Committee Chairman Reynoso and members of the Committee for the opportunity to testify today. My name is Janel Quarless. I am the Legislative Manager for New York Working Families. We are a political organization that fights for an economy that is just while electing the next generation of progressive leaders. Working Families stands in complete solidarity with environmental justice, labor, community and public health advocates in support of Introduction 495, a bill that will provide meaningful relief to communities that have shouldered the burden on handling far more than their share of the City's waste for too long.

Working Families is committed to fighting for a city that works for all New Yorkers across race, class, ethnicity and geographic location. An essential part of this is a solid waste management system that treats all New Yorkers fairly, that protects our communities from unnecessary or excessive environmental harms, and that rewards industry actors that treat their workers and their neighbors well. We have much work to do to make this goal a reality.

It is disturbing that we have created a system in which just three communities – overwhelmingly working class and of color – handle seventy-five percent of all of New York City's waste. Residents of these communities are subjected to bad-neighbor facilities and an endless stream of diesel trucks that pollute their air, clog their streets, and diminish their quality of life. This is a gross inequity that demands a remedy.

Intro 495 provides concrete relief to these communities by reducing the amount of waste they handle by 18 percent. This will take hundreds of trucks off the road in these communities without impeding the City's ability to meet its solid waste management needs. By timing the reductions to occur as the City's

marine transfer stations become operational, Intro 495 ensures that there is ample capacity to achieve the reductions. Additionally, the bill furthers the City's move from trucking to barging waste, a shift that will eliminate millions of miles of truck traffic in New York City each year. Reductions will be targeted at those facilities that do the worst by our environment and the worst by their workers.

Finally, Intro 495 protects all New Yorkers by capping the percentage of the City's waste that any one community can be burdened with handling. It is imperative that we prevent any of our communities from being subject to such overburdening in the future. For these reasons, Working Families firmly supports Intro. 495 and strongly urges the Council to pass it. Thank you.



Hearing in relation to Intro 495

NYC City Council Committee on Sanitation and Solid Waste Management
Friday, February 13, 2015 at 10:00 a.m.

My name is Meredith Danberg-Ficarelli, and I am testifying on behalf of the Lower East Side Ecology Center in support of Intro 495 of 2014, in its goal to improve equity for communities that are disproportionately impacted by the siting of waste transfer stations here in New York City.

We stand with individuals, communities, organizations, and city council members supporting this push to hold the City accountable for commitments made in the Solid Waste Management Plan of 2006, including providing relief to communities overburdened with truck traffic, protecting communities with a percentage cap on how much waste can be accepted within a specific geography, efficiently utilizing marine transfer stations, and focusing immediate remediation efforts on the worst current offenders.

Through the Clean Fleet Program, DSNY retrofitted and modified its fleet to be one of the cleanest in the nation, succeeding in a goal to reduce particulate matter emissions from pre-2007 waste collection trucks by 90%, by equipping trucks with Diesel Particulate Filters, implementing training programs for operators and mechanics, and retrofitting more than 500 trucks. Now that DSNY has led the way, conducting research, evaluation, and releasing data on the program hurdles and successes, the trucks of private haulers should be held to the same standards and similarly retrofitted. The resulting benefit to New York City's air quality would be huge. Mayor Bill DeBlasio also recently called for the addition of safety guards on trucks to reduce injury and fatality to pedestrians and cyclists resulting from traffic accidents.

The Lower East Side Ecology Center has been composting source-separated food waste dropped off by residents since the late 80's. With the creation of compost facilities within a "local" 200-mile radius of the city, trucks full of source-separated organic materials can be brought directly to treatment facilities, avoiding extra miles to transfer stations and eliminating costs and logistics associated with tipping and hauling materials from transfer stations.

In calling for the creation of commercial waste zones and a franchise system for commercial-waste providers, the Alliance for a Greater New York notes that DSNY's collection system is five times more efficient than the current private network. A franchise system could force haulers to meet baseline standards including emissions reductions and composting services, as discussed above.



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We hope to see a future New York City where the burden of handling garbage is shared fairly, community benefits are negotiated and enforced in communities that host essential infrastructure, and where, through education and improved compliance, recyclable materials are removed from the waste stream, processed locally to create jobs, and not wasted in far away landfills.

Thank you.

Testimony of the Brooklyn Solid Waste Advisory Board, February 13, 2015
By Ken Diamondstone, Chair

For the New York City Council
Committee on Sanitation and Solid Waste regarding Intro 495

Good morning Chairman Reynoso and other members of the committee.

The Brooklyn Solid Waste Advisory Board, established by this City Council in 1989 as part of Local Law 19, is pleased to testify today on Intro 495. The Brooklyn SWAB exists to represent a broad cross section of Brooklyn solid waste advocates and interests while also there to advise elected officials on solid waste issues.

We think Intro 495 is one of the most important pieces of legislation to be considered by the Council since the implementation of the current City Solid Waste Management Plan in 2005.

For years, since the closure of Fresh Kills, the preponderance of burden and impacts of our solid waste policies have fallen upon citizens especially those living in the 3 sections of New York identified in 495. Within them, nearly 80% of New York City MSW, Commercial Waste and C&D material are received, prepared for export and then shipped for the most part to land fills beyond NYC.

Over the years, attempts have been made to reduce impacts on these communities by issuing violations for non-compliance with transfer station operating regulations but to little avail. Penalties for these violations seem to be considered the price for doing business by some while others cannot comply simply because the sites themselves are inadequate for the use. But even if all transfer stations could or did obey the regulations, many of the impacts such as noise, traffic, air pollution, pedestrian hazards, slime, dust, etc. which are virtually endemic to these facilities would remain. Add to this the enormous industrial overlay in CB1 plus the presence of the Newtown Creek waste water treatment plant and it's clear there exists an untenable situation.

Redress is essential. The current system is eminently unfair, unhealthy and dangerous.

Intro 495 would for the 1st time focus on reducing throughput, would enable the Sanitation Commissioner to penalize bad actors while also discouraging expansion of transfer station operations within these districts. It directs the Commissioner to reduce throughput by 18% based solely on the criteria spelled out in the legislation.

We understand the apprehensions of some that their districts will suffer as a result of Intro 495, yet the beauty of the legislation is that none of this will happen until at least one MTS (probably Hamilton Avenue) with considerable permitted capacity is operational so that communities such as CB5, also with an abundance of transfer stations, will not take on CB1's burden. Also to note is that much (nearly half of the 18% throughput reduction) in CB1 will occur automatically when city MSW contracts terminate displacing approximately 800 tons per day from CB1 to the MTS.

In addition as a side note, CB5 will be relieved of close to 280 tons per day of MSW when all of this takes place by virtue of the City redirecting MSW processed there to the new marine transfer station.

While the Brooklyn SWAB joins with those who much prefer that this legislation be incorporated into a new SWMP, this event is not scheduled until 2025. These environmental justice communities can no longer wait. They have borne the brunt too long.

The Brooklyn SWAB is clear about the need for Intro 495 and strongly urges its adoption.



FOR THE RECORD

2/13/2015

TO: New York City Council Sanitation and Solid Waste Committee

Intro 495, an Anti-Recycling Bill

The Construction & Demolition Recycling Association is a national non-profit organization that promotes the recycling of Construction and Demolition (C&D) materials such as concrete, wood, asphalt, drywall, and asphalt shingles.

The recycling of C&D materials is a success story in New York City, diverting millions of tons annually from landfills and providing quality recycled end products that are often used in the city. This saves money and wear and tear on roads while cutting down on greenhouse gases.

Last year the city experienced a 5% growth in the generation of C&D waste, and expectations are that growth will continue this year. Yet the legislation Intro 495, which will reduce the amount of incoming materials recycling facilities will be able to accept, will seriously impede the recycling of C&D because to process the waste correctly and at the highest recovery rates possible requires large capital expenditures. It is economically impossible to have several of these recycling sites across the city. Indeed, the city should be increasing the amount of materials the current facilities can take in order to increase the amount of C&D recycled.

In addition, reducing the incoming volumes on the current facilities will cost green jobs as the recycling operations will have to lay off people in response to the reduced tonnages. Those who get laid off will almost invariably be from the local neighborhood. Another issue is that we estimate that the cost of disposing C&D waste will be driven up by at least 33%. One of the reasons for that is increased trucking costs, and more trucks will be driving through the neighborhoods of New York City.

In conclusion, Intro 495 will be bad for recycling, and will cause more materials that could be recycled to be sent to far off landfills, cost the city green jobs, increase disposal costs, reduce its recycling rate, and increase greenhouse gases.

Sincerely
William Turley
Executive Director, CDRA
630-585-7530
turley@cdrecycling.org
www.cdrecycling.org

North Brooklyn, along with the South Bronx and southeast Queens, houses 27 of the City's 38 transfer stations and accounts for 75 percent of the city's waste processing. North Brooklyn, alone, has over 15 waste transfer stations, processes about 7,000 tons of garbage each day, and accommodates 1,500 trash-filled truck trips daily.

That's a lot of air and noise pollution for just three communities to handle, with the result being higher asthma and lung cancer rates than the rest of the city – two diseases whose causes are directly linked to diesel truck traffic.

To put this in perspective, Public School 132, one of the city's more prestigious elementary schools sits along a truck route. At 15-20 minute intervals throughout the day, and sometimes even more often, it becomes impossible for students to hear their teachers, as huge trucks ramble beneath classroom windows. That, coupled with the truck fumes wafting into the school's playground and classrooms, is an invitation for another generation of North Brooklynites to suffer the ill effects of the city's broken waste transfer policies.

If Intro 495 were to become law, it would lead to a more equitable distribution of waste between the five boroughs and improved conditions- both health and quality of life, for residents in the overburdened communities, without placing an undue strain on any other neighborhood. We strongly urge its passage.

-Jeff Mann

Greenpoint Chamber of Commerce



**MASON TENDERS' DISTRICT COUNCIL
OF GREATER NEW YORK
POLITICAL ACTION COMMITTEE**

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FOR THE RECORD

Testimony of Michael J. McGuire
before the meeting of the
Committee on Sanitation and Solid Waste Management
February 13, 2015

Re: Int. No. 495: A Local Law to amend the administrative code of the city of New York, in relation to reducing permitted capacity at putrescible and non-putrescible solid waste transfer stations in overburdened districts.

Good morning Chairman Reynoso and distinguished committee members. My name is Mike McGuire, and I am the Director of the Mason Tenders' District Council of Greater New York and Long Island Political Action Committee. The Mason Tenders' District Council is comprised of more than 15,000 members in six local unions of the Eastern Region of the Laborers' International Union of North America. These locals represent men and women working throughout the five boroughs and Long Island as recycling plant and waste transfer station employees, building construction laborers, mason tenders, plasterer's helpers, demolition workers, high school teachers and asbestos and hazardous material abatement laborers.

The Laborers' union strongly supports the concept of reducing the burden on certain communities caused by the clustering of waste transfer stations, but Intro 495 and other legislation, is wrong-headed and certainly not the way to go about reducing said burden. This proposed law will cost good middle-class jobs and will increase the amount of trash being trucked into other districts. This bill could more rightly be called "capacity reduction for 4 districts and capacity increase for 47 districts".

There has been much misinformation spread regarding the private waste and recycling industry by those supporting this introduction. Not the least of which is that the Teamsters are "the representative of those who work in this industry..." (as Teamsters' Joint Council 16 stated in their Memo in Support of Intro 495). Nothing could be further from the truth. The fact of the matter is that Waste Material, Recycling and General Industrial Laborers' Local 108, an affiliate of the Mason Tenders District Council, is the

only union representing workers inside New York City's waste transfer stations. While the Teamsters represent a portion of the drivers—with the rest being members of the Laborers Local 108—they represent exactly *none* of the workers in the waste transfer stations.

More than a dozen years ago, when Local 108 was formed and became a true force in this industry, people working in the waste transfer stations were an exploited workforce, working in dangerous and hazardous conditions for barely minimum wage. Today that workforce—almost 100% people of color—work in better conditions and earn between \$40,000 and \$75,000 annually. Local 108 has taken people earning poverty-level wages and moved them solidly into the middle-class. And Intro 495 will cost many of those people their jobs.

New York City generates millions of tons of trash each year. Reducing the amount of trash existing transfer stations are allowed to handle will not reduce the amount of trash generated one iota. It will however, cause workers to be fired and new non-union waste transfer stations to be opened all over New York City.

Proponents of this law have been stating that most existing waste transfer stations haven't been operating at their current allowed capacity, so those stations will take the overflow from the newly capacity-reduced stations. While this is seemingly true, it is also an extremely misleading statement. New York City is just now emerging from a historic downturn in construction activity, the worst downturn the industry has seen in a century. All indications are we are now heading into a construction boom.

The reason some waste transfer stations are currently under capacity is the downturn in construction meant little construction and demolition waste, known in the industry as C&D, was being produced. C&D consists of the debris generated during the construction, renovation, and demolition of buildings, roads, and bridges. Within 12 to 18 months, those waste transfer stations that are currently under capacity will be well *over* capacity from construction and demolition materials alone.

Since capacity will have been reduced in the four target districts, and C&D will have increased exponentially, the only place for the "putrescible solid waste," as the industry

calls it (for the uninitiated, that's the wet, stinky-type of garbage), will be to the new waste transfer stations. What new waste transfer stations you might ask? The ones that Intro 495 will force to be built in as many as a dozen City Council districts.

Portions of the 2006 Bloomberg SWAMP were somewhat obsolete even before it was published, and would be a decade old by the time Intro 495 would go into effect. A piecemeal approach of a patchwork of bills such as capacity reduction and franchising to fix the flaws in the SWAMP will very likely cause more unintended problems than they resolve. A well thought-out strategy that immediately provides relief for the overburdened districts while looking at the future needs of New York's solid waste management program in a post-Superstorm Sandy world is what is required. We urge the City Council to undertake a comprehensive waste management redesign that will not only meet the needs of today, but will also meet our needs ten, fifteen, even twenty years from now.

As stated at the beginning of this memo, Local 108 and the Mason Tenders District Council are committed to finding immediate and lasting relief for the four overburdened districts, and would be happy to facilitate a summit of stakeholders from labor, industry, elected officials, and quite importantly, the community, to do so in a quick and efficient manner. The people living near these waste transfer stations deserve no less. Unfortunately, Intro 495, which will eliminate good unionized, middle-class jobs while simultaneously forcing the construction of new waste transfer stations all over New York City is not the answer. Sharing the wealth is noble. Sharing the pain—particularly when it can be avoided—is not.

On behalf of the 15,000 members of the Mason Tenders' District Council, we strongly oppose the passage of Intro 495.

Respectfully submitted,

Michael J. McGuire

February 13, 2015

Laura Hofmann Testimony on behalf of OUTRAGE in favor of Intro 495
New York City Council, Sanitation Committee Hearing
February 13th, 2015

Good morning.

My name is Laura Hofmann. I'm a lifelong Greenpoint resident. I'm here to testify on behalf of Organizations United for Trash Reduction and Garbage Equity. OUTRAGE is a North Brooklyn based coalition consisting of faith based organizations, block associations and other local organizations that came together to fight against the unjust number of waste transfer stations that are in our community.

We fully support Intro 495. Intro 495 is a huge advance in the fight to reduce the negative impacts of trash processing in North Brooklyn and other overburdened communities. Our disproportionate concentration of waste transfer stations leads to high volumes of truck traffic, poor air quality, and associated health problems like the city's highest asthma rates. While the targeted reductions in this bill will bring relief to our community, Intro 495 also protects all communities from bearing more than their fair share of waste in the future. This bill is a long overdue step in the right direction toward a more equitable City.

There are over 17 waste transfer stations in our community. North Brooklyn alone processes almost 40% of New York City waste. The streets in our community are nightmarish with waste trucks.

And the nightmare doesn't end on our streets. These conditions cause unstudied health impacts in the community. My oldest son and his wife lived on Union & Metropolitan Ave for years. I don't know all of the impacts waste related truck traffic had on their health. But out of two sets of twins my daughter in law lost one baby from each set of twins due to severe birth defects. Right now she is carrying one live baby and one dead baby. I know this is due to the poor environment they were exposed to.

We understand that there are some waste transfer stations concerned about being shut down. This legislation will allow the City of New York to use its discretion to reduce capacity, depending on the business's history of compliance with laws of waste transfer stations. And although there are some Waste Transfer Stations that are operating the way they should, recycling or maintaining a clean fleet, there are others that are just bad neighbors.

Take for instance Brooklyn Transfer, located at 115 Thames Street.

Laura Hofmann Testimony on behalf of OUTRAGE in favor of Intro 495
New York City Council, Sanitation Committee Hearing
February 13th, 2015

This transfer station is located right next to residential and small-business retail uses and many of our members complain about the smell because they keep gates open during the summer and have several eighteen wheelers idling throughout the neighborhood. There are times especially over the weekend when you can count up to 10 loaded trucks abandoned on our streets.

Presently Brooklyn Transfer is permitted for 560 tons per day and currently receives about 360 tons per day of DSNY waste and 160 tons of commercial waste. The DSNY waste will go to Hamilton Ave MTS when it opens. We don't want Brooklyn to replace that DSNY capacity with additional commercial use - that would completely undermine the benefits of the SWMP for local residents.

This legislation not only will benefit our community, but will protect other communities in New York City from becoming a New York City dumpster as we currently are.

In name of OUTRAGE, the children and seniors affected by asthma, by noise and by pollution, we ask City Council Members to pass Intro 495. Thank you.

JOINT COUNCIL No. 16
INTERNATIONAL BROTHERHOOD OF TEAMSTERS



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The New York City Council
Committee on Sanitation and Solid Waste Management
Friday, February 13, 2015

My name is Sean Campbell, President of Teamsters Local 813, representing approximately 2,500 workers in New York City. I am testifying on behalf of Teamsters Joint Council 16 representing 120,000 New York workers, including the 6,000 men and women of the Department of Sanitation. We are New York City's largest sanitation union.

I would like to thank Sanitation Council Committee Chair Reynoso and the members of this committee for the opportunity to speak today.

For too long, New York City's private waste industry has dictated to the City where waste will be transported and how. These decisions are made without regard to the wear on our roads and air pollution from inefficient truck routes. They are made without regard for the health and safety of low-income, communities of color, where the industry sites most of its transfer stations.

The Teamsters are working in partnership with communities, environmental justice advocates and elected officials that have a shared vision in changing the way the private waste industry operates.

If New York City creates a more equitable system, builds in accountability for how waste is trucked and deposited, and greatly increases the diversion rate, it will strengthen the industry and create thousands of new jobs.

Intro 495, the Waste Capacity Reduction bill (Intro 495) is an important step. The Teamsters strongly support this legislation. Intro 495 significantly furthers the goals of the 2006 Solid Waste Management System to handle waste in a manner that is more environmentally responsible and fairer to all communities.

Under the current system, nearly three-fourths of all New York City waste goes to just three neighborhoods: the South Bronx, Williamsburg-Greenpoint, and Southeast Queens. This is unjust and unfair. It saddles the people who live in these communities with everyone else's trash and the health and environmental ramifications that result.

This legislation will shift commercial waste from truck-based transfer stations to marine transfer stations, a move that will benefit the entire city by eliminating millions of trucks miles travelled each year. The bill also prohibits the overburdening of any one community in the future.

The Department of Sanitation's marine transfer stations have the most advanced equipment and a highly skilled unionized workforce.

The private sanitation industry is like another world. Many of the privately run transfer stations skirt the law and operate to the detriment of the community and the mostly non-union workers they employ.

Intro 495 will not only protect overburdened communities from further detriment. It will also hold the industry accountable so that we raise diversion rates and raise standards for workers and communities.

On behalf of the Teamsters, I commit that we will work with you to stop the downward spiral in commercial garbage and look forward to continuing our work with the City Council and within the environmental justice community to change the way New York City's waste is handled and to help realize a cleaner, safer, and fairer waste system for our city.

**Testimony before the Committee on Sanitation and Solid Waste Management
of the New York City Council**

By Ryan J. S. Baxter

Senior Policy Analyst, Government Affairs and Management Services

Real Estate Board of New York

February 13, 2015

Good morning Chairperson Reynoso and members of the Committee on Sanitation and Solid Waste Management. The Real Estate Board of New York, representing over 16,000 owners, developers, managers, and brokers of real property in New York City, thanks you for the opportunity to testify regarding the proposed reduction of permitted capacity at solid waste transfer stations in overburdened districts.

We commend the City's interest in more efficiently and effectively handling solid waste as well as the Department of Sanitation's efforts to do so thus far. It is important to address overconcentration of transfer stations and fill material operations in all community districts to avoid disproportionately burdening areas. However, we have concerns about the practical application and feasibility of this legislation.

While we understand the intent of the bill, we do not believe it will substantially address the City's overarching solid waste management issues. Instead, the proposal would shift the waste processing burden from one neighborhood to another. Additionally, the proposal will create additional travel costs for waste haulers who would have to find capacity elsewhere in the City and region. These additional costs will likely be passed onto customers burdening businesses of all sizes throughout the City. We are particularly concerned about the potential for increased construction and demolition carting costs, adding to the substantial premiums of New York City construction.

Managing the City's solid waste is a substantial issue with wide ranging implications. We believe any reductions in specific areas should not be implemented without ensuring that adequate capacity has been determined elsewhere, and that the overall plan reduces the burdens on all New Yorkers. Without a comprehensive plan, we do not support interim measures that may increase costs and emissions for the City as a whole without a corresponding citywide benefit. We strongly advocate that the administration address solid waste as part of the PlaNYC planning efforts expected by Earth Day 2015.

Thank you again for the opportunity to comment. We look forward to continuing our conversation with the Council to improve the built environment of the City for all New Yorkers.

Testimony

To the New York City Council

Committee on Sanitation & Solid Waste
Management

Reducing Permitted Capacity at Putrescible and
Non-Putrescible Solid Waste Transfer Stations in
Overburden Districts Hearing

By Miguel Martinez
Laborers Local 108 Member

February 13, 2015

Good afternoon Mr. Chairman and members of the committee.

Thank you for holding this hearing and for allowing me the opportunity to testify before you today.

My name is Miguel Martinez and I am a proud New Yorker and member of Laborers Local 108.

Over 18 years ago, before I joined Laborers Local 108, I resided in the Mitchell Projects in the Mott Haven area in the Bronx. I was unemployed and was collecting Welfare.

Then I got the break that led me off of welfare and into the middle class. I got the break that helped me live the American Dream.

I got a job at Waste Management and became a member of Laborers Local 108.

When I started with the Union 18 years ago I was making \$5.00 an hour.

Today I am making \$23.00 an hour with benefits. Benefits that provide me health care and a pension.

Thanks to my Union job, last year I was able to buy my first home in the Throggs Neck section of the Bronx. I used my Union Annuity Fund to put down the deposit on this new home.

My Union job took care of me in the past. My Union takes care of me today. My union job is preparing me for tomorrow.

My questions for the Committee members are simple yes and no questions:

Do you guarantee that if Intro. 495 is passed I will not lose my job?

Do you guarantee I will not lose my house and return to welfare because I lost my job after Intro. 495 passed?

Do you guarantee that my co-workers will not lose their jobs?

Mr. Chairman. Members of the Committee. I am a proud New Yorker.

I want to help my neighbors and fellow New Yorkers solve our cities problems so we can all live the American Dream.

Intro. 495 does not do that. Intro. 495 will create more problems with no guarantees that it will not lead to lost jobs and shattered dreams.

That is why I oppose Intro 495.

**TESTIMONY OF THE
HI-TECH RESOURCE RECOVERY, INC.
CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT**

February 13, 2015

My name is Thomas N. Toscano, and I am the Chief Financial and Legal Officer of Hi-tech Resource Recovery, and its affiliates, including a private sanitation company with twenty-eight (28) trucks that finish their routes and park in the Glendale Queens area.

In 1988, in anticipation of the Staten Island Fresh Kills landfill closing, my grandfather had the foresight to open a transfer station in the City of New York. He purchased land in the East Williamsburg section of Brooklyn, which was then as it is now, a heavily industrial area. Back in 1988, it was not a place where most people would want to live or work. There was much crime and poverty, and many of the buildings were unoccupied. I remember piles of garbage on the street corners.

In fact, at the time the area qualified for tax incentives through the New York Industrial Development Agency. Fortunately Hi-tech, as well as other businesses in the area, including transfer stations, moved in and were a part of improving that neighborhood. While it is still heavily industrial, the reduction in crime and poverty are extreme to anyone who remembers that area 25 years ago.

Now there is a bill before you that supposedly reduces truck traffic to the East Williamsburg section of Brooklyn by reducing unused and actual throughput through transfer stations like the one I work for. This bill will not achieve its stated goals. Understand that these transfer stations take waste from carting trucks and load them on long haul tractor trailers to transport the waste out of state. Each long haul trailer holds the waste of about two (2) garbage trucks. If Intro 495 becomes law, -garbage trucks will have to travel further to the transfer stations in northern Queens, western Brooklyn, and Staten Island. These trucks will then have to travel back to their yards, most of which are located in northern Brooklyn and western Queens. This will actually increase truck traffic, because remember there are two (2) of these garbage trucks that will have to go further in order to reduce the miles from one (1) tractor trailer. This will increase truck miles and if these miles will be traveled during the morning rush hour, the worst possible time.

Intro 495 will hurt investment. There are new regulations in the City, which our trade group, the National Waste and Recycling Association, supports, that require the separation of organics and e waste for recycling. These new recycling streams require investment. Why should my company, or any company, spend hundreds of thousands of dollars on equipment to recycle more if the Council continues to consider laws that would forcibly reduce my business? Intro 495 hurts current employees of my transfer station but it goes even further by chilling investment, which would create new good paying, union jobs in the future.

This bill destroys jobs, increases truck traffic and quells investment in recycling. It should not be passed.



LABORERS LOCAL UNION 108
121 EAST 24TH STREET, 8TH FLOOR, NEW YORK, NY 10010

MIKE HELLSTROM
BUSINESS MANAGER/
SECRETARY TREASURER

JOE GENTILE
PRESIDENT

COREY COLEMAN
RECORDING SECRETARY

FRITZ SCHNEIDER
VICE PRESIDENT

JOSH CARRERO
EXECUTIVE BOARD

ALAN HOLMES
EXECUTIVE BOARD

STEVE THOMPSON
EXECUTIVE BOARD

WILLIAM OBERG
SERGANT-AT-ARMS

MIGUEL MARTINEZ
AUDITOR

RICARDO PESQUERA
AUDITOR

Testimony

To the New York City Council

Committee on Sanitation & Solid Waste Management

**Reducing Permitted Capacity at Putrescible and Non-Putrescible Solid
Waste Transfer Stations in Overburdened Districts Hearing**

**By Mike Hellstrom
Business Manager
Laborers Local 108**

February 13, 2015



LABORERS LOCAL UNION 108

121 EAST 24TH STREET, 8TH FLOOR, NEW YORK, NY 10010

MIKE HELLSTROM
BUSINESS MANAGER/
SECRETARY TREASURER

Good morning Mr. Chairman and members of the committee. My Name is Mike Hellstrom, Business Manager of Laborers Local 108 and vice president of the Mason Tenders District Council of Greater New York.

JOE GENTILE
PRESIDENT

Local 108 represents approximately 300 members that move an estimate of 50% of the City's permitted capacity nightly. Intro 495, if enacted, will kill good jobs that have propelled our members into the middle-class. The job of transfer station workers is not a glamorous job. In fact, some may say it's a dirty job.

COREY COLEMAN
RECORDING SECRETARY

FRITZ SCHNEIDER
VICE PRESIDENT

Over the past 20 years, I have witnessed workers that come into a transfer station as laborers and elevate themselves to heavy machine operators earning an annual income of approximately \$65,000 with medical and retirement benefits, and most importantly, job security. Hundreds of our members not only reside but also work in the communities that could be impacted by Intro. 495. Our members have real issues and because they have real middle-class union employment, they can meet the challenges they face.

JOSH CARRERO
EXECUTIVE BOARD

ALAN HOLMES
EXECUTIVE BOARD

STEVE THOMPSON
EXECUTIVE BOARD

Transfer stations are a commodity in New York City as permits are grandfathered, and no new permit or expansion is allowed. For supporters of this bill to suggest that if a worker is displaced they could easily get a job where the volume is being moved to, is not true. That fact that transfer stations are impossible to come by has added value to negotiations between Local 108 and its employers.

WILLIAM OBERG
SERGANT-AT-ARMS

MIGUEL MARTINEZ
AUDITOR

Employment as a transfer station worker is not portable and if one worker were to become unemployed as a result of Intro. 495, then city government and its elected officials who call themselves progressives have acted 100% regressive. Intro. 495 must be stopped in its tracks.

RICARDO PESQUERA
AUDITOR

While local 108 is not the exclusive representative of every transfer station worker, it speaks for every worker. For every job we would lose our voice would become lower. Through our advocacy for every worker in this industry, we have the ability to improve wages and working conditions for all.

Others in the Labor community will tell you that they support Intro. 495, but do not represent any workers in our industry.

We urge the committee and city government to rethink on progressive solutions to complicated problems. Laborers Local 108 is willing to work with any elected member of the city council to develop solutions that preserve good middle-class jobs and create sustainable communities.

Testimony presented by the Morningside Heights-West Harlem Sanitation Coalition to the Sanitation Committee of the New York City Council hearing on Intro 495.

Friday February 13, 2015.

I am Marie Ledoux, a board member of the Sanitation Coalition.

Our organization has been affiliated with the NYC Environmental Justice Alliance and with the Organization of Waterfront Neighborhoods for more than twenty years. We are well aware of the unfair locating of waste transfer stations and the health hazards resulting from long term exposure to diesel fumes. On a trip to the South Bronx several years ago we saw a cluster of land-based waste transfer stations. More recently we attended a rally and press conference in North Brooklyn where the noise made by uninterrupted truck traffic made it almost impossible to hear the speakers.

When the SWMP was adopted in 2006 we were pleased to know that it included requirements for equity and fair –share of the burden of waste disposal as well as borough self sufficiency. The Sanitation Coalition is particularly eager to see these requirements put into practice because we live in Manhattan, the borough that does not handle any of its own solid waste, and “fair- share” will guarantee that no overburdened communities will be created in Manhattan.

The Sanitation Coalition believes that Intro 495 will make a significant difference in the quality of life in the overburdened communities. Eliminating several hundred truck trips daily in the South Bronx and North Brooklyn respectively will provide some meaningful relief to people who have endured more than their fair share for too long.



**New York City Council Committee on Sanitation and Solid Waste Management
January 28, 2015**

Testimony by Joaquin Brito, Climate Justice Organizer, UPROSE

Good morning, honorable Council Members. My name is Joaquin Brito and I am the Climate Justice Organizer for UPROSE, Brooklyn's oldest Latino community based organization which today is an intergenerational, multi-racial, nationally-recognized community organization that promotes the sustainability and resiliency of Sunset Park, Brooklyn. Thank you for the opportunity to testify. UPROSE is in support of Intro 495: Trash Caps to Protect New York City Communities From Waste Overburdening. In communities like Sunset Park, this proposal is of the utmost importance and we applaud this committee for taking up the issue. Recently, we've successfully doubled the amount of open space in Sunset Park, expanded the 4th Avenue median, revived a bus line, opened a 23 acre waterfront park, played a key role in organizing the People's Climate March and have intensified our focus on the adaptation of Sunset Park to the changing climate as well as deepening community resiliency in the wake of Superstorm Sandy. Our work encompasses a plethora of environmental justice and public health initiatives. Intro 495 to Cap Reduction will bring justice to those communities most.

Every day, NYC creates 35,000 tons of garbage and every day, 20,000 tons, or 57% of this waste is trucked to waste transfer stations in a handful Brooklyn's neighborhoods, specifically low-income communities of color like Sunset Park. This is in addition to the 275,000+ vehicles that use the Gowanus Expressway; a seemingly equal number of vehicles utilize the road underneath and another congested roadway just one avenue up. Trash bins are sporadically placed along our avenues but the garbage truck traffic is consistent. The current system is fundamentally unfair; garbage is trucked into OUR already overly burdened communities regardless of where it's generated. The severe concentration of trucks in our neighborhoods, not only damage our roads and congest our roadways, they clog our lungs!

The New Yorkers living in these communities suffer worse health outcomes such as high rates of asthma and lung cancer. Additionally, the extraneous noise pollution created by the trucks is linked to insomnia, stress, heart disease, and hearing damage. Healthy lives as well as economic stability have been stripped from many low income communities of color due to the absence of just spatial distribution/clustering of waste transfer stations.

NYC's landmark 2006 Solid Waste Management Plan included measures to make waste collection less burdensome and more equitable. Intro 495 to Cap Reduction will realize the SWMP's long-delayed commitment to fair share. UPROSE respectfully asks that communities that are most detrimentally impacted.



By capping the percentage of the City's waste that any community can be permitted to handle at 5%, millions of people from environmental justice communities will literally be able to breathe easier. For communities that are may be above the 5% threshold like Sunset Park, Brooklyn, this measure encourages fair share practices through prohibiting the City from issuing any future increase in waste permits.

UPROSE's commitment doesn't just stop at supporting policy, we're willing to take on our fair share. We supported the construction of a Marine Transfer Station in Sunset Park but moving forward, we need protection.

This plan will provide long due relief to overburdened communities. Intro 495 will:

- 1.) Reduce the daily tonnage of waste handled at transfer stations in the South Bronx, North Brooklyn, and Southeast Queens by 18 percent, distributing the costs more equally
- 2.) Encourage the Utilization of marine and rail transport systems for our waste, thus significantly improving the quality of life for those living in low-income communities of color, which almost always bear the brunt of excessive environmental burdens.
- 3.) Maximize public health benefits through imposing health criterion that focuses on bad acting private facility's worker safety and environmental track records

Siting these facilities in all five boroughs will help ensure that each borough handles its fair share of (residential) waste. If passed, the benefits are vast. Future children will no longer have to miss school for hospital visits and parents can allocate less money on medications. UPROSE strongly supports the passage of Intro 495 on Capacity Reduction because fair share is only fair.

We Stay Nos Quedamos, inc
Statement by: Wilbert Rodriguez

Good afternoon, my name is Wilbert Rodriguez, I am a resident of the Bronx and community leader at We Stay Nos Quedamos. I take this opportunity to thank you and your colleagues for your time in hearing our concerns today.

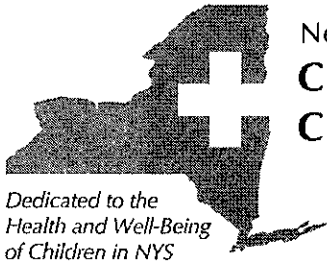
As a life-long resident of the Bronx. I am happy to say that I have noticed that during the last few years the Bronx has made major improvements in its infrastructure and quality of life throughout the borough. But one thing that I've noticed that has not changed is the amount of air pollution and truck traffic in our community especially in the South Bronx. Which ranked highest in mortality rates from respiratory diseases, than anywhere else in the city of New York. This is of great concern to us especially the most vulnerable, children and elderly, many of who are suffering from the consequences of the toxic gases emitted from truck traffic and improper trash processing. I think that it is very unfair that my community of the Bronx has to handle the waste from other boroughs, making us the City's major dumping ground without concern for the health and well-being of our citizens. It's time that the City realizes that the borough has overturned its negative image into a positive growing community who deserves the same rights and quality of life as every other neighborhoods in the city.

That is why I am here today, as a resident of the Bronx to implore the city council to take action in pushing Trash Cap Legislation Intro 495 which will:

- A. Provide relief for Overburdened Communities by reducing the daily tonnage of waste handled at transfer stations in the South Bronx.
- B. Reduce Truck Traffic by tying reductions to the opening of the City's marine transfer stations, which will eliminate thousands of long-haul truck trips in NYC every year. This will benefit public health, reduce wear on our roads, and increase safety for pedestrians and cyclists in communities with truck-intensive transfer stations.
- C. Fairness for All NYC Communities by capping the percentage of the City's waste that any community can be permitted to handle at 5 percent, which will protect all NYC communities from over-burdening in the future.

So that each borough may be responsible for their own waste in order to create a healthier environment and in the long run the whole city will benefit!

Thank you!



New York State

**Centers of Excellence in
Children's Environmental Health**



*Children's
Environmental
Health Center*

TESTIMONY

for

**The Committee on Sanitation and Solid Waste Management
of the
The New York City Council**

in support of

**Reducing Diesel Waste Truck Traffic in New York City
Through Policy Measures Such as City Council Bill Int. 495**

New York, NY
February 13, 2015

Presented by

Cappy Collins, MD, MPH

Department of Preventive Medicine
State University of New York at Stony Brook

Lauren Zajac, MD, MPH

Department of Preventive Medicine
Icahn School of Medicine at Mount Sinai

Distinguished Members of the Committee on Sanitation and Solid Waste Management,

Thank you for the opportunity to provide this testimony in support of reducing diesel truck traffic carrying waste through New York City by implementing policy measures including City Council Bill Int. 495.

Background

We are board-certified pediatricians with special expertise in pediatric environmental health. We are part of the Children's Environmental Health Center, based in the Icahn School of Medicine at Mount Sinai in New York City. The mission of the Children's Environmental Health Center is to educate health care providers and others about the scientific and medical aspects of environmental health problems impacting children; and to provide clinical consultation to families, health care professionals, public health officials, and community organizations with concerns regarding children's exposure to environmental health hazards.

As environmental pediatricians, we study the ways that children are exposed to toxic chemicals—through the air they breathe, the water they drink, the foods they eat, and the environments they inhabit, including their homes, day care centers, schools and neighborhood streets (Landrigan et al., 2004).

Children are Vulnerable to the Impacts of Air Pollution

Children are fundamentally more vulnerable than adults to the effects of environmental pollution, and air pollution created by diesel trucks is of particular concern. Children's lungs are growing and developing from infancy through adolescence, which creates increased susceptibility to the harmful effects of the pollutants that are breathed into the lungs. Also, children breathe in and out more often per minute than adults, which gives them proportionally higher exposure to air pollutants. Children with underlying respiratory conditions such as asthma or cystic fibrosis are even more susceptible to the adverse effects of air pollution. The impact of air pollution on a child's lungs can affect the child for the rest of his or her life (Etzel, 2012).

Diesel Truck Pollution is Linked to Many Adverse Health Effects

Diesel exhaust from trucks is a major source of air pollution in NYC, especially in areas with busy roadways. Diesel exhaust is a complex mixture of gases and very fine particles of soot and toxicants that can be breathed deep into the lungs (EPA, 2002). Diesel exhaust is dangerous for the health of NYC residents, especially children and those with underlying medical disorders such as asthma or heart disease. Those who live, work, go to school, or walk near busy roadways are at highest risk for exposure to diesel pollution. Since many New Yorkers live or work near busy roadways, many are at risk of exposure.

There is strong evidence that traffic-related air pollution, including diesel truck pollution, can negatively impact lung function. Studies show that children who live close to high-traffic areas have a higher risk of experiencing asthma symptoms (Kim et al., 2008). There is recent evidence that suggests traffic-related air pollution is also related to the actual development of asthma (Jerrett et al., 2008). A recent study in the South Bronx

further elucidated the specific role of diesel soot, which is an important part of traffic-related pollution. This study used personal air pollution monitors in the backpacks of 40 schoolchildren in the South Bronx and examined the level of diesel soot and other air pollutants in relation to asthma symptoms. The study found that diesel soot specifically is a significant trigger of pollution-related asthma attacks among these Bronx schoolchildren living near roadways (Spira-Cohen et al., 2011). Aside from the effects on asthma, the fine particles in diesel exhaust may also increase allergic and inflammatory responses in the body and may create new allergies (Diaz-Sanchez et al., 1999).

In addition to the lung function deficits and allergy responses seen with diesel exhaust exposure, there is overwhelming evidence that exposure to diesel exhaust can also lead to cancer, cardiovascular disease, and premature deaths (IARC, 2013 and Brook et al., 2010). The International Agency for Research on Cancer (IARC), which is the specialized cancer agency of the World Health Organization (WHO), has officially classified diesel exhaust as a proven human carcinogen linked to lung cancer (IARC, 2013).

The findings of these traffic and diesel exhaust studies highlight the importance of decreasing the diesel truck miles traveled in New York City. This reduction in diesel traffic is especially important for children who live in areas of the city that are particularly overburdened with many sources of air pollution, such as the South Bronx, Northern Brooklyn, and Southeast Queens.

Asthma and Respiratory Illness in NYC Children

Asthma is a major health issue in NYC, which leads to considerable morbidity, quality of life issues, and healthcare costs. The latest NYC Department of Health and Mental Hygiene (NYC DOH) data from 2013 indicates that 10.9 percent of adults have ever been told they have asthma (NYC DOH EpiQuery, accessed Jan 25, 2015). This is better than the 2012 US lifetime asthma prevalence rate of 13.2% (CDC, 2012). However, the data mask a striking health disparity. The high health-risk District Public Health Office (DPHO) neighborhoods are markedly overburdened with the highest rates for adults in the city: South Bronx (18.8%), North/Central Brooklyn (14.1%) and East/Central Harlem (17.5%). These neighborhoods also bear high traffic burdens for the city (NYC DOH EpiQuery, accessed Jan 25, 2015).

The asthma burden on children is even more striking. Nearly a quarter (23%) of NYC high school students report being told they have asthma, and this has been trending up in the last 10 years. Bronx youth top the list of boroughs, with 26% reporting asthma (NYC DOH EpiQuery, accessed Jan 25, 2015). Students who identify as Hispanic, Black and mixed race bear most of the burden, with up to one-third reporting asthma (NYC DOH EpiQuery, accessed Jan 25, 2015). Childhood asthma places a tremendous burden on the child and family, leading to decreased quality of life when asthma attacks occur, missed schooldays and parent workdays, and substantial healthcare costs.

Air quality clearly correlates to disease, including respiratory disease and heart disease. Cities with better air quality have longer life expectancies, and improvement in air quality correlates with longer life expectancies (Pope, 2009). Closer to home, "PM2.5 pollution [fine particle pollution] in New York City causes more than 3,000 deaths, 2,000 hospital admissions for lung and heart conditions, and approximately 6,000 emergency department visits for asthma in children and adults," (NYCDOH, 2011). Approximately

2,400 of those visits are for children, and more than 20% of the visits could be avoided by reducing the particulate matter from air pollution. Diesel trucks are one major source of particulate matter pollution.

Ozone generated by the nitrogen oxide species released in fuel combustion, such as diesel exhaust, is estimated to carry its own burden of disease. By one estimate, millions of respiratory symptom days per year, hundreds of thousands of restricted activity days and asthma attacks per year, thousands of emergency department days per year, and even hundreds of hospital admissions and deaths could be avoided if NYC were to meet the EPA's ozone standard (Thurston, 1997). The NYC Department of Health also predicts that reductions in ozone can lead to tangible health benefits including decreased numbers of premature deaths, hospital admissions, and emergency room visits (NYC DOH).

A study of air quality in the South Bronx elucidated the correlation between proximity to the Major Deegan Expressway and exposure to soot (aka elemental carbon); diesel emissions are suggested to play "a dominant role" as the source of this exposure (Spira-Cohen et al., 2010). Diesel traffic plays a specific role in generating this type of air pollution. Based on information available from the EPA's National-Scale Assessment of Air Toxics, the cancer risks from diesel emissions are about ten times higher than the cancer risks from all other hazardous air pollutants combined (EPA, 2011). Diesel emissions in the Bronx are the largest contributor to cancer risk of any air pollutant, adding 2,200 cases per 1,000,000 people (Scorecard.goodguide.com, accessed Feb 4, 2015). The same is true for Kings County (2,100 cases) and Queens (2,000) (ibid).

We know there are successful strategies to reduce traffic related pollution. The controlled reduction in automotive traffic during the 1996 Atlanta Summer Olympics was strongly correlated with reduced ozone levels and reduced hospital admissions for children with asthma (Friedman et al., 2001). Here in NYC, idling busses and trucks in school zones have been shown to contribute 20% of the black carbon content of the outdoor air (Richmond-Bryant et al, 2011). Enforcement of limitations on idling has improved the air quality. Considering that the environmental causes of asthma in the U.S. are estimated to cost \$2.2 billion a year, and that we can control these environmental factors, it is imperative to act to reduce these environmental factors (Trasande and Liu, 2011). Cleaner air means better health for children, and reduced healthcare costs for pollution-related diseases such as asthma.

Conclusion: Reducing Diesel Truck Traffic Will Have Positive Health Benefits for NYC

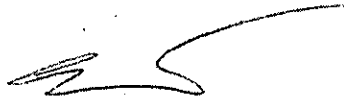
We offer this testimony as physicians who support decreasing diesel traffic on NYC roadways through measures including City Council Bill Int. 495. This bill will help reduce traffic-related pollution by targeting reductions to those communities already overburdened with diesel-intensive waste facilities, traffic pollution and other sources of environmental contamination including the South Bronx, Northern Brooklyn, and Southeast Queens. This bill is coupled with a needed transition to non-diesel truck waste transfer facilities, and will benefit all New Yorkers by ensuring that no other communities suffer from an overconcentration of diesel truck facilities in the future. This legislation is a step in the right direction to creating a safer and healthier environment for our City's children.

Thank you very much for considering this testimony.

Sincerely,



Lauren Zajac, MD, MPH



Cappy Collins, MD, MPH

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FOR THE RECORD



February 13, 2015

Council Member Antonio Reynoso
Chair – Committee on Sanitation and Solid Waste Management
New York City Council
250 Broadway, Suite 1740
New York, NY 10007

RE: Letter for SUPPORT for Int. No. 495-2014
Reducing permitted capacity at solid waste transfer stations in overburdened districts

Dear Council Member Reynoso,

Neighbors Allied for Good Growth (NAG, formerly Neighbors Against Garbage) strongly supports Int. No. 495-2014, a bill that will reduce permitted capacity at solid waste transfer stations in overburdened districts including Brooklyn's Community Board 1, which encompasses Greenpoint and Williamsburg.

NAG developed out of our neighborhood's desire to recapture its waterfront, reduce local environmental hazards, and advocate for public policies promoting healthy mixed-use communities. Starting in 1994, NAG successfully organized community residents and businesses in opposition to the proliferation of waste-transfer stations on our waterfront in the North Brooklyn neighborhoods of Greenpoint and Williamsburg, so this legislation is particularly meaningful to our mission. Our approach to these issues is guided by the principle that our entire community is entitled to participate in decision-making and negotiation processes affecting our neighborhood, take leadership of local mobilization efforts, and design a future vision for our community.

Int. No. 495-2014 is a thoughtfully crafted piece of legislation that seeks to relieve the three communities most overburdened with waste transfer stations by making modest reductions to the daily tonnage of waste handled by truck-intensive transfer stations in those communities as new, less-polluting barge and rail-based facilities come online in each borough. The bill includes clear criteria for the Commissioner to consider when allocating reductions to particular transfer stations, including the station's environmental track record, the station's worker safety track record, the proximity of a transfer station to homes, schools and parks, and the feasibility of reducing truck traffic traveling through residential neighborhoods. Truck traffic, particularly the concentration of garbage truck traffic and associated diesel exhaust, is a major concern expressed by many of our members, so we applaud the inclusion of this factor.

In summary, this bill marks a significant step in creating a more sustainable North Brooklyn as well as a more equitable waste distribution system, and NAG is in full support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rita Pasarell', with a large, stylized circular flourish at the end.

Rita Pasarell
Board Chair
NAG [Neighbors Allied for Good Growth]

Submitted by: Crystal Ervin

This legislative bill provides much needed relief from the concentrated truck traffic into select neighborhoods of color as mentioned. The bill does not take away a truckers ability to earn as there will always be the need for waste removal. What it does do, is shorten trips where there is no longer a need to drive from Manhattan to Queens to tip as each borough gets to the point of handling its own waste when the MTS comes on line. It also addresses the lesser capacity the waste transfer stations themselves will handle when DSNY is no longer tipping at their sites.

Because waste transfer stations are permitted to operate on a 24 hour clock, heavy trucks enter our communities on that same clock. In my area, (Douglas Ave @170th Street) Stop signs are constantly being damaged and knocked down by trucks using the transfer stations at that location. There was a similar problem @ Liberty Ave. & 170th Street where the pedestrian crossing sign which was anchored in ground suffered the same fate. Liberty Ave. east of the Van Wyck Expressway is designated as a local truck route but with no signage stating as such it's the rutted and warped roadbed that verifies that designation. An added eyesore is the fact that MSW and other large trucks are stored on the street on a daily basis as well as weekends.

Fresh Kills closed in 2001 without a viable plan in place to move the city's waste. This act resulted in the birth of the egregious land based transfer stations which ended up coincidentally in neighborhoods of color in North Brooklyn, South Bronx and Southern Queens, largely in part to an opportunity and need, poor zoning by NYC's Dept. of Planning which also grandfathered these businesses that did not exist prior to the Fresh Kills closure. This business brought with it the stench of decaying food waste, pests, fine dust of construction waste and, particulate matter from the large numbers of trucks some of which burning diesel fuel. These trucks, used to haul waste in and out damage infrastructure, creates noise and has caused a rise in chronic respiratory and other health issues to area residents. There is also the Edwards & Kelcey Truck Traffic Survey which was summarized in 2007 with suggestions on how the city might implement a course of action to address truck traffic. As of today we've been given no information from this study. Now here we are in 2015 still struggling with the issue.

TESTIMONY OF ROBERT DONNO
New York City Council
Committee on Sanitation and Solid Waste Management
February 13, 2015

TESTIMONY OF ROBERT DONNO
New York City Council – Committee on Sanitation and Solid Waste
Management
February 13, 2015

Chairman Reynoso, members of the Committee and distinguished guests; my name is Robert Donno, and I am Vice President at Lemcor, Inc., a solid waste transfer station in Newark, New Jersey. Because of my historical experience operating in this marketplace and current position, I am testifying today both to educate the City Council and others about the nature of the waste industry and to oppose Intro 495. In my 40 years in this industry, my companies have operated transfer stations which have an accumulated capacity of 8,500 tons per day.

In the 1990's, when the cartel that controlled much of the New York City waste industry was dismantled, my company was the subcontractor for BFI (Browning Ferris Industries). BFI was the first national company to obtain a license and collect waste in the City. It was an interesting time to be in the solid waste industry. There were risks for BFI and my company in being a true competitor in the New York market place. Fortunately, we succeeded, and a new free market emerged, saving businesses in New York City hundreds of millions of dollars.

Much of the waste in the City was disposed of at Fresh Kills Landfill on Staten Island. The residents of Staten Island received the bulk of the waste generated within the 5 boroughs of New York for decades. One of the great myths at the time was the Staten Island landfill was one of two man-made objects that could be seen from space. The other was the Great Wall of China. Surely, Staten Island was overburdened by waste coming in from the other boroughs.

When that landfill closed, thousands of tons of waste had to find a new place to be disposed of. The private sector transfer stations became critical component of the City's waste infrastructure and facilitated the safe and efficient disposal of thousands of tons of waste every day that had no other place to go. Locating transfer stations close to the source of the waste, in industrial zones, was critical. Without the infrastructure that was built by private companies, without any tax dollars, New York City would have been drowning in garbage. These facilities help ensure that public health and the environment is protected by the efficient processing and removal of trash from City streets. A reminder of how important these facilities are to the City occurred after Superstorm Sandy, when they processed thousands of tons of debris and waste.

Now, Intro 495 seeks to reduce substantially transfer station capacity at many of the facilities that the City, its residents and businesses, have used for the past 2 decades. And while it seems like a simple solution, the simple truth is that while the capacity might be reduced, the garbage that is generated will still be here. All this will do is force carters to take the waste they collect and transport it longer distances to other transfer stations. For example, some of the trucks will cross the Verrazano Bridge and dump at transfer stations on Staten Island.

My transfer station in Newark could receive some of this waste and our company would benefit from this law. However, even though we might be beneficiaries of the bill, we oppose it. Why? Because it simply makes no sense to force a carter to travel 15 or 20 miles to dump a load when properly permitted facilities are located closer, in industrial zones. Why would the City want to

increase the number of vehicle miles travelled, cause more traffic and emissions and increase costs for small businesses? Why would the City divert waste from one neighborhood in Brooklyn to others? Is that borough equity? I don't think so.

At the same time the City looks to cut capacity at existing privately owned facilities, it is going ahead to build additional capacity at E 91st Street and in southwest Brooklyn, both in areas adjacent to huge residential populations. Once these Marine Transfer Stations (MTS) open, hundreds of trucks currently travelling through the "overburdened" districts each day will be diverted to the MTS's, and neighborhood residents in the overburdened neighborhoods will see a significant reduction in waste truck traffic. .

This bill pits neighborhood against neighborhood, increases traffic, devalues property and does nothing to address the underlying issues. According to the Independent Budget Office the cost of the MTS operations will be \$278 per ton. The cost at private facilities is less than 1/3 of that cost. The dollars saved by using existing infrastructure could be used by the City to purchase Compressed Natural Gas (CNG) trucks which have no emissions. CNG vehicles are being used successfully in municipalities all across the nation.

The best approach is to work together to reduce waste generation, increase recycling, educate New Yorkers on how to recycle right, and encourage cooperation. That cooperation includes public private partnerships and the use of resources that are outside of the boundaries of where the waste is generated. Manhattan is not an island existing by itself. Its greatness is the sum of the parts that surround it. The private sector has already invested in building infrastructure in recycling and in solid waste facilities in some of those areas. The City needs to consider using those cooperative efforts to save the funds that accomplish little and use those funds to convert their fleet into CNG vehicles.

I respectfully submit these statements in opposition to Intro 495, and would be glad to answer any questions.

Robert Donno, VP
Lemcor, Inc.
170 Frelinghuyse Ave.
Newark, NJ 07114
973-642-1212



Testimony Before the New York City Council Committee on Sanitation and Solid Waste Management

IESI NY Corporation, a subsidiary of Progressive Waste Solutions, respectfully submits the following testimony regarding Intro 495 in New York City. I would like to thank the Committee for giving IESI the opportunity to provide testimony today regarding, what we believe to be, significant flaws with the proposal to reduce permitted capacity at solid waste transfer stations in the City.

IESI is the only publicly owned company that trades on the New York Stock Exchange that picks up garbage and recyclables in New York City. We operate three transfer stations, one of which will be directly affected, and most likely completely closed, if this legislation is enacted. IESI employs 280 people with almost 200 being hard working well paid union employees the majority of whom live and work in New York City.

Sir Isaac Newton noted in his third law that “for every action there is an equal and opposite reaction”. In this case, should 495 become law, the opposite reaction in reducing transfer station capacity in specific areas will not be limited to forcing garbage trucks to drive further distances to ultimately dispose of their cargo (although that will happen). It will also lead to a reduction in capital investment in the facilities themselves as well as in crucial recycling technologies. After all, why would anyone, a corporation or an individual, invest in innovative waste or recycling in the City if the City Council could materially and arbitrarily reduce the value of that investment? What homeowner would spend thousands of dollars to redo their kitchen if he was told several years from now it will need to be 18 percent smaller?

Organic material is the final frontier of material that is not currently being recycled. In late 2013, the City Council passed an organics diversion law that, should capacity become available, will have a large impact and help divert trucks from the neighborhoods favored by Intro 495. Progressive Waste and other companies in our industry are racing to figure out new ways to make this a successful endeavor. For our company, New York State permitted solid waste facilities (Part 360) are an integral part of making this happen. It is the only type of facility where they can be processed. As a company, we are considering the possibility of utilizing one of our smaller transfer stations, located in Bronx Community District Two, and which is currently inactive, as an organics processing facility. This type of significant financial investment would create much needed, well-paying jobs. Unfortunately, the uncertainty surrounding Intro 495, keeps us from moving this project forward and has us considering other locations outside New York City.

We urge the City Council members not to support Intro 495.

TESTIMONY OF JERRY ANTONACCI
CROWN CONTAINER
February 13, 2015

My name is Jerry Antonacci and I am the President of Crown Container, which operates in New York City. I am the owner of a licensed waste company and a C&D transfer station, and have been working in the industry for more than 40 years. I understand the desire to reduce truck traffic, but I don't understand why the City Council thinks Intro 495 accomplishes that goal. By spreading traffic all over the City and making garbage trucks travel longer distances, you worsen something you are trying to correct.

All of the private transfer stations that would be affected by Intro 495 are properly licensed and zoned. If this bill passes, some of the waste that is collected in the Bronx, and currently disposed of there, will likely be brought back to Queens for disposal because of the throughput reductions in the bill. Our trucks will have to increase the number of miles traveled each day, which means more traffic and emissions, something that we were trying to cut as we all update our fleets. It also means my customers will pay more for disposal. Why in the world would I want to dispose of something I picked up in the Bronx in another county? It makes no business or environmental sense.

The timing of the bill is very bad, as the industry is trying to reduce emissions by buying newer trucks which substantially reduce the trucks' carbon footprint. For example, my company is already 75% of the way to converting our fleet to cleaner trucks. Many of my employees and almost all of my customers are in New York City -- why would I want to add more air pollution to their lives after spending \$300,000 for a new truck? It doesn't make any sense. The waste industry is an easy target for politicians and local activists. But other industries impose similar burdens in the South Bronx and elsewhere. For example, the Hunts Point market generates 5,000 truck trips each day. The New York Post and Wall Street Journal plant in the Bronx generate thousands of truck trips each day. Fresh Direct was recently allowed to relocate next to a waste transfer station, bringing an additional 1,000 truck trips each day, so on 1 hand, the City is allowing more trucks into an area, but then you are saying our industry is the cause of the problem. The waste industry wants only the best for the City and the customers we serve, but Intro 495 does the opposite. It creates more pollution while eliminating jobs and raising the cost of waste disposal through farther distances to travel and the time it takes to do so... I am also alarmed by the unions' claims about our industry and their continued movement to push ideas on what they consider are better ways to run our industry... I'm tired and annoyed of the words "the wild wild west" continuing to be used as it has been for the last 10 years as some unions push their agenda on cities and towns across the country ...this is their way of replenishing lost membership or is it better to say a free organizing event I am disappointed that some stakeholders use the phrase "wild west" without understanding the extensive rules and numerous government agencies that regulate the industry ...probably the most regulated industry in New York City ...the transfer stations in the city are regulated by both DEC and NYDOS between both of them we are visited 4-5x a week to make sure we are in compliance ..tickets start at 5,000\$ each so it is wise to keep stations in compliance ...I urge the City Council to reject this bill Thank you.

**TESTIMONY OF
WILLIAM MACKIE, TRANSFER STATION EMPLOYEE
CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT**

February 13, 2015

My name is Willie Mackie, and I am an equipment operator at Hi-tech Resource Recovery, Inc., a transfer station located in the East Williamsburg section of Brooklyn. I have worked for this employer for fourteen (14) years, along with eleven (11) other employees, most of them have been with the company for more than ten (10) years.

My company takes great effort to comply with its impact on the community. The doors are kept closed whenever possible, there are large fans on the roof to keep odors down, there are sprinklers in place to control the dust, and there are weekly treatments to control the rodents that are brought into our facility in the trash.

My company has a very large, baler machine. This means most of the waste that leaves our facility goes out on flatbed trucks. These trucks come late in the day because they drop off product, usually lumber and steel, to other customers from out of state. Without the waste from our facility, these trucks would leave the area empty. Intro 495 would not decrease these truck miles, since these trucks would still travel through the area to leave. It would only hurt the drivers of these tractor trailers, and I know many of them personally. Most of them are owner-operator, small businesses, and they have families to support.

If Intro 495 becomes law, and my company was forced to take less waste, I am afraid this could mean the loss of my job and the job of all my fellow employees. We have all stayed with this company, most for more than a decade, because we make good, union wages, and have benefits. Many of us are immigrants, and the loss of these jobs would hurt us and our families. I personally have a disability, and that disability would make it even harder for me to get a job as good as the one I have now.

Please, for our jobs, do not pass Intro 495.



Council Member Margaret Chin
250 Broadway, Room 1804 New
York, NY 10007

Dear Council Member Chin,

As a business owner in your District, I am writing to express my strong opposition to Intro. 495, a bill which proposes to redirect waste now disposed at certain transfer stations to other disposal facilities located in New York City.

I am very concerned because Intro. 495 will increase truck traffic throughout the City, including our District and on the streets near my business. The bill will do this because it does not reduce the amount of waste that will be disposed; it merely redirects waste to other locations in the City. If Intro. 495 is enacted, nearly 300 trucks each day will be forced to go to and from these waste facilities, on many other already heavily traffic streets.

This bill will also increase the costs of waste disposal for my business. My costs will increase if Intro. 495 is enacted and waste is forced to travel longer distances through the City. If the carters that now collect commercial waste are forced to use the new Marine Transfer Stations (MTS) that are coming on line starting next year, waste disposal costs for City businesses could triple.

I am also concerned because Intro 495 will reduce the City's ability to manage waste during weather-related emergencies like "Superstorm Sandy." The transfer stations targeted by Intro. 495 played a critical role helping the City manage the waste and debris generated by Sandy. Several transfer stations will close if the bill passes, leaving the City without enough capacity during emergencies. The MTS's, located along the waterfront, are unlikely to be available after future tropical storms or flooding events. This means waste and debris will remain on our streets for extra days, even weeks.

I understand and appreciate that some people living in communities with transfer stations feel they are burdened with too much waste, but I do not believe businesses like mine should be forced to pay the price. Instead, other solutions are being implemented to address those communities' concerns. Specifically, the opening of the MTS's will redirect more than 300 trucks per day out of the neighborhoods identified in Intro 495. In addition, the food waste diversion bill passed in late 2013 will redirect additional trucks from those neighborhoods.

For these reasons, I urge you to oppose Intro 495. Thank you.

Sincerely,

Anthony R. Milano
Crown Architecture and Consulting, D.P.C

cc: Speaker Melissa Mark-Viverito
Deputy Mayor Anthony Shorris

Council Member Laurie Cumbo
250 Broadway, Room 1792
New York, NY 10007

Dear Council Member Laurie Cumbo,

As a business owner in your District – 67Burger on Lafayette Ave, I am writing to express my strong opposition to Intro. 495, a bill which proposes to redirect waste now disposed at certain transfer stations to other disposal facilities located in New York City.

I am very concerned because Intro. 495 will increase truck traffic throughout the City, including our District and on the streets near my business. The bill will do this because it does not reduce the amount of waste that will be disposed; it merely redirects waste to other locations in the City. If Intro. 495 is enacted, nearly 300 trucks each day will be forced to go to and from these waste facilities, on many other already heavily traffic streets.

I have spoken with my waste removal company – M & G – and they have concurred that this bill will also increase the costs of waste disposal for my business. My costs will increase if Intro. 495 is enacted and waste is forced to travel longer distances through the City. If the carters that now collect commercial waste are forced to use the new Marine Transfer Stations (MTS) that are coming on line starting next year, waste disposal costs for City businesses could triple.

I am also concerned because Intro 495 will reduce the City's ability to manage waste during weather-related emergencies like "Superstorm Sandy." The transfer stations targeted by Intro. 495 played a critical role helping the City manage the waste and debris generated by Sandy. Several transfer stations will close if the bill passes, leaving the City without enough capacity during emergencies. The MTS's, located along the waterfront, are unlikely to be available after future tropical storms or flooding events. This means waste and debris will remain on our streets for extra days, even weeks.

I understand and appreciate that some people living in communities with transfer stations feel they are burdened with too much waste, but I do not believe businesses like mine should be forced to pay the price. Instead, other solutions are being implemented to address those communities' concerns. Specifically, the opening of the MTS's will redirect more than 300 trucks per day out of the neighborhoods identified in Intro 495. In addition, the food waste diversion bill passed in late 2013 will redirect additional trucks from those neighborhoods.

For these reasons, I urge you to oppose Intro 495. Thank you.

Sincerely,

Edward J. Tretter

Ed@67Burger.com

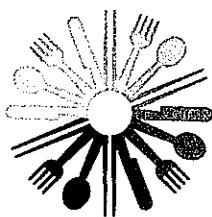
cc: Speaker Melissa Mark-Viverito
Deputy Mayor Anthony Shorris

Proposed Law to Reduce Capacity at Solid Waste Transfer Stations in New York City

THE RESTAURANT INDUSTRY PERSPECTIVE

On February 13, 2015, New York City Committee on Sanitation and Solid Waste Management will hold a hearing to discuss Intro 495 – 2014, A Local Law to amend the administrative code of the City of New York, in relation to reducing permitted capacity at putrescible and non-putrescible solid waste transfer stations in overburdened districts.

The New York State Restaurant Association submitted this document as written testimony at the hearing to share concerns from the restaurant industry's perspective on the proposed law.



NEW YORK
STATE
RESTAURANT
ASSOCIATION

February 13, 2015

Good morning Chairman Reynoso and members of the council here today. My name is James Versocki and I am counsel to the New York City chapter of the New York State Restaurant Association (the "Association") and I am here today to present the concerns the hospitality industry has about Intro. 495.

The New York State Restaurant Association is a trade group that represents approximately 5,000 food service establishments in New York City and over 10,000 statewide. The Association is the largest hospitality trade association in the State of New York and it has advocated on behalf of its members for over 75 years. Our members, known as Food Service Establishments ("FSEs"), represent one of the largest constituencies regulated by the City, including those subject to the mandates of the carting regulations implemented by the City through the regulations of the Business Integrity Commission and the oversight of the Department of Sanitation.

NEW YORK CITY IS ONE OF THE PILLARS OF THE CULINARY WORLD.

Our restaurants employ hundreds of thousands of New Yorkers and are a backbone of the tourism trade here in New York City. To ensure the continued viability of the restaurant and hospitality industry, New York City must have sensible and reasonable regulations that protect consumers and the restaurants that serve them.

Based on the existing regulatory framework in place and current efforts to reduce waste in New York City, the Association believes that Intro. 495 should not be passed at this time. As detailed below, Intro. 495 seeks to address environmental concerns that are already being tackled through numerous avenues and the passage of Intro. 495 could lead to skyrocketing costs for small businesses.

THE ASSOCIATION HAS WORKED WITH THE CITY AND THIS COUNCIL TO ADDRESS MANY QUALITY OF LIFE IMPROVEMENTS FOR THE CITY OF NEW YORK.

The Association has worked closely with the Business Integrity Commission, the Department of Sanitation, and the City Council on many different initiatives including:

- Implementation of the PlaNYC program;ⁱ
- The passage of the landmark composting/organic separation law (Local Law 146 of 2013);
- The development and implementation of the Food Waste Challenge;ⁱⁱ
- The passage of the polystyrene ban (Local Law 142 of 2013); and,
- Carting industry reform, including passage of Local Law 145 of 2013.

Each of these laws and rules will improve the quality of life for countless residents of the City of New York by:

1. Reducing 250,000 tons of organic waste per year from the waste stream as the organic separation law is implemented;
2. Improving air quality through the mandated retirement and replacement of the private carting industry's truck fleet by 2020;
3. Reducing 2,500 tons of organic waste in six months through the Food Waste Challenge with only 100 restaurant participants; and,
4. Reducing 28,000 tons of waste per year via the removal of polystyrene foam from the waste stream.

Combined with the City's existing Solid Waste Management Plan ("SWMP"), these changes will have a major impact on the City's neighborhoods, including those impacted by the presence of waste transfer stations. The SWMP alone will be redistributing the waste-stream traffic through the use of marine and rail stations and it is expected to reduce the City's greenhouse gases by 34,000 tons and annual truck travel by 60 million miles.ⁱⁱⁱ

THE EFFECT OF INTRO. 495 ON NEW YORK CITY.

As the representative of the hospitality industry and the thousands of small business owners in New York City who will be impacted by the law, the Association urges the Committee to oppose Intro. 495. Intro. 495 proposes to redirect waste now disposed of at certain transfer stations to other disposal facilities located in the City. While the goals of Intro 495 are commendable, the bill will:

Increase the costs of waste disposal for small and large businesses.

Costs will increase if disposal capacity is reduced and waste is forced to travel longer distances. Disposal costs could triple if the commercial carters that now collect waste are forced to use the new Marine Transfer Stations ("MTS") coming online starting next year.

Increase truck traffic on streets and disrupts all businesses.

Intro. 495 does not reduce the amount of waste that will be disposed; it just redirects it to other locations in the City. If the bill is enacted, nearly 300 trucks each day will be redirected to and from these facilities, through many neighborhoods in each borough. Also, these trucks will travel longer distances than they currently travel to the centrally located transfer stations in north Brooklyn, the south Bronx, and Queens.

Reduce the City's ability to manage waste during weather-related emergencies like "Superstorm Sandy."

Several transfer stations will close if the bill passes, leaving the City without enough capacity during emergencies. The MTSs, located along the waterfront, are unlikely to be

available after future tropical storms or flooding events. That will mean waste and debris will remain on the streets for extra days, if not weeks.

Eliminate hundreds of well-paying blue collar jobs by forcing the closure of small waste transfer stations.

Many of these jobs are held by residents of the Bronx, Brooklyn and Queens who are not only our customers; they are also our neighbors.

CONCLUSION

The Association understands and appreciates that people living in some communities with transfer stations feel they are burdened with too much waste, but this bill is not a thoughtful solution. It will increase waste disposal costs for all New York businesses and it does not consider that other decisions, including the opening of the MTS's and the implementation of Local Laws 142, 145 and 146 of 2013 will already redirect more than 300 trucks per day out of the neighborhoods identified in Intro 495. Combined with the mandated improvements in the carting industry's truck fleet and the implementation of PlaNYC and the SWMP, the burden of pollution on all areas of the city is being addressed.

For these reasons, the Association urges this Committee to oppose Intro 495. It is a well-intentioned bill that will do much more harm than good, especially for the thousands of small businesses in NYC that will feel the impact of increased carting costs.

A vital part of NYS Restaurant Association's mission is to seek the development of a fair and equitable regulatory environment that encourages the success and growth of New York City's world famous restaurant industry. The Association thanks you for the opportunity to provide these comments today on behalf of the over 5,000 members of the NYS Restaurant Association in New York City and the entire food service industry.

Respectfully submitted,

James W. Versocki, Esq.
Counsel, NYC Chapter
New York State Restaurant
Association

Chris Hickey
Regional Director, NYC Chapter
New York State Restaurant
Association

REFERENCES

ⁱ See 2014 PlaNYC Progress Report: Sustainability & Resiliency 2014, http://www.nyc.gov/html/planyc2030/downloads/pdf/140422_PlaNYCP-Report_FINAL_Web.pdf

ⁱⁱ Id. at p. 28.

ⁱⁱⁱ See Fact Sheet: A New Approach to New York City's Comprehensive Waste Management Plan, May 21, 2014, <http://www1.nyc.gov/office-of-the-mayor/news/243-14/fact-sheet--new-approach-new-york-city-s-comprehensive-waste-management-plan>



Testimony for Sustainable South Bronx Regarding Intro 495

My name is Angela Tovar; I am the Director of Policy at Sustainable South Bronx, a non-profit organization located on the Hunts Point Peninsula in the Bronx. Today, I am here as a representative of the many residents and community organizations who are working together to improve the health, environment and quality of life of the communities where many of our members and staff live and work.

I want to begin by thanking the council for the opportunity to testify. I am here to testify in support of Intro. 495.

The South Bronx has a long history of being overburdened with unfavorable land uses that have resulted in health and quality of life issues for community residents. It's well known that South Bronx residents suffer from overwhelmingly high rates of asthma, diabetes, and obesity stemming from pollution-producing industrial facilities and most significantly, from the truck traffic passing through local streets. In Hunts Points alone, it is estimated that approximately 15,000 trucks pass through local streets on a daily basis. Even worse, because of the current configuration of the transportation network, trucks travel locally to enter the Peninsula meaning that they have to travel by sensitive receptors such as schools, parks and senior centers along the way.

There has long been a high concentration of waste transfer stations on the Peninsula. Hunts Point and our neighbors to the South, Port Morris and Mott Haven host 9 waste transfer stations that are permitted to handle nearly 12,000 tons of waste each day. On a typical day, nearly 6,000 tons is hauled in and out of the South Bronx resulting in about 1400 diesel truck trips. With this industry comes a significant burden: we have open air facilities where dust and debris spew out into the local community. The proximity of waste transfer stations to sensitive receptors like parks and schools is problematic. To provide one example, there is an open air facility steps from Baretto Point Park – a popular park and summer destination for local residents. This makes a space meant to be a clean, green sanctuary for residents into a less than desirable place when the wind blows from a specific direction.

Additionally, there are often trucks lining up and down the street from these transfer stations, idling and polluting neighbors. We believe that this important piece of legislation would eliminate several hundred truck trips in the South Bronx every day. While we would still handle more waste than most communities, it would be a significant, and much needed, reduction, essential to improving the health and well-being of our community. Furthermore, this legislation would tie directly in to the use of the Marine Transfer Stations, which would advance the solid waste management plan, benefiting not just the South Bronx, but the entire city. By tying these reductions to MTS's and reducing the capacity of existing transfer stations that have a history of violations and other practices that make them bad neighbors, we can start to correct

decades of negative outcomes such as idling trucks exacerbating pollution, debris escaping from open air facilities, and unfair treatment of workers.

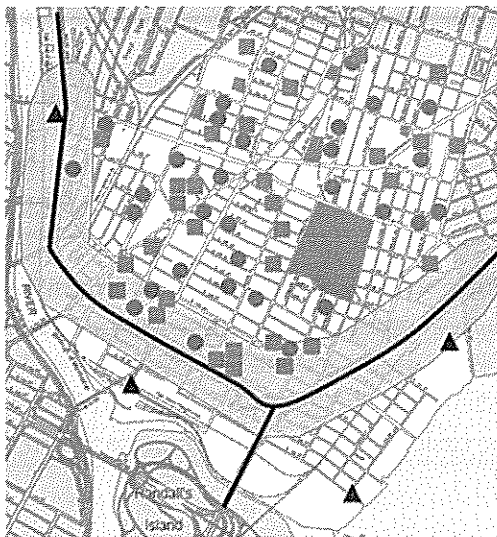
Finally this bill is especially essential in undoing years of overburdening in low-income communities like the South Bronx by ensuring a more equitable system by which no community in the future is over-concentrated or overwhelmed with waste issues. The bill commits the City to fairness in the future by capping the amount of waste any one community can be forced to handle. It is an essential step towards a more equitable city filled with happier and healthier communities.

Sincerely,

Angela Tovar

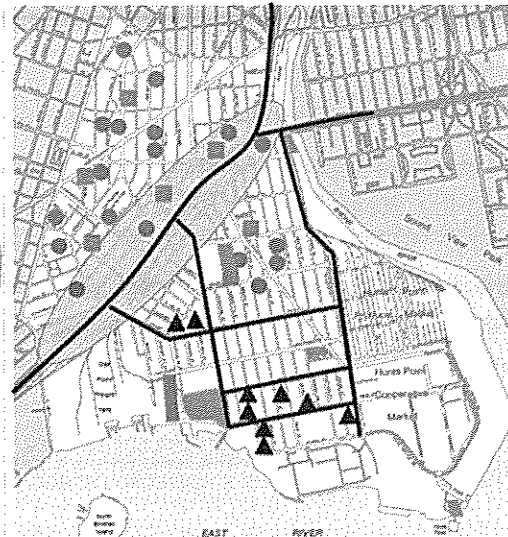
Proximity to Sensitive Receptors and Parks

Bronx Community Board 1



▲ Waste Transfer Stations
— Truck Routes

Bronx Community Board 2



● Schools
■ Day Care and Senior Centers

The image above, particularly the one on the right, highlights the proximity of Waste Transfer Stations to public open spaces.

Testimony Manhattan Chamber of Commerce

City Council Hearing Intro 495

The Manhattan Chamber of Commerce opposes Intro 495.

We feel that the passage of this legislation will severely and adversely impact numerous neighborhoods and will lead to the elimination of many well-paying union jobs held by a large minority population. At a time when waste generation in the City is increasing as the economy recovers from the Great Recession, reducing transfer station capacity is a very bad policy choice.

It will also increase truck traffic in many neighborhoods adding to the disruption of residential communities with nearly 300 trucks forced to go to and from the waste facilities. This will increase traffic on already heavily trafficked roads as well.

In addition, it will increase the costs of waste disposal, estimated to be as much as a 35% increase. These costs will ultimately fall on the backs of the residents and small business communities. As we are striving to create better environments and support small businesses in our city, this flies in the face of these worthy goals.

We also understand, based on the recent Independent Budget Office report, that if the city forces carters to use the Marine Transfer Stations, the disposal cost for commercial waste will triple.

Our concern also lies with the city's ability to manage waste during weather or other related emergencies. If the bill passes, several of the transfer stations currently able to manage waste will close, leaving the city without enough capacity to handle waste after emergency situations. Also, the Marine Transfer Stations located on the waterfront would most likely be closed during weather related storms (like Superstorm Sandy) which means waste and debris will remain on our city streets, possibly for weeks.

For these reasons, we urge the Council to reject Intro 495.

Respectfully Submitted,

Nancy Ploeger

President

The Manhattan Chamber of Commerce (MCC) is a vibrant business membership organization comprised of a cross section of 10,000 business members and subscribers ranging from sole proprietors to large corporations and multi-national firms.



166A 22nd Street
Brooklyn, NY 11232 | NYC-EJA.org
On the ground – and at the table.

New York City Environmental Justice Alliance testimony to the New York City Council Committee on Sanitation in Support of Intro. 495 to amend the administrative code of the city of New York in relation to reducing permitted capacity at putrescible and non-putrescible solid waste transfer stations in overburdened districts.

February 13th, 2015

Good morning Chairperson Reynoso and Members of the City Council. My name is Eddie Bautista and I am here to testify in strong support of Intro. 495 on behalf of the New York City Environmental Justice Alliance (NYC-EJA). Founded in 1991, NYC-EJA is a non-profit city-wide membership network linking grassroots organizations from low-income neighborhoods and communities of color in their struggle for environmental justice. NYC-EJA empowers its member organizations to advocate for improved environmental conditions and against inequitable environmental burdens. Through our efforts, member organizations coalesce around specific common issues that threaten the ability of low-income and communities of color to thrive, and coordinate campaigns designed to affect City and State policies – where solid waste issues affecting these communities has been central to NYC-EJA’s work.

New York City creates roughly 35,000 tons of garbage every day. This garbage is trucked to transfer stations in a small handful of NYC neighborhoods and then trucked back out of the City. Every day, garbage trucks needlessly travel thousands of miles throughout New York City polluting our air with diesel fuel, clogging our streets, and diminishing our quality of life. These impacts are greatest in those few low-income and communities of color where old truck-dependent transfer stations are clustered, and along the truck routes used to haul garbage. Not surprisingly, these same communities deal with many sources of pollution and the negative health consequences thereof -- such as asthma, heart disease, and cancer.

Because a number of the NYC-EJA member organizations come from communities overburdened by garbage, our organization is a key advocate for the landmark Solid Waste Management Plan adopted by Mayor Bloomberg and the New York City Council in 2006. The plan articulates two central goals: 1) Green Garbage Collection to improve NYC’s air quality and quality of life by taking trucks off the street and moving garbage by barge and rail instead; and 2) Borough equity to ensure that each borough handles its fair share, and no community serves as the “dumping ground” for another.

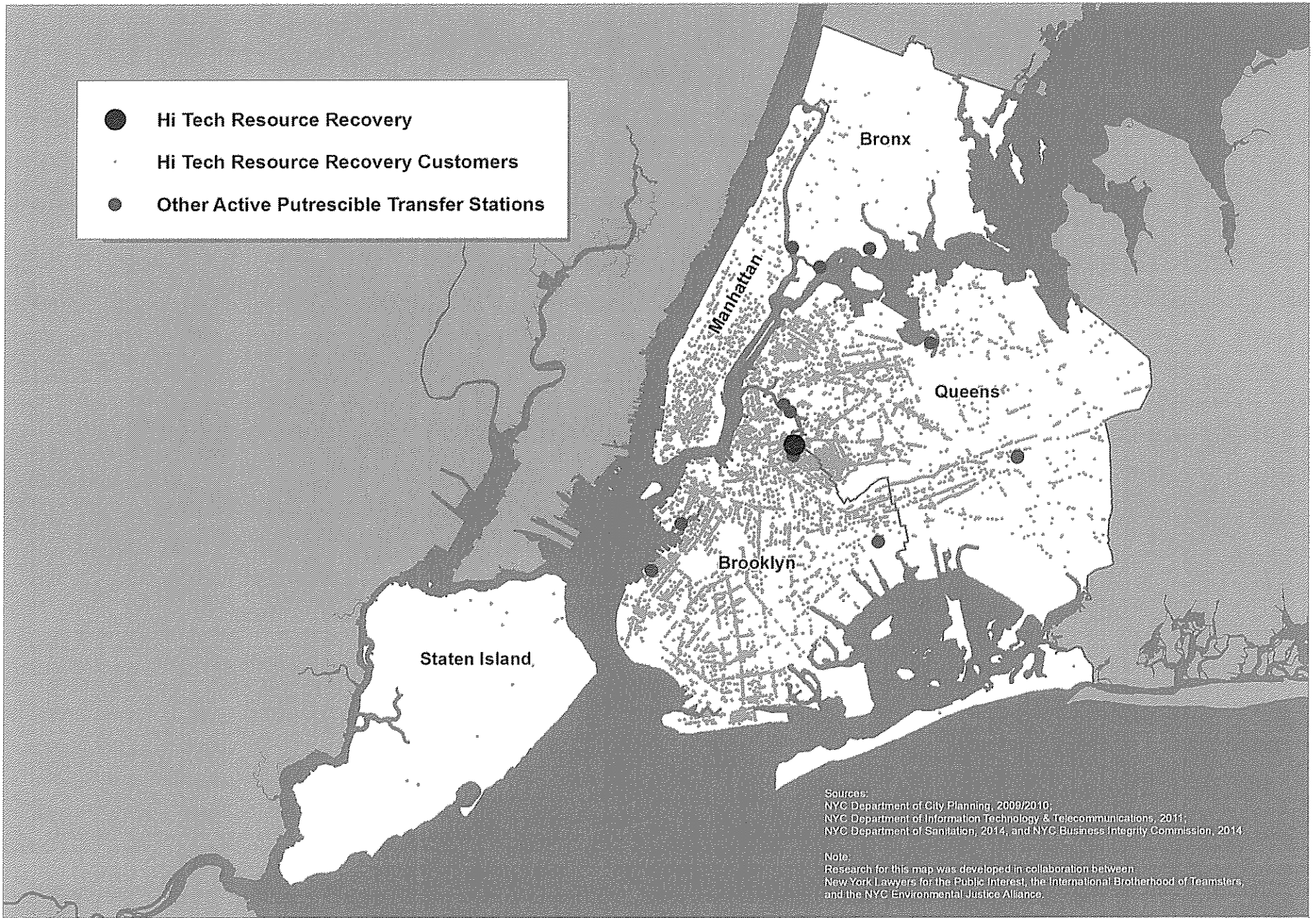
But in order to achieve its vision the plan needs to be fully implemented, and in order do so it requires a strategy for reducing the actual garbage handled in overburdened communities. This bill provides long overdue relief for communities that handle a disproportionate amount of the City's waste. It will also ensure that no other community is mistreated like this in the future; provisions will not allow the City to issue new permit capacity in any Community District with more than 5% of the City's waste permit capacity. With the marine transfer stations system, reductions will contribute to the elimination of thousands of truck trips in the city to and from these neighborhoods.

Even though the South Bronx and North Brooklyn will continue to handle considerably more waste than other NYC communities after the bill's reductions take place, these decreases will have an important impact in these neighborhoods. There are 15 waste transfer stations in North Brooklyn permitted for over 20,000 tons of waste per day, and there are 9 waste transfer stations in the South Bronx permitted to handle nearly 12,000 tons of waste each day. The proposed bill will eliminate several hundred truck trips in and out of these communities.

These provisions represent relief for the residents of these areas who experience some of the highest levels of asthma in the country, and deserve cleaner air and streets. Moreover, the bill will also prevent current conditions at the waste transfer stations from getting worse. In targeting reductions, it will require the City to evaluate the public health impacts of a transfer station -- including proximity to homes, schools and parks, as well as the station's environmental and worker safety track record, among other factors.

NYC-EJA commends the NY City Council Committee on Sanitation for holding a hearing on this bill, creating an opportunity for public comment on this important milestone toward the implementation of the City's Solid Waste Management Plan, and urges the passage of Intro. 495.

- Hi Tech Resource Recovery
- Hi Tech Resource Recovery Customers
- Other Active Putrescible Transfer Stations



Sources:
 NYC Department of City Planning, 2009/2010;
 NYC Department of Information Technology & Telecommunications, 2011;
 NYC Department of Sanitation, 2014, and NYC Business Integrity Commission, 2014

Note:
 Research for this map was developed in collaboration between
 New York Lawyers for the Public Interest, the International Brotherhood of Teamsters,
 and the NYC Environmental Justice Alliance.



NYLPI



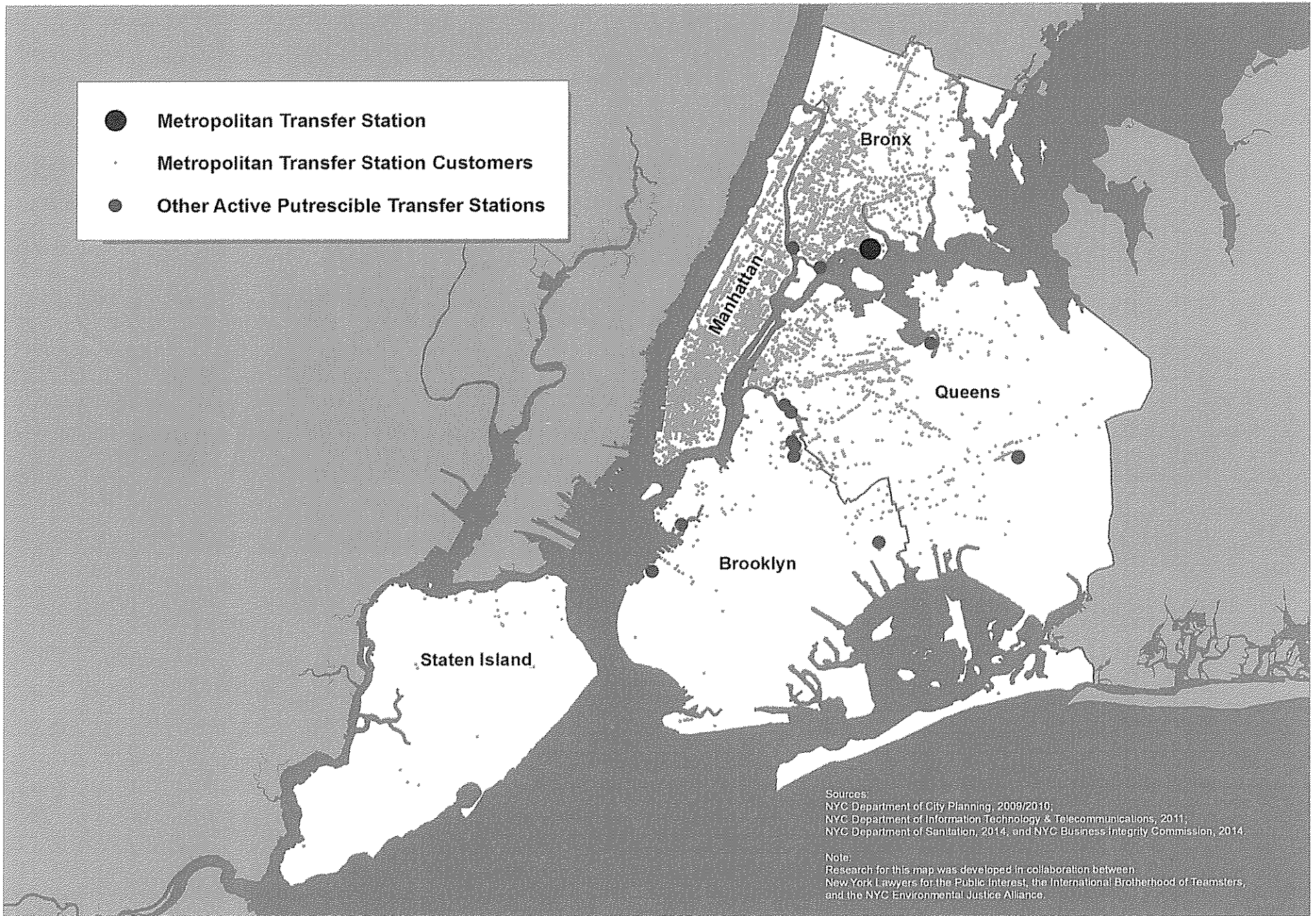
NYC Putrescible Waste Transfer Stations and Their Customer Base

0 2 4 8 12 Miles

Prepared by the NYC Environmental Justice Alliance – www.NYC-EJA.org – 2015



- Metropolitan Transfer Station
- Metropolitan Transfer Station Customers
- Other Active Putrescible Transfer Stations



Sources:
 NYC Department of City Planning, 2009/2010;
 NYC Department of Information Technology & Telecommunications, 2011;
 NYC Department of Sanitation, 2014, and NYC Business Integrity Commission, 2014.

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NYLPI



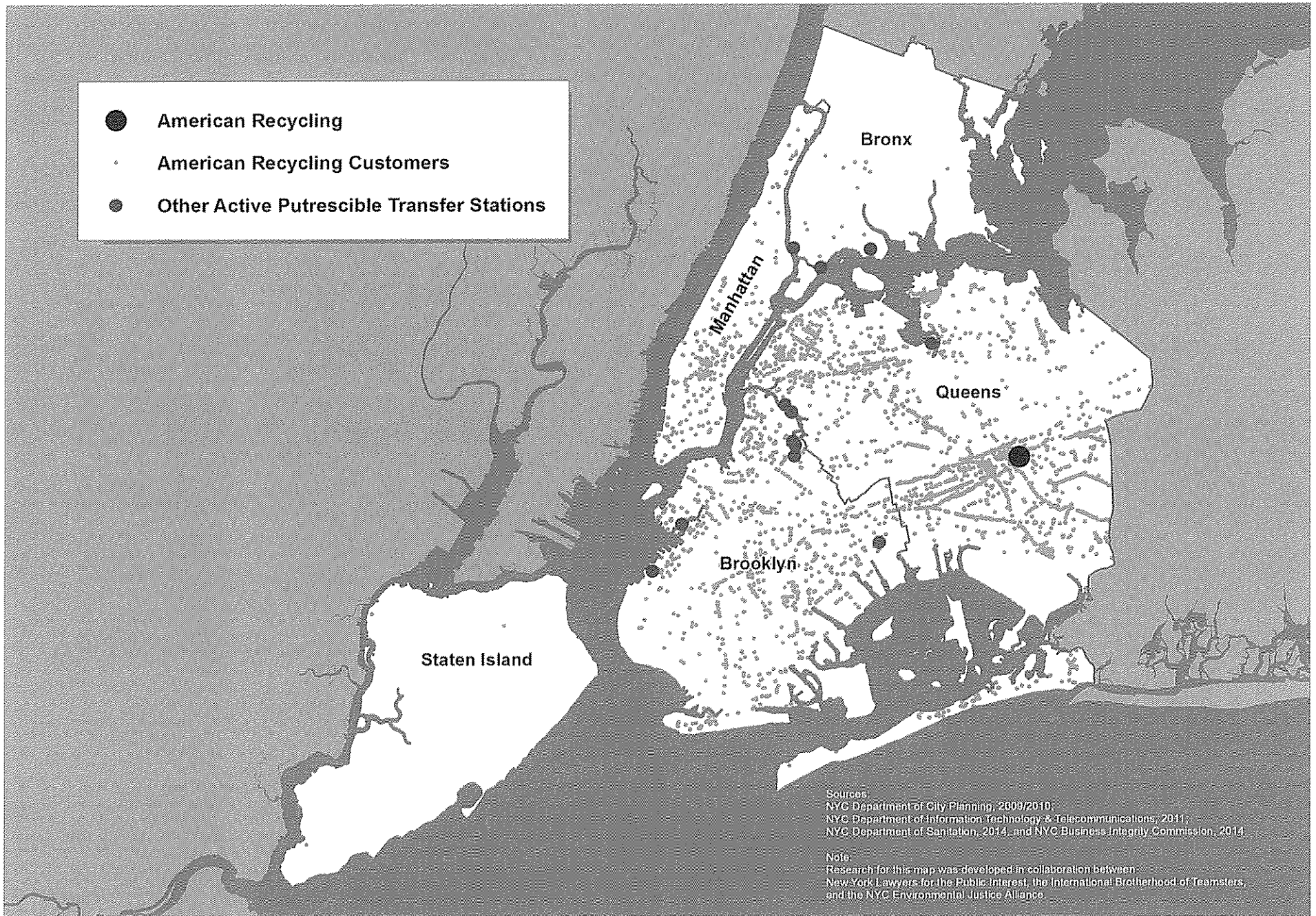
NYC Putrescible Waste Transfer Stations and Their Customer Base



Prepared by the NYC Environmental Justice Alliance – www.NYC-EJA.org – 2015



- American Recycling
- American Recycling Customers
- Other Active Putrescible Transfer Stations



Sources:
 NYC Department of City Planning, 2009/2010;
 NYC Department of Information Technology & Telecommunications, 2011;
 NYC Department of Sanitation, 2014, and NYC Business Integrity Commission, 2014.

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 and the NYC Environmental Justice Alliance.



NYLPI



NYC Putrescible Waste Transfer Stations and Their Customer Base



Prepared by the NYC Environmental Justice Alliance – www.NYC-EJA.org -- 2015



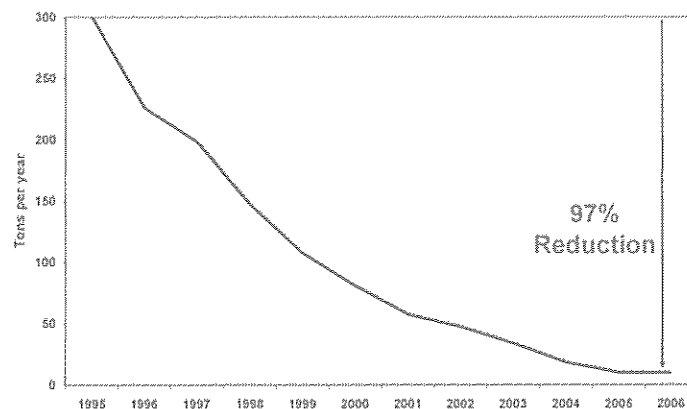
**Testimony of
Richard Kassel,
Senior Vice President
Gladstein, Neandross & Associates
On
Intro. 495
February 13, 2015**

Introduction

My name is Richard Kassel, and I am a Senior Vice President at Gladstein, Neandross & Associates (GNA). GNA is a national environmental consulting firm that specializes in developing and implementing strategies to reduce emissions and fuel costs in the trucking sector. I direct GNA's New York and East Coast operations.

I have extensive experience developing programs to reduce emissions from heavy-duty diesel vehicles. In 2000, when I was working for the Natural Resources Defense Council (NRDC), I partnered with New York City Transit to create the fleet's Clean-Fuel Bus program. That program included the nation's first large-scale use of ultra-low sulfur diesel fuel and diesel particulate filters, as well as an accelerated retirement plan that eliminated the fleet's oldest, dirtiest buses in just a few years. By the time the program was completed in 2006, citywide particulate emissions from NYC Transit buses had been reduced by 97 percent, as shown in Figure 1 below.

Figure 1: New York City Transit Bus Fleet Emissions (Annual PM Emissions)¹



Thereafter, I worked extensively with this Council to develop, and ultimately pass, new local laws that applied this model to the City's construction equipment, school buses, double-decker tour buses, sanitation trucks, and other diesel vehicles owned by the City or used on City contracts.

In 2008, I co-chaired the Port Authority's successful effort to replace the oldest, dirtiest drayage trucks in use at the ports, and my firm then managed its successful implementation. Today, we are managing a similar effort to reduce truck pollution at the Hunts Point Market.

¹ "MTA New York City Transit Bus Fleet Emissions". Natural Resources Defense Council, prepared by M.J. Bradley & Associates. August 10, 2006. http://docs.nrdc.org/air/files/air_06081001a.pdf.

I offer this history to underscore that the problem of dirty diesel pollution in the private waste industry is a solvable problem. We know how to do it, and there are models to follow.

Solving the diesel pollution problem in the overburdened community districts of Brooklyn, Queens, and the Bronx

Intro. 495 seeks to solve a truck pollution problem that has lasted too long. Too many older, dirty diesel trucks are rumbling around the City, picking up commercial waste and disposing too much of it in four community districts in Brooklyn, Queens, and the Bronx. These trucks are contributing to the disproportionate levels of asthma and other health ailments in those communities. This is a serious problem, and it deserves to be solved.

However, shifting dirty trucks to other neighborhoods doesn't solve the problem of too many older, dirty diesel trucks. It just shifts it elsewhere.

Instead, I respectfully suggest that the Council and the administration work together to consider a different approach that will reduce truck pollution in the overburdened community districts targeted for help by Intro. 495—and that will reduce truck pollution citywide.

First, the City should create a Truck Replacement Program to reduce pollution from all private waste collection trucks as soon as possible.

Thanks to the combined benefits of Local Law 39 of 2005, an effective diesel emissions reduction strategy, and a consistent fleet replacement approach, the trucks used by DSNY to pick up residential and municipal trash are all equipped with advanced diesel particulate filters or use clean-burning natural gas.^{2,3}

In contrast, the City's private waste-hauling trucks are mostly older, dirtier, and lack these effective pollution-cutting technologies. Compared to DSNY's typical useful life of seven years for its trucks, the average private waste-hauling truck is almost 15 years old.⁴ A recent study found that only about 12 percent (approximately 850 trucks) of the City's private waste-carting fleet use engines that meet EPA's current emissions standards.

Local Law 145 of 2013 will gradually clean these trucks up, but not until 2020. Even then, experience suggests compliance may be slow.⁵ In the case of New York City's other diesel retrofit laws,⁶ it often took years past the implementation dates to bring compliance rates up to acceptable levels.

² Local Law No. 39 (2005) of City of New York, <http://www.nyc.gov/html/dep/pdf/l139.pdf>.

³ Doherty, J. "2012 Annual Report on Alternative Fuel Vehicle Programs Pursuant to Local Law 38 of 2005". The City of New York Department of Sanitation, March 2013; GNA telephone conversations with DSNY staff, February 2014. http://www.nyc.gov/html/dcas/downloads/pdf/fleet/fleet_local_law_38_DSNY_2012_final_report_3_25_2013.pdf.

⁴ "New York City Commercial Refuse Truck Age-out Analysis". New York City Business Integrity Commission and Environmental Defense Fund, prepared by M.J. Bradley & Associates LLC, September 2013. <http://www.edf.org/sites/default/files/EDF-BIC%20Refuse%20Truck%20Analysis%20092713.pdf>.

⁵ Local Law No. 145 (2013) of City of New York, <http://www.nyc.gov/html/dep/pdf/air/l145.pdf>.

⁶ Local Law No. 38 (2005) of City of New York, <http://www.nyc.gov/html/dep/pdf/l138.pdf>; Local Law No. 39 (2005) of City of New York, <http://www.nyc.gov/html/dep/pdf/l139.pdf>; Local Law No. 40 (2005) of City of New York, <http://www.nyc.gov/html/dep/pdf/l140.pdf>; Local Law No. 41 (2005) of City of New York,

Our experience in port programs from Los Angeles to New York/New Jersey, as well as at the Hunts Point Market, has taught us two important lessons: (1) old trucks stay in use because their owners lack sufficient access to capital to replace them; and (2) truck owners will accelerate their truck replacements if they get the right incentives to do so.

Every dollar invested in diesel clean-up strategies yields at least \$13 in health benefits, according to the U.S. Environmental Protection Agency (EPA).⁷ Thus, investing in incentives to accelerate the clean-up of the city's waste-hauling trucks is a fantastic investment in public health in the overburdened communities and the entire City.

There are a variety of ways to fund these incentives, including grant programs, revolving funds, and user fees to create revenue sources to fund the truck replacement program. EPA has provided up to 80 percent of the funding for these programs in fleets around the country. Appendix A summarizes three programs that my firm has played a key role in developing and implementing.

The City can adapt these models to successfully accelerate the clean-up of the private waste-hauling trucks. As Figure 2 below shows, if the City acted now to create a program to clean up all of these trucks, the industry's particulate emissions could be reduced by up to 93 percent by 2017. This would provide a much greater benefit to the overburdened community districts and to the entire City than simply shifting waste from one community to another.⁸

Second, although Intro. 495 deals only with the private waste collection industry, it is worth considering incentives to clean up the oldest and dirtiest of the City's trucks, regardless of whether they carry waste.

There are more than 70,000 NYC-registered commercial trucks in the five boroughs.⁹ Less than 10,000 handle waste.^{10,11} Many of the other 60,000 trucks operate in the overburdened community districts targeted by Intro. 495.

A program that targets the oldest and dirtiest of all trucks—not just waste collection trucks—would bring significant benefits to every community. Figure 3 shows the benefits of cleaning up every truck in the City. While this may not be achievable in the short run and some of these trucks may be beyond the regulatory

<http://www.nyc.gov/html/dep/pdf/l141.pdf>; Local Law No. 42 (2005) of City of New York,

<http://www.nyc.gov/html/dep/pdf/l142.pdf>; Local Law No. 77 (2003) of City of New York,

http://www.nyc.gov/html/dep/pdf/local_law_77.pdf.

⁷ "Second Report to Congress: Highlights of the Diesel Emissions Reduction Program". United States Environmental Protection Agency, December 2012. <http://www.epa.gov/cleandiesel/documents/420r12031.pdf>.

⁸ Other strategies to reduce emissions in the overburdened community districts are summarized in Appendix B.

⁹ "NYS Vehicle Registrations on File – 2013". New York State Department of Motor Vehicles, 2013.

<http://dmv.ny.gov/statistic/2013reginforce.pdf>.

¹⁰ "New York City Commercial Refuse Truck Age-out Analysis". New York City Business Integrity Commission and Environmental Defense Fund, prepared by M.J. Bradley & Associates LLC, September 2013.

<http://www.edf.org/sites/default/files/EDF-BIC%20Refuse%20Truck%20Analysis%20092713.pdf>.

¹¹ Doherty, J. "2012 Annual Report on Alternative Fuel Vehicle Programs Pursuant to Local Law 38 of 2005". The City of New York Department of Sanitation, March 2013.

http://www.nyc.gov/html/dcas/downloads/pdf/fleet/fleet_local_law_38_DSNY_2012_final_report_3_25_2013.pdf.

reach of this Council, it demonstrates the benefits of aggressively attacking diesel pollution. Creating a truck replacement program for the oldest and dirtiest diesels in the city, regardless of whether they haul waste or not—as a first step to cleaning up all trucks—is an idea worth considering further.

Appendix B provides information about additional strategies to reduce truck miles and truck pollution in the City’s overburdened community districts, as well as citywide.

Thank you for the opportunity to testify today.

Figure 2: Accelerated implementation of Local Law 145 achieves PM2.5 reductions sooner (Source: GNA, 2014)

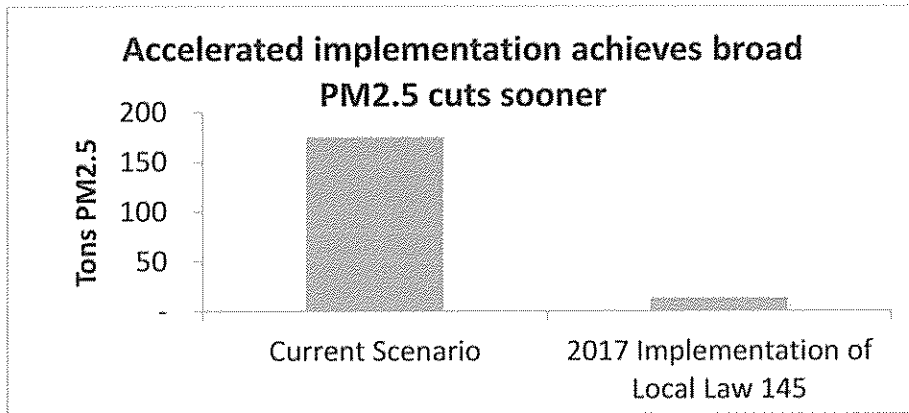
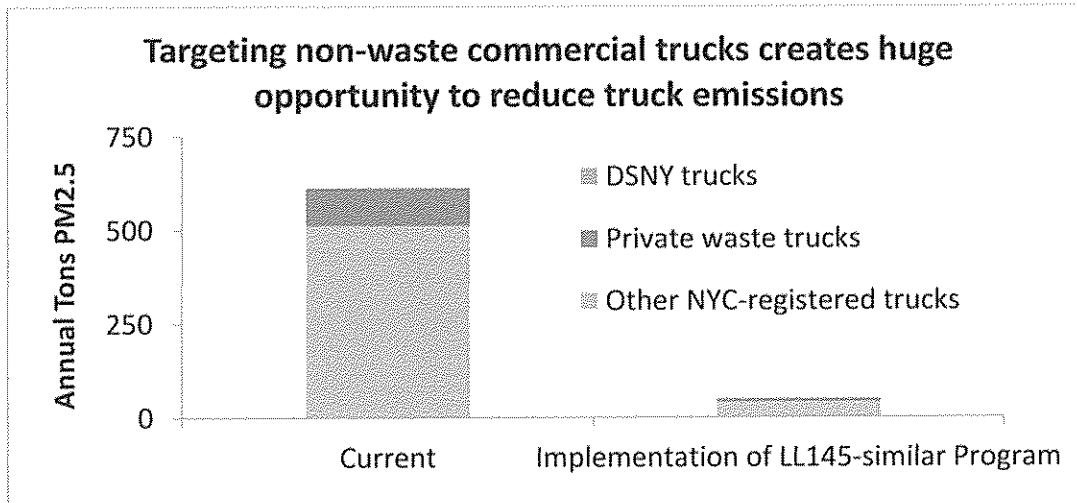


Figure 3: Implementing a program similar to Local Law 14 will yield significant emissions reductions (Source: GNA, 2014)



Appendix A:

GNA experience with selected Truck Replacement Programs

Clean Truck Program – San Pedro Bay Ports (Ports of Los Angeles and Long Beach, California)

From 2009-2012, the Ports of Los Angeles and Long Beach collected a temporary Clean Trucks Fee of \$35 per loaded twenty-foot equivalent container unit (TEU) to help finance truck replacement.¹² (The fee was charged to owners of domestic cargo moved by trucks with 1994-2006 Clean Truck Program compliant engines. Cargo owners were exempt from paying the Clean Trucks fee if they used a 2007 or newer clean truck.¹³)

The fee generated \$1 billion in private investment towards the purchase or lease of 7,000 new trucks at the Ports of Los Angeles and Long Beach. This program reduced more than 40 tons of diesel particulate matter emitted by trucks per year, which equated to removing 300,000 automobiles from Los Angeles highways.¹⁴ The fee expired in 2012 when all trucks at the ports had been replaced by 2007 or newer models.

Truck Replacement Program – Port Authority of New York and New Jersey

PANYNJ's Truck Replacement Program disbursed \$8.6 million in federal grants and \$25.8 million in PANYNJ funds to replace 429 drayage trucks.¹⁵ The program reduced NOx emissions by an estimated 356 tons (~70%) and PM emissions by an estimated 14 tons (~64%).¹⁶

Hunts Point Clean Truck Program – South Bronx, New York

Launched by the New York City Department of Transportation (NYC DOT) in 2012 with \$11.2 million in federal funds, the Hunts Point Clean Trucks Program (HPCTP) has replaced, retrofitted, or scrapped 425 diesel trucks resulting in NOx and PM emissions reductions of 87% and 97%, respectively.^{17,18}

¹² "Clean Trucks". San Pedro Bay Ports Clean Air Action Plan.

<http://www.cleanairactionplan.org/programs/cleantrucks/default.asp>, accessed February 10, 2015.

¹³ "Clean Trucks Program Fact Sheet". The Port of Long Beach.

<http://www.polb.com/civica/filebank/blobdload.asp?BlobID=3759>, accessed February 10, 2015

¹⁴ "Port of Los Angeles Clean Truck Program". Port of Los Angeles, January 1, 2012.

http://www.portoflosangeles.org/ctp/CTP_Fact_Sheet.pdf, accessed February 10, 2015.

¹⁵ "Port Authority Board Approves Continuation of Successful Truck Replacement Program". Port Authority of New York and New Jersey, Press Release Article, November 19, 2014. https://www.panynj.gov/press-room/press-item-print.cfm?headline_id=2117, accessed February 10, 2015.

¹⁶ "Port Authority of New York and New Jersey Regional Truck Replacement Program". Port Authority of New York and New Jersey, Committee on Operations, November 10, 2014. <http://www.panynj.gov/corporate-information/pdf/2-operations-111914-truck-replacement-program.pdf>, accessed February 10, 2015.

¹⁷ "Hunts Point Clean Trucks Program Fact Sheet". Hunts Point Clean Trucks Program, NYC Department of Transportation, May 2014. <http://www.huntspointctp.com/pdfs/HPCTPFactSheet.pdf>, accessed February 10, 2015.

¹⁸ "Watch the Hunts Point Clean Truck Program on YouTube!" Hunts Point Clean Truck Program, NYC Department of Transportation, December 29, 2014. <https://www.youtube.com/watch?v=xegWY2khIrM&feature=youtu.be>, accessed February 10, 2015.

Appendix B:

Other strategies to reduce emissions from private waste collection trucks

There are a number of approaches that can improve the transfer station situation in the overburdened community districts. Some of these measures will reduce truck miles and pollution to improve conditions; others focus on improving the quality of the private transfer stations that remain. These ideas could be implemented without additional legislation.

Steps that could be considered should include:

- Increasing efficiency by optimizing routes (whether through franchising, subcontracting arrangements, or other means). Taking this step will mean less overlap in the routes used by the carters, less truck traffic overall, less emissions, and less cost.
- Diverting more metal, glass, paper, and plastic waste to recycling plants like Brooklyn's Sims Municipal Recycling Facility. This will reduce demand for private transfer station capacity, and will reduce long-haul transport of waste to distant landfills.
- Improve the quality of the existing private transfer stations and create room for new entrants that will use best practices. The city should move towards a more community-sensitive approach to the remaining facilities by moving the industry to adopt best practices such as enclosed transfer stations, which will reduce odor, noise, and emissions; transfer stations that provide ample onsite space for parking and queuing, so trucks don't have to idle or circulate on streets outside the transfer station; and rail and/or barge access for moving waste out, which will also minimize truck traffic and pollution.

In addition to the steps above, an increased commitment to increased enforcement of the City's three-minute idling cap, keeping trucks on commercial truck routes, and ensuring that trucks meet the City's noise and smoke limits could provide immediate relief to the overburdened community districts.

Cooper Recycling & Intro 495

NYC Committee on Sanitation & Solid Waste Management

February 13th, 2015

Introduction

- Chairman Reynoso, members of the Committee and distinguished guests
- My name is David Hillcoat, President of Cooper Tank & Welding Corp.
- We operate as Cooper Tank Recycling & Cooper Recycling
- I appreciate the opportunity to testify today &
- I request that my written testimony to be incorporated into the record

Cooper Tank Recycling

- Family business operating in Brooklyn since 1946, women-owned and MWBE certified
- Operate a C&D transfer station and supply equipment to the waste industry
- Recycle 70%+ of the material to beneficial end uses
- Employs 80 people in Brooklyn - 90% minority and 90% local residents
- Located in M3 area in accordance with the NYC Zoning Laws & DSNY Siting Regulations
- Meet applicable Clean Air Act requirements & use current available emission technology



Cooper Recycling

Investment:

- Purchased 5 acre site on Varick Ave, with 95,000 sqft building in June 2014
- Access to rail & barge for outbound material
- Transferred existing NYS DEC & NYC DOS permits
- Plan to build new 'state of the art' \$13m+ C&D recycling line, indoors
- Due to start construction in 2015

Objectives:

- Locate deeper into the M3 zone, further away from housing & community buildings
- Create a fully enclosed, climate controlled working environment to reduce noise & dust
- Queue trucks on-site to lessen street traffic/congestion and increase safety
- Create +/-40 extra jobs, 90% local & minority
- Recycle +/-90% of incoming material to beneficial end uses, reducing long-haul truck trips
- Relocate existing transfer station operation from Maspeth Ave
- Develop a C&D recycling education center

But Intro 495 is a 'Big Problem'

Intro 495 goes far beyond the scope of SWMP and will impede the City's ability to move waste

- Caps and reduces total transfer station capacity in 4 overburdened community districts (OCD) by **18% of actual** throughput, which equates to a **50% reduction** in permitted capacity City-wide; a **64% reduction** in permitted capacity in the OCD's; & C&D at a **71% reduction** in OCD
- At least **2,700 tons** of waste will be displaced every day, that is **100,000 truckloads** of material a year searching for alternative disposal sites in the City & driving through different neighborhoods
- Does **not distinguish** between MSW and C&D waste streams, which are fundamentally different
- Will **increase traffic, emissions and costs** in other Community Districts, Boroughs & NYC
- Legislates a **non-negotiated process** of arbitrary capacity reductions
- Opens the City to **legal challenge** that the SWMP is being modified without due process,
- **Penalizes** the largest, **most efficient** operators - If Intro 495 gets passed our combined permit will be **reduced by 87%** & our planned investments to improve the environmental, physical & financial outcome for the **benefit of all stakeholders, will not be feasible**

MSW and C&D need to be distinguished

Municipal Solid Waste

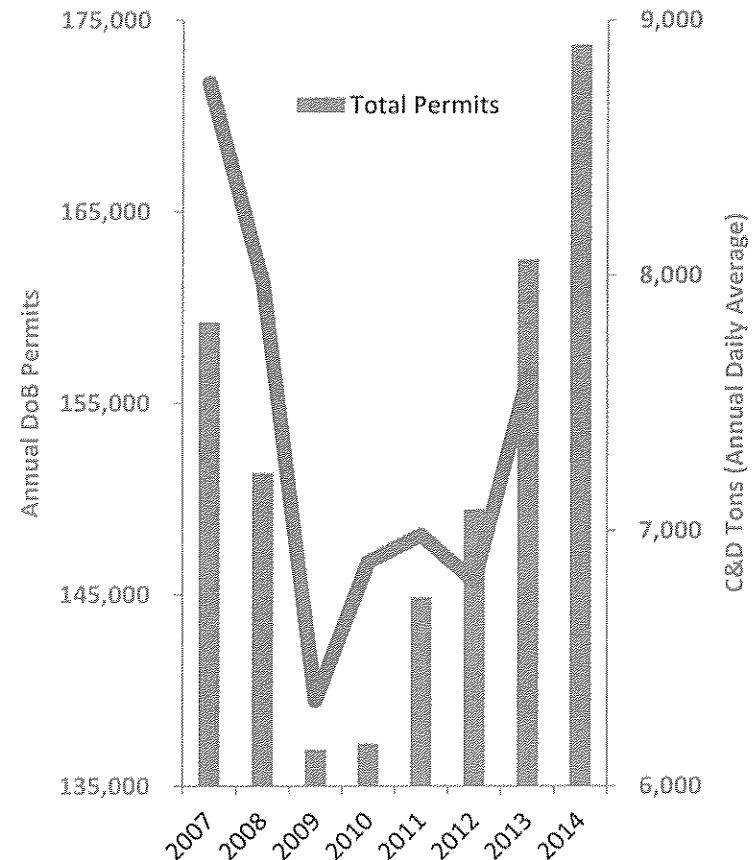
- Reflects societal habits (e.g., the use of single-use plastic containers)
- 70% is managed by DSNY
- MSW can be source recycled - 16% is currently recycled; mainly metal, glass, plastic
- Existing Transfer Station system has 21,000 tpd of permitted capacity
- SWMP adds 26,000 tpd of new permitted capacity by 2017/2018 (4 x Marine TS & 4 x Rail TS)
- At 50% utilization the MTS will redirect 13,000 tpd of MSW – equal to **500,000** truck trips pa

Construction and Demolition

- By-product of construction, infrastructure maintenance, and economic growth
- Managed by commercial haulers and private transfer station operators
- Recycling is only effective at transfer stations due to space constraints on job sites
- Existing Transfer Station system has 23,000 tpd of capacity
- SWMP adds no additional permitted capacity until 2020 (est.)
- Under NYS law C&D is not permitted to go to a MSW transfer station (i.e. an MTS)

C&D is a by-product of development and growth

- The demand for C&D capacity trends with the issuance of DOB permits
- Spare C&D capacity is needed to meet future housing and development goals cost-effectively.
- C&D transfer stations also provide strategic capacity to handle disasters (e.g., Sandy)
- C&D recycling rates average 42% (highest 70%+)
- Intro. 495 will increase C&D disposal costs by an estimated 33-50%



How to Improve Solid Waste Management in NYC

Putrescible/MSW (DSNY or commercial):

- Increase recycling and other waste reduction strategies to divert waste from landfills, using fiscal incentives, penalties and policy tools

Non-putrescible/C&D:

- Focus on improving the quality of transfer stations rather than reducing their capacity
- Adapting existing regulations for transfer stations can reduce pollution, congestion and costs

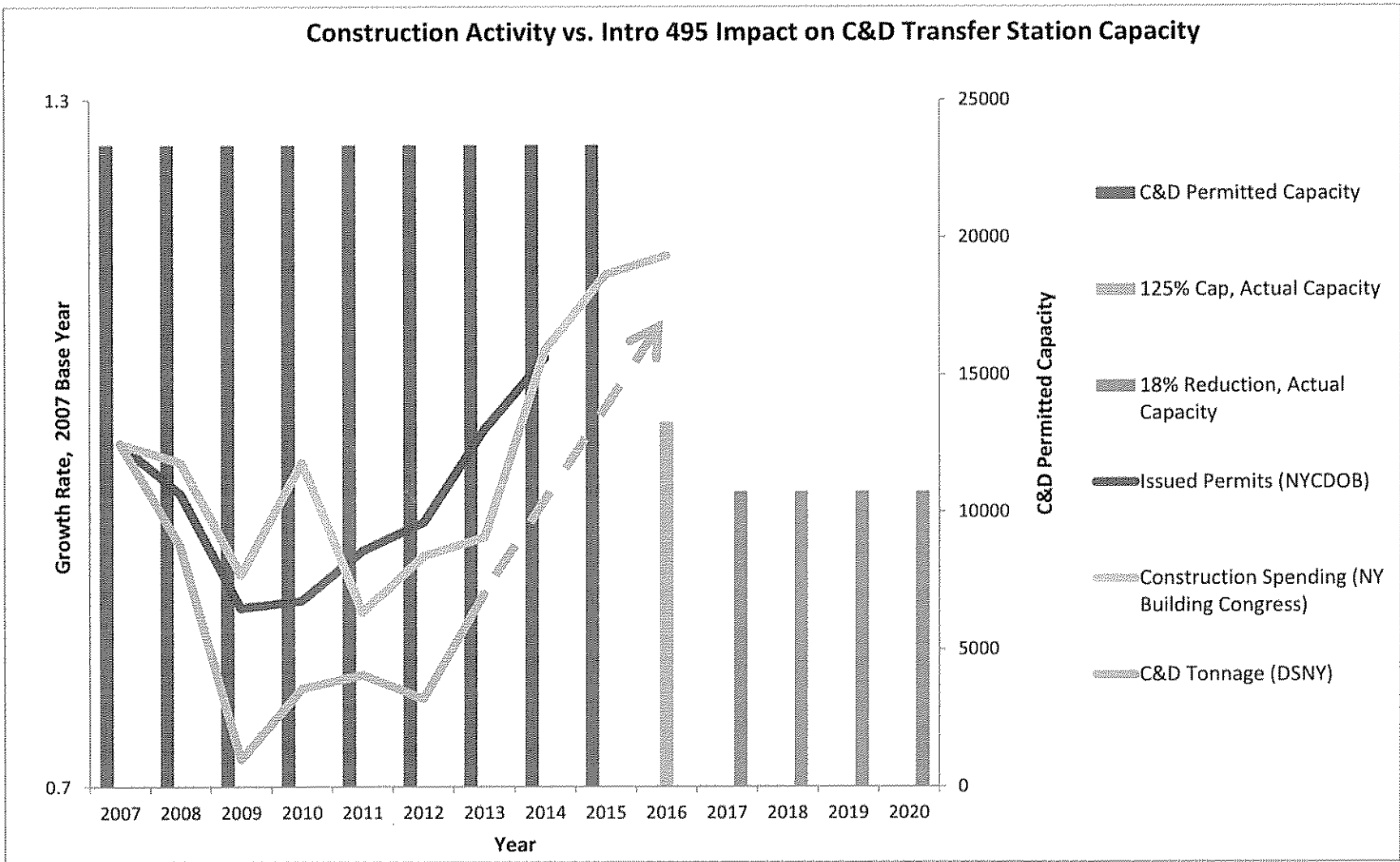
Policy/System

- Support increased efficiency of collection routes to reduce overlapping truck miles and costs
- Use Federal incentives to accelerate & broaden the implementation of Local Law 145 to reduce pollution from older commercial trucks in general, not just private garbage trucks
- Resolve the planning / zoning conflict that has eroded traditional M1-2 buffers around M3
- Ensure a stable regulatory environment to encourage private investment in recycling and other waste diversion/reduction strategies

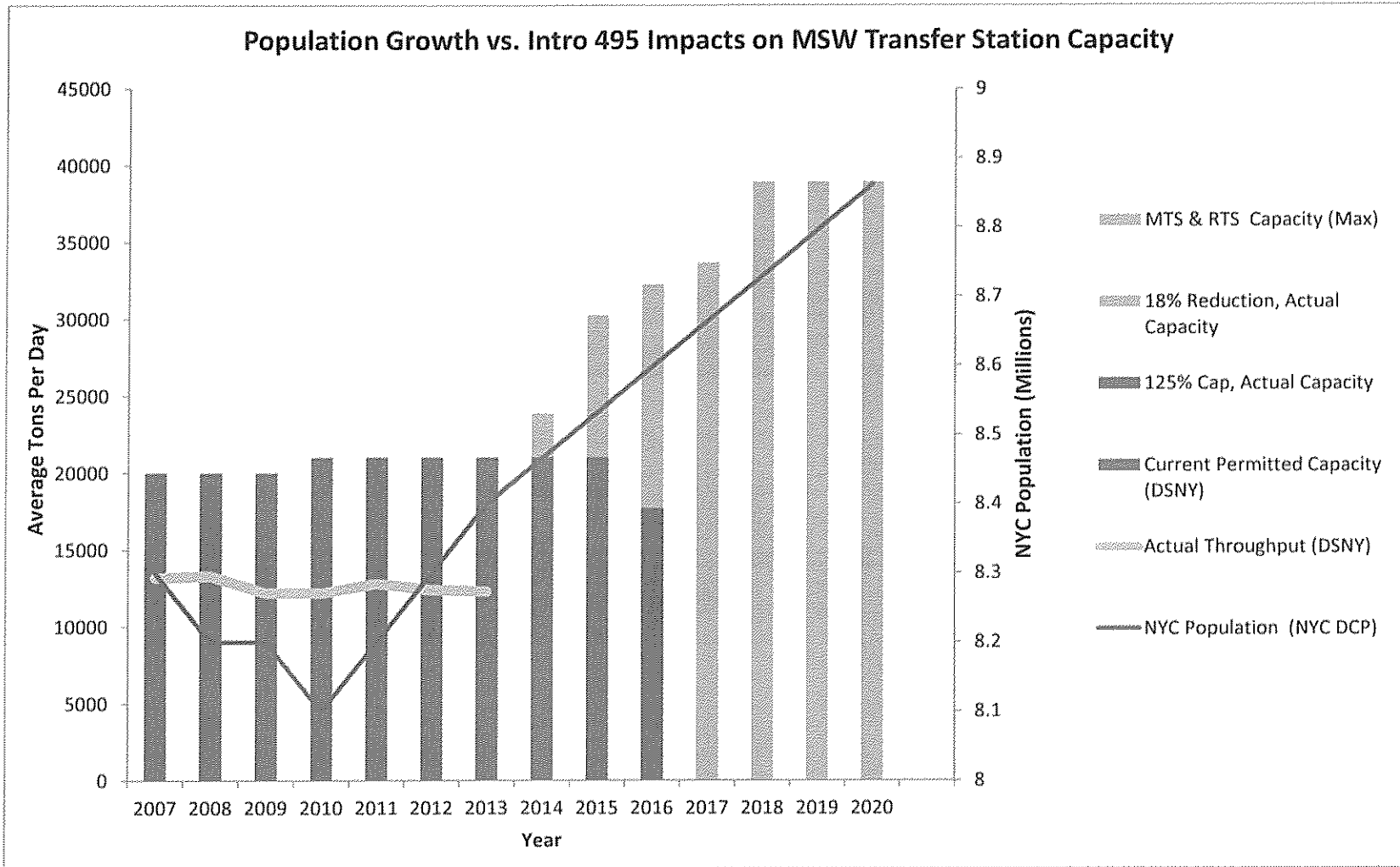
Intro 495 is an attempt to significantly alter the capacity & capability of the entire NYC waste system for the benefit of the 4 OCD's well beyond what was enshrined in SWMP & well before the results of SWMP have been achieved or understood

Thank You

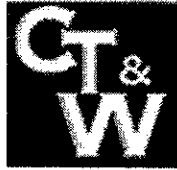
Attachments



This graph illustrates historic and projected construction activity in NYC and how the need for C&D transfer station capacity will exceed the supply if Intro 495 passes.



This graph illustrates MSW permitted capacity at transfer stations in NYC vs. actual throughput. Private capacity is reduced by Intro 495, but overall capacity will increase as the SWMP become operational. On average, DSNY handles 57% of MSW, and private haulers account for 43%.



Cooper Tank & Welding
123 Varick Avenue,
Brooklyn, NY 11237

February 13, 2015

SUBMISSION FOR THE HEARING RECORD

Hon. Antonio Reynoso, Chairman
New York City Council Committee on Sanitation
250 Broadway
Committee Room, 14th Fl.
New York, New York 10007

Re: *New York City Council Bill 0495-2014*

Dear Chairman Reynoso,

As president of Cooper Tank & Welding Corporation (“Cooper” or the “Company”), I submit this testimony in opposition to pending New York City Council Bill 0495-2014 (“Intro 495”), to explain the fundamental flaws, as a matter of policy and law, with the proposed legislation.

As described in Part I below, Intro 495, if enacted, would dramatically and arbitrarily reduce the permitted capacity at solid waste transfer stations across the city by over 50 percent, and within certain districts by 64 percent—forcing private solid waste transfer stations to curtail their operations within those specified districts, and thus increasing significantly the flow of hauled waste to other districts within the City. The bill purports to justify this arbitrary action by invoking environmental concerns, but in effect, it would actually increase diesel emissions by requiring more commercial truck hauling. Moreover, it would have unaccounted for and severe impacts on the local economy, seriously undermining the City’s long-term Solid Waste Management Plan (“SWMP”) and impeding the ability of transfer station owners and operators to run their businesses consistent with that plan.¹ Finally, as described in Part II below, this legislative proposal suffers from multiple, incurable legal defects under controlling statutory and constitutional law.

¹ The SWMP is a comprehensive, 20-year plan that resulted from two years of intensive negotiations between the Mayor’s Office, the waste management industry, and the City Council, culminating in Council legislation approving the plan by a vote of 44 to 5 in 2006. See Winnie Hu, *City Council Backs Mayor’s Trash Disposal Plan*, N.Y. Times, July 20, 2006. The SWMP was predicated on a 3,000-page Environmental Impact Statement—the product of an exhaustive review—and also had to win the approval of the New York State Department of Environmental Conservation (“DEC”).

At the outset, it is important to understand the devastating impacts this bill would have, in particular, on Cooper—an MWBE-certified, woman-owned family business founded in 1946 in Brooklyn with long ties to the community. It is currently owned by CEO Adrienne Cooper and employs 80 people, 90 percent of whom are minorities and 90 percent of whom are residents of Brooklyn. It is located in an industrially-zoned “M3” district in East Williamsburg.

Cooper operates one of the largest construction and demolition (“C&D”) debris recycling facilities by volume in New York City, processing on average over 1,000 tons of debris per day. Cooper recycles or diverts more than 70 percent of the materials it receives into useful end products. (Across the industry, New York City C&D transfer stations recycle an average of 42 percent of the material they receive, and municipal solid waste (“MSW”) is recycled at a rate of only 16 percent.) In addition, air quality testing by the City Department of Environmental Protection shows that Cooper’s operations do not present air quality problems.

Moreover, Cooper is planning to relocate its facility from Maspeth Avenue to Varick Avenue to a 95,000-square-foot, indoor location on a five-acre site, deeper into this industrial area, and therefore even farther away from housing and community buildings. Cooper purchased this new location in June 2014. There, it plans to upgrade its recycling capability to 90 percent of the material it receives with state of the art equipment. The facility would also reduce noise and dust, queue trucks on-site to decrease street traffic, and send outbound material by rail and barge, instead of trucks. In addition, Cooper anticipates creating 40 new jobs for local residents and developing a C&D recycling education center. Indeed, Cooper has already invested over \$20 million in this new facility, with an additional \$1 million in infrastructure construction scheduled to begin this year, followed by additional spending on the purchase of new equipment.

Intro 495, however, stands to reduce Cooper’s permitted capacity by 87 percent² and derail its new facility plan—even though that plan would improve environmental, physical, and economic conditions for all community stakeholders. Because the bill requires a reduction in recently-handled capacity, and because the facility located on Varick Avenue has been idle for many years under different ownership, Intro 495 would require the calculation limiting Cooper’s capacity to be based on its existing facility only and would not permit *any* of the capacity at its new facility to count toward that calculation. Thus, Cooper, having relied on the SWMP’s objectives, now may find itself stripped of its new facility investment and face decimation of its business as a result of Intro 495.

² Cooper’s permits currently provide for 1,875 tons of daily capacity at the Maspeth Avenue location and 5,250 tons at the Varick Avenue location. The bill would reduce the Maspeth Avenue capacity to 950 tons and the Varick Avenue capacity to zero.

I. Intro 495 Undermines Both The SWMP And Its Own Purported Goals

A. Intro 495 Would Wreak Havoc On The City's Comprehensive SWMP And Suffers From Fundamental Policy Flaws

First, Intro 495 would lead to an increase in the need to transport waste by truck through residential neighborhoods across New York City. Intro 495 caps and reduces total transfer station capacity in certain designated community districts (“DCD”) by 18 percent of actual throughput—which equates to a 64-percent reduction in permitted capacity in the DCDs, a 50-percent reduction in permitted capacity City-wide, and a 71-percent reduction in C&D capacity in the DCDs.³ This means that at least 2,700 tons of waste will be displaced every day. That is well over 100,000 truckloads of material a year driving through different neighborhoods to alternative disposal sites.⁴

The bill reduces capacity without regard for individual transfer stations’ abilities to recycle, keep waste indoors, or use rail and barge capabilities. Even worse, it will mandate the displacement of trucks from industrially-zoned areas and instead send them through populated communities en route to other transfer stations farther away from the origin of the debris.

The resulting increase in truck traffic would undermine a principal purported justification for Intro 495. Supporters of the bill claim it would improve the air quality in the designated districts by reducing emissions attributed to truck traffic hauling solid waste to transfer stations located within those districts. But by forcing cutbacks at facilities that use alternatives to trucks and that recycle, Intro 495 increases vehicle emissions and thereby worsens air quality overall. In doing so, Intro 495 represents a significant departure from the SWMP. As Mayor de Blasio’s office states on its website: “Full implementation of the [SWMP] is anticipated to reduce the City’s annual greenhouse gas emissions by 34,000 tons and annual truck travel by 60 million

³ In particular, Intro 495 defines the four DCDs to be Brooklyn community district 1, Bronx community district 1 and 2, and Queens community district 12. *See* Proposed N.Y.C. Admin. Code § 16-490. Intro 495 also creates a class of “overconcentrated district[s],” which are those community districts “contain[ing] five percent or more of the total citywide permitted capacity for putrescible and non-putrescible solid waste transfer stations and fill material operations, including transfer stations operated by or on behalf of the department.” *See id.* Intro 495 permanently reduces the daily and quarterly permitted *capacity* for the Brooklyn and Queens DCDs and the Bronx DCDs “collectively,” by 18 percent of the *actual throughput*. *See id.*, Proposed § 16-492. The bill prohibits the Department of Sanitation from increasing capacity in overconcentrated districts, or from “increase[ing] permitted capacity for any community district which would result in an overconcentrated district.” *See id.*, Proposed § 16-495.

⁴ The legislation would divert 1,619 tons per day of municipal solid waste onto trucks to travel to alternative transfer stations. At 10 tons per truckload, 162 loads per day would be required 300 days per year for a total of 48,600 truckloads. It would divert 1,095 tons per day of C&D. At 55 tons per load for C&D multiplied by 300 days per year, the legislation would mandate an additional 59,700 truckloads for a combined total of 108,300 truckloads per year traveling to alternative stations.

The legislation would also result in an additional 68 outbound truckloads from the transfer stations after processing, each carrying approximately 40 tons, for a total of 20,400 additional truck trips. The combined total is 128,700 additional truckloads per year.

miles.”⁵ Intro 495 takes the City backwards on those points by increasing truck traffic and emissions.

It is also important to note that Intro 495 does nothing to actually control or reduce emissions from trucks, even though federal funds are available to assist in achieving that objective. City-owned trucks and school buses, as well as certain privately-owned trucks in the South Bronx, have been retrofitted, and emissions have been reduced dramatically. The next logical step is to utilize the additional federal funds available to reduce emissions in commercial trucking companies that haul waste and other materials, such as concrete.⁶

Second, the bill goes far beyond the permit capacity reduction goals established in section 4.4.4. of the SWMP and would leave New York City without enough capacity to process its daily output of C&D debris. Notably, when the Sanitation Commissioner John Doherty testified before the City Council’s Committee on Sanitation and Solid Waste Management on Intro 495’s predecessor (Intro 1170 of 2013), he concluded that “C&D Capacity citywide would be reduced from approximately 23,000 tons per day to 11,000 tons per day”—a reduction of more than 50 percent—“thus jeopardizing the City’s ability to manage its waste safely and expediently.” Written Testimony of John J. Doherty at 3 (Comm. on Sanitation & Sold Waste Mgmt. Hr’g of Oct. 25, 2013).⁷ The current iteration, Intro 495, suffers from that same infirmity.

The three years Intro 495 uses to gauge the maximum levels of C&D tonnage (2013-2015) do not accurately predict the capacity needed going forward. For example, according to the Sanitation Department, from 2001 to 2007, there was 30 percent more C&D debris generated annually than there was in the three years leading up to the introduction of Intro 1170 in 2013 (which would have required the same capacity reduction as Intro 495). With the construction industry rebounding from the 2008 financial crisis and accompanying recession, the need for C&D capacity is likely to increase sharply in the coming years. Intro 495 forces recycling centers and other transfer stations, including stations utilizing rail and barge capabilities, to cut their capacity. Imposition of the restrictions required under Intro 495 would cause the City to run out of C&D capacity when the construction industry simply matches the tonnage generated in 2007, thus allowing for no growth beyond it.

Third, Intro 495 undermines the SWMP’s goal of making “meaningful and groundbreaking changes to the City’s recycling program.” SWMP at ES-1. By arbitrarily

⁵ See <http://www1.nyc.gov/office-of-the-mayor/news/243-14/fact-sheet--new-approach-new-york-city-s-comprehensive-waste-management-plan>.

⁶ The City has already utilized federal grant funds from the U.S. Department of Transportation’s Congestion Mitigation and Air Quality program (known as “CMAQ”). A case study is found at http://www.fhwa.dot.gov/environment/air_quality/cmaq/research/case_studies/new_york_city/index.cfm. The New York State Department of Transportation continues to feature this available “funding source” on its website at <https://www.dot.ny.gov/divisions/policy-and-strategy/public-transportation/funding-sources/cmaq>.

⁷ Doherty, whose nearly two decade-long tenure over three administrations makes him the City’s longest-serving Sanitation Commissioner, expressed his vehement opposition to this proposed legislation as bad policy that would undermine the SWMP and leave the City unable to address its solid waste management needs.

decreasing capacity in certain districts, the bill necessarily increases actual throughput in other districts. In doing so, the bill wrests capacity away from some of the most efficient recycling facilities in New York City, including Cooper's C&D facility. It actually penalizes efficient operators based solely on their location and rewards inefficient operators based solely on their location. The bill will lead to an increase in the volume of C&D debris disposed of instead of recycled.

Fourth, the bill fails to recognize and account for the fundamental differences between municipal solid waste ("MSW") and C&D. MSW is what residents typically think of as garbage—including product packaging, bottles, food scraps, and other putrescible materials. C&D debris is comprised of construction byproducts. Seventy percent of MSW is managed by the Department of Sanitation. C&D debris is managed by commercial haulers and private transfer station operators. The existing capacity of MSW is 21,000 tons per day, and the SWMP adds 26,000 tons per day in such capacity over the next three years through the use of four marine transfer stations and two rail transfer stations, which would redirect over 500,000 truck trips per year at just fifty percent integration, mostly out of DCDs. The existing transfer station capacity for C&D debris is 23,000 tons per day, and SWMP adds no additional capacity for the foreseeable future. In other words, the curtailment of private industry's ability to process C&D resulting from Intro 495 will not be compensated for by any provision of the SWMP as currently in force.

While the volume of MSW changes with societal habits, C&D reflects economic conditions and construction activity permitted by the Department of Buildings. The existing excess C&D capacity should be preserved to provide for future housing and development in an environmentally-conscious and cost-effective way. Furthermore, in the event of natural disasters, such as Hurricane Sandy, having available C&D capacity has already proven useful to help the City clean up and recover.

Fifth, the bill would pull the rug out from under businesses such as Cooper that raised capital and committed to investment plans premised on the City's adherence to the SWMP. Industry participants previously negotiated capacity reductions in good faith with the City of New York as a result of the SWMP. Many small waste transfer companies will go out of business if forced to cut capacity, further diminishing the city's ability to process waste. Many city contracts will be necessarily reneged or altered. And in any event, every waste transfer company that stays in business will be forced to raise tipping fees, disproportionately affecting small businesses like restaurants and bodegas, and increasing the cost of doing business in the city.

Here, again, Intro 495 suffers from the same infirmity as its 2013 predecessor, Intro 1170. In testimony to the City Council's Committee on Sanitation and Solid Waste Management, the National Solid Wastes Management Association (now the National Waste & Recycling Association) described the problem this way: "Disposal costs will increase because the supply of transfer station capacity will decrease, and because carters will have to drive longer distances and wait on longer lines to dump their loads. [The association] estimates the additional disposal cost caused by Intro 1170 will be between \$50-100 million annually, which carters would be

forced to pass on to their customers.” Written Testimony of Nat’l Solid Wastes Mgmt. Ass’n at 1-2 (Comm. on Sanitation & Solid Waste Mgmt. Hr’g of Oct. 25, 2013).

There is no reason for viewing Intro 495 as being any less costly than its predecessor, but even if the costs are set at the low end of that estimate—\$50 million—those costs cannot be minimized. Instead, they have to be considered as part of the real world consequences that this proposed legislation would inflict.

B. Intro 495 Ignores Alternative Policies That Would Improve Waste Management

In lieu of penalizing efficient operators of transfer stations based solely on their locations and rewarding inefficient operators based solely on their locations, the Council should pursue policies that would improve waste management in New York City.

With respect to MSW, the Council should use fiscal incentives or penalties to increase recycling and waste reduction to divert tonnage away from landfills. For C&D, it should focus on the ability of stations to recycle, keep material indoors, and utilize rail and barge, instead of trucks.

In addition, the Council should support increasing the efficiency of collection routes to reduce overlapping truck miles and costs. The Council should explore the availability of federal funds to broaden the City’s Clean Fleet Program. The Council should address planning and zoning issues that have resulted in the erosion of “M1” and “M2” buffers around “M3” industrial districts. And the Council should ensure a stable regulatory environment to encourage private investment in recycling and other waste reduction and diversion strategies. Intro 495 would achieve none of these laudable objectives.

II. Enactment Of Intro 495 Would Violate State Environmental Law And The Federal And State Constitutions

A. Intro 495 Violates State Statutes

Intro 495 so sharply upsets the SWMP’s careful balance between numerous goals by threatening to reduce recycling while increasing emissions from truck traffic—without achieving concrete gains in air quality improvements citywide—that it works a material departure from the SWMP, therefore requiring the State to re-examine the SWMP from scratch. The City must, of course, follow the basic rule that material changes to an approved plan require resubmission of that plan for new approval.

Sections 27-0106 and 27-0107 of the State Environmental Conservation Law (“ECL”) require the City to prepare every 10 years a SWMP covering a 20-year period. The aim of this SWMP was to “establish[] a cost-effective, reliable, and environmentally sound system for managing the City’s waste over the next 20 years.” SWMP at ES-1. Among other things, this SWMP stressed the urgency of reducing New York City’s reliance on existing truck-dependent waste management facilities by *increasing* the use of trains and barges to transport waste, thus addressing “the traffic, air and noise issues that result from the current truck-based system.” *Id.* at ES-2.

In terms of its *substance*, Intro 495 has multiple damaging effects never anticipated in the SWMP: For example, the bill forces an increase in the “the traffic, air and noise issues that result from the current truck-based system” (*id.* at ES-2), reduces recycling capacity, and drives up the cost of recycling even though maintenance of a recycling program is a legal requirement—not a matter of the City’s grace.

In terms of *procedure*, while the SWMP contained a commitment that the City Council and the Sanitation Department would together negotiate with private transfer station operators toward eventual reductions in permitted capacity, Intro 495 breaks that commitment: It is unilateral City Council action, not the product of multilateral negotiation contemplated in the SWMP. Given that Section 27-0107(1)(b)(iii) lists the concerns of “commercial and industrial interests” as among those the plan must “address to the maximum extent practicable,” the departure from the negotiation commitment is not only a broken promise but a violation of the ECL itself.

Intro 495 would effect a drastic departure from the balance of interests struck in the SWMP. Enactment of the bill would be tantamount to an announcement that the City no longer intended to follow the SWMP, which would mean that the City would have to prepare a new SWMP and submit it for State approval.

Moreover, because Intro 495 is such a radical departure from the SWMP, it also raises problems—separate and distinct from the state approval requirement described above—under SEQRA and the City’s equivalent enactment (“CEQR”). The Department of Sanitation issued its findings statement under SEQRA in February 2006, and that findings statement and accompanying environmental impact statement (“EIS”) from April 2005 cannot also support Intro 495 because it did not address the numerous adverse environmental impacts the bill would inflict if enacted.

Legislation such as Intro 495 would reduce C&D recycling and organic waste recycling by raising the costs of those activities, and lead to increased air pollution from truck traffic to the more distant facilities (which the Sanitation Department predicted would tend to be those in East New York and Staten Island), and will increase costs to businesses and consumers. The April 2005 analysis did not address those harms, among other things, or how to mitigate them. Accordingly, that prior analysis is obsolete for purposes of SEQRA.

At a minimum, a Supplemental EIS would be required where, as here, the Final EIS failed to discuss “important decisions about mitigation” of harms that the agency has an independent statutory obligation to address.

Furthermore, the City Council must *rationaly* address the required environmental concerns and provide a *rational* explanation of the basis for its conclusion regarding the environmental issues identified. The rationality requirement has important consequences here. I will briefly describe here two examples.

First, take the purported justification for Intro 495 that it is a necessary response to asthma concerns. The EIS supporting the SWMP already addressed the air quality problems

(including asthma effects) associated with the transfer station operations in the DCDs. The conclusion embodied in the SWMP is that the reduction in truck traffic that will result from shifting waste haulage from trucks to trains and barges will bring about sufficient air quality improvement to address those health concerns. Accordingly, any new rational justification for Intro 495 founded on notions about improved air quality and asthma reduction must account for that prior analysis.

Second, take Intro 495's permanent reduction of permitted capacity across districts—namely, the 18 percent reduction—as distinct from the imposition of a “no increase” rule for the districts defined as “overconcentrated.” *See* note 3, *supra*. To meet the rationality requirement under SEQRA, the City Council cannot simply conjure the 18 percent figure out of thin air. Instead, the City Council must identify evidence to support the assertion that the 18 percent permanent reduction will solve the problem it purports to address with no significant environmental effects.

B. Intro 495 Violates Multiple Provisions Of The Federal And State Constitutions


Intro 495 amounts to an uncompensated regulatory taking that violates the Just Compensation guarantees of the Fifth and Fourteenth Amendments of the Federal Constitution and the parallel provision of the New York Constitution (art. I, § 7). This is particularly so for a company such as Cooper, which has invested so heavily in reliance on the SWMP. Because Intro 495 would reverse City policy after private industry has already committed to its investments, it operates in retroactive fashion to strand the very investments the City previously encouraged and raises grave constitutional concern amounting to a regulatory taking.

Intro 495 also likely violates the void-for-vagueness doctrine under the Due Process Clause of the Fourteenth Amendment to the Federal Constitution, and the parallel provision of the New York Constitution (art. I, § 6). The void for vagueness doctrine addresses at least two connected but discrete due process concerns: first, that regulated parties should know what is required of them so they may act accordingly; second, precision and guidance are necessary so that those enforcing the law do not act in an arbitrary or discriminatory way. First, by failing to define key, open-ended terms, Section 16-493 sets down no discernible rules that could be followed. Second, by failing to give concrete standards for the reductions, given that several factors are case in such open-ended terms, will lead to an “arbitrary” and “discriminatory” enforcement scheme prohibited under the Due Process Clause.

Conclusion

In sum, Intro 495 would fail to further the policy goal it purports to advance of improving environmental quality, it would undermine and materially change the City's comprehensive SWMP, and it would violate state law, as well as multiple federal and state constitutional provisions.

Respectfully submitted,

A handwritten signature in black ink that reads "D Hillcoat". The signature is written in a cursive style with a horizontal line underneath it.

David Hillcoat
President

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Commissioner Kathryn Garcia

Address: 125 Worth St - NY, NY 10013

I represent: DSNY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Intro 495 Res. No. _____

in favor in opposition

Date: 2/13/15

(PLEASE PRINT)

Name: Sean Campbell

Address: 269 W 14th Street

I represent: Teamsters JCLC / Local 813

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Eddie Bautista

Address: 166 A 22nd St

I represent: NYC Environmental Justice Alliance

Address: 166 A 22nd St

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Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 2/13/15

(PLEASE PRINT)

Name: Janet Quarless

Address: _____

I represent: Working Families

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 02-13-2015

(PLEASE PRINT)

Name: Randall FRASER

Address: 366 E 98 St. Brooklyn, NY 11212

I represent: Waste Services Local 108

Address: 121 E 24 St. NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ROLANDO GUEMAN

Address: 306 UNION AVE, BROOKLYN

I represent: WILLIAMS BURG / GREENPOINT CO-OP NETWORK

Address: 306 UNION AVE BROOKLYN NY

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Intro 495 Res. No. _____

in favor in opposition

Date: Feb 13th 2015

(PLEASE PRINT)

Name: Violeta Trinidad

Address: _____

I represent: El Puento

Address: 211 South 47 St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MARIE LEDOUX

Address: _____

I represent: Morningside Heights WEST HARLEM

Address: SANITATION COALITION

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: WILBUR RODRIGUEZ

Address: _____

I represent: WE STAY / NOS QUEDAMOS

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

Name: VIOLETA TRINIDAD (PLEASE PRINT)

Address: _____

I represent: EL PUENTE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

Name: Kellie TERRY (PLEASE PRINT)

Address: ANGEL TOWER

I represent: THE POINT

Address: Sustained South Bronx

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

Name: RYAN CHAVEZ (PLEASE PRINT)

Address: _____

I represent: UP ROSE

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____
 in favor in opposition

Date: _____

Name: ANGELA TOVAR (PLEASE PRINT)

Address: _____

I represent: Sustainable South Bronx

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

Name: NAUCH PLOEGER (PLEASE PRINT)

Address: 1375 BROADWAY

I represent: MANHATTAN CHAMBER OF COM

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____
 in favor in opposition

Date: _____

Name: DR. CARRIE COLLINS (PLEASE PRINT)

Address: 127 E 3RD ST

I represent: EAST HARLEM COMMUNITY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 2/13/15

Name: Ronald J. DILLON (PLEASE PRINT)

Address: P.O. Box 080144 11208

I represent: Concerned Homeowners Association

Address: PO Box 080144 11208

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Marie LeDoux (PLEASE PRINT)

Address: 70 La Salle St #4 Flr NYC 10024

I represent: Morningside Hts./10, Harlem Sanitation Coalition

Address: 100 La Salle St. NYC 10024

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Deputy Commissioner Robert Orlin (PLEASE PRINT)

Address: 125 Worth St. NY, NY 10013

I represent: DSNY

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Laura Hofmann

Address: 127 Deport St 2E

I represent: Outrage

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ERIC GOLDSTEIN

Address: _____

I represent: NATURAL RESOURCES DEFENSE

Address: 40 W. 20 ST NY, NY COUNCIL

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____
 in favor in opposition

Date: 2/13/15

(PLEASE PRINT)

Name: Lauren Zajac

Address: 1380 Riverside Dr Apt 6B NY NY

I represent: Children's Environmental 10033

Address: Health Center

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 02.13.15

Name: Angela Toua (PLEASE PRINT)

Address: 1231 Lafayette Ave

I represent: Sustainable South Bronx

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 02.13.15

Name: Kellie Terry (PLEASE PRINT)

Address: Garrison Ave

I represent: The Point CDC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 2/13/15

Name: Kelly Maltzen (PLEASE PRINT)

Address: 299 E. 139th St, Bronx NY 10454

I represent: Institute for Family Health - Bronx Health REACH

Address: 16 E. 16th St, New York NY 10003

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 495

in favor in opposition

Date: 2.13.15

(PLEASE PRINT)

Name: MEREDITH DANBERG-FIARIELLI

Address: _____

I represent: THE LOWER EAST SIDE ECOLOGY CENTER

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. 495

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jessica Ponce

Address: 59 Newell St, Brooklyn

I represent: Neighbors Allied for Good Growth

Address: 170 Ken Ave, Brooklyn

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 2/13/15

(PLEASE PRINT)

Name: JUSTIN [initials]

Address: 274 STERLING PC [initials]

I represent: NYLPI

Address: 30th St. NY NY 10001

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Ron Bergamini, CEO Action
Address: Environmental

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Kevin Barry
Address: 138-50 Queens Blvd Briarwood

I represent: NY 11435

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Laura Imperiale, Govt Relations
Address: Tully Construction

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 2/13/15

(PLEASE PRINT)

Name: Kelly Moltzen

Address: _____

I represent: Bx Health Reach

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ron Bergamini

Address: 187 Chedoke Pl. Glen Rock, NJ

I represent: Action Environmental Group

Address: 920 E. 132nd St. Bronx

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 2/13/15

(PLEASE PRINT)

Name: Steve Williams

Address: 9838 57th Ave Corona NY 11368

I represent: Fico Corning Corp

Address: 111 Borowick Ave, Brooklyn, NY 11237

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JAMES W VERSOCI

Address: 1 Huntington Quadrangle Suite 4010 Melville NY

I represent: NYS Restaurant Association 11747

Address: 100 6th Ave 3rd Flr NY NY 10018

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 45 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dior Doward

Address: PO BOX 480 BX, NY 10460

I represent: Comm Board 6

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/13/15

(PLEASE PRINT)

Name: David Hillcoat

Address: _____

I represent: _____

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 2/13/15

(PLEASE PRINT)

Name: Rich Kussel

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Michael Hellstrom

Address: 121 E 24th St NY NY 10010

I represent: LABORERS Local 108

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 2/13/15

(PLEASE PRINT)

Name: Jay Peitz

Address: 1385 Boston Post Rd, Carlisle, NY 10516

I represent: Food Industry Alliance of NY

Address: Same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Joaquin R. etc

Address: 1664 2nd Street

I represent: UPROSE

Address: 1664 2nd Street Brooklyn NY 11232

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 3/13/15

(PLEASE PRINT)

Name: JEFF MANN

Address: _____

I represent: GREENPOINT CHAMBER OF COMMERCE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ken Diamondstone

Address: 200 Clinton St #5k

I represent: Brooklyn Solid Waste

Address: Advisory Board

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MIGUEL MARCINEZ

Address: 191 KEARNEY BX NY

I represent: LOCAL 108

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DAVID HILLCOAT

Address: 248 EAST 31st ST. NEW YORK

I represent: COOPER TANK & WELDING

Address: 123 VARICK AVE. BROOKLYN.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: GERALD ANTONACCI

Address: 126-46 34th Ave Flushing NY

I represent: CROWN CONTRACTORS

Address: 126-46 34th Ave

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 2/13/2015

(PLEASE PRINT)

Name: Thomas A. Toscano, Esq.
Address: 7310 Edsall Ave., Glendale, NY 11385
I represent: Mr. T Carting Corp.
Address: 7310 Edsall Ave., Glendale, NY 11385

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 2/13/15

(PLEASE PRINT)

Name: David Biderman
Address: 4301 Conn Ave, NW
I represent: National Waste & Recycling Assoc.
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Robert Deane
Address: 69 Griswold Mill Lane, Waltham MA 01901
I represent: Lomcor Inc
Address: 170 Frilinghuyssen Ave., Newark NJ 07114

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 4/13/15

Name: Jeff Mann (PLEASE PRINT)

Address: _____

I represent: Greenpoint Chamber of Commerce

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 4/13/15

Name: Cathy Collins (PLEASE PRINT)

Address: _____

I represent: Mt. Sinai Children's Environmental

Address: Health Center

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: _____

Name: Joaguis Rito (PLEASE PRINT)

Address: _____

I represent: UPROSE

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 2/13/15

Name: Lauren Zajac (PLEASE PRINT)

Address: _____

I represent: Mt. Sinai Children's Environmental

Address: Health Center -

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 2/13/15

Name: Eric Goldstein (PLEASE PRINT)

Address: _____

I represent: National Resource Defense Council

Address: C. L.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____

in favor in opposition

Date: 3/13/15

Name: GAVIN KEARNEY (PLEASE PRINT)

Address: 151 W. 30th St. NY 10001

I represent: NYLPI

Address: 151 W. 30th St. 10001

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Wilbert Rodriguez

Address: 2070 Seward Ave Apt 4L

I represent: We Stay Nos Quedamos NYCEJA

Address: 754 Melrose Avenue

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Crystal Fruit

Address: JAMAICA QNS

I represent: SOUTHEAST QNS EJ COUNCIL

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 495 Res. No. _____
 in favor in opposition

Date: 2/13/15

(PLEASE PRINT)

Name: Andrew Moss

Address: 330 Seventh Ave NY NY

I represent: IESI NY Corporation

Address: _____

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