

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND  
SOLID WASTE MANAGEMENT

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October 25, 2013  
Start: 10:09 a.m.  
Recess: 2:02 p.m.

HELD AT: Council Chambers  
City Hall

B E F O R E: Letitia James  
Chairperson

COUNCIL MEMBERS:

Maria del Carmen Arroyo  
James F. Gennaro  
Robert Jackson  
Diana Reyna  
Michael C. Nelson  
Ruben Wills

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

John Doherty  
Department of Sanitation Commissioner

Robert Orlin  
Deputy Commissioner of Legal Affairs Department  
of Sanitation

Thomas Milora  
Executive Assistant Department of Sanitation

Dennis Diggins  
Deputy Commissioner for Solid Waste Management

Juan Camilo Osorio  
NYC Environmental Justice Alliance

Bridget Moffatt  
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Angela Tovar  
Sustainable South Bronx

Joan S. Levine  
Morningside Heights/West Harlem Sanitation  
Coalition

Gavin Kearney  
New York Lawyers for Public Interest

Rolando Guzman

David Biderman  
National Solid Waste Management Association

Ron Bergamini  
CEO of Action Environmental Group

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

Charles Mahoney  
Sales Manager for IESI New York Corporation

David Hillcoat  
President of Cooper Tank and Welding

Gerald Antonacci  
President of Crown Container

Tom Toscano  
Hi-Tech Resource Recovery Incorporated

William Mackey  
Hi-Tech Resource Recovery Employee

Nancy Ploeger  
Manhattan Chamber of Commerce

Jay Peltz  
Food Industry Alliance for New York State

Andrew Mozell  
New York State Restaurant Association

Angela Pinsky  
Real Estate Board of New York

Bernadette Kelly  
Teamsters Joint Council 16

Ray Barrero  
Teamsters Local Union 813

Kellie Terry  
The Point Community Development Corporation

Maya Pinto  
Senior Policy and Research Analyst at ALIGN

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

Laura Hoffman  
Barge Park Pals

Esteban Duran  
El Puente

Emily Gallagher  
Neighborhood Allied for Good Growth

Anthony Winn  
Nos Quedamos



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2 CHAIRPERSON JAMES: Good morning  
3 everyone. Just want everyone to know,  
4 Commissioner, I just want you to know that I  
5 love you so much I decided to blow of President  
6 Barack Obama who's in Brooklyn, because I  
7 thought trash was more important than a visit  
8 from President Barack Obama; just want you to  
9 know.

10 [laughter]

11 SERGEANT AT ARMS: No clapping  
12 please.

13 CHAIRPERSON JAMES: Thank you. To  
14 my left is Council Member Ruben Wills and to--  
15 and also to my far left is Council Member  
16 Robert Jackson, and my name is Letitia James  
17 and I'm Chair of this Committee of Sanitation  
18 and Solid Waste Management. Today we will be  
19 holding a first hearing on Intro Number 1170, a  
20 bill that concerns the reduction of permitted  
21 capacity at private waste transfer stations in  
22 the City. Someone should try to notify Council  
23 Member Reyna that we've begun. This bill aims  
24 to address the environmental injustice that was  
25 created decades ago for community districts in

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2 New York, Bronx One and Two, Brooklyn One, and  
3 Queens 12 contained approximately 80 percent of  
4 the permitted waste transfer station capacity  
5 for the entire City. Brooklyn Community  
6 District One, which borders my district, is the  
7 most dramatic example. It has almost half of  
8 the total permitted capacity for the entire  
9 City. Let me say that again. Community  
10 District One, which borders my district, has  
11 almost half of the total permitted capacity for  
12 the entire City. That district is represented  
13 by Council Member Reyna and Council Member  
14 Levin. As is so often the case, all of these  
15 communities are low income communities of  
16 color, which have traditionally born a  
17 disproportionate burden of unwanted  
18 infrastructure. The City's 2006 Solid Waste  
19 Management Plan or SWMP is a 20 year plan aimed  
20 at permanently transitioning the City from  
21 relying almost exclusively on the Fresh Kills  
22 landfill to exporting 100 percent of our waste  
23 out of the City. It's great to report that the  
24 Fresh Kills Landfill is now a beautiful park in  
25 Staten Island. Amongst SWMPs primary

2 objectives are borough self-sufficiency,  
3 ensuring that each borough is responsible for  
4 all of its own residential waste and the  
5 reduction of truck traffic by relying on water  
6 and rail based on--relying on water and rail  
7 based modes of transportation. To address our  
8 residential waste plan includes the  
9 construction of several marine transfer  
10 stations and the renovation of truck to rail  
11 facilities that will eliminate literally  
12 millions of truck miles. On the commercial  
13 side, SWMP discusses the concept of reducing  
14 the permitted capacity of private waste  
15 transfer stations in the four impacted  
16 districts I referenced earlier. To this end,  
17 SWMP commits Department of Sanitation to  
18 negotiate voluntary reductions with private  
19 transfer station operators in the impacted  
20 district. It sets out a goal of 6,000 TPD  
21 reductions while also clarifying that these  
22 reductions should be meaningful. SWMP also  
23 states that if negotiations are not successful,  
24 DASNY should work with the Council to draft  
25 legislation on this issue. The negotiations



2 that followed SWMP's passage by all accounts  
3 were challenging. The outcome appeared to meet  
4 the 6,000 TPD goal, but all parties involved  
5 were not satisfied with the arrangement, and no  
6 final agreement occurred. This legislation is  
7 the next step in this process. Intro 1170 has  
8 three primary components related to reducing or  
9 capping permitted capacity. The first would  
10 reduce the permitted capacity of transfer  
11 stations in transfer stations impacted to 125  
12 percent of actual through-put. The second  
13 would reduce permitted capacity in the impacted  
14 districts to 18 percent below actual through-  
15 put. This reduction would be timed to coincide  
16 with the opening of the MTS in the borough  
17 where the community district is located.

18 Finally, the third provision would establish a  
19 cap in all of the City's community districts to  
20 ensure that going forward no district will bear  
21 more than five percent of the total city-wide  
22 permitted capacity. This legislation is  
23 significant and has serious implications for  
24 the City. I expect that we will hear from a  
25 number of stakeholders who feel strongly about

2 this bill, and I request that everyone remain  
3 respectful and keep an eye on identifying a  
4 meaningful solution to this problem. I believe  
5 there is room here to be both reasonable and  
6 achieve significant reductions. I'm talking  
7 very slowly because I would like to give some  
8 time to my colleague Council Member Reyna  
9 because I'm about to turn the microphone over  
10 to her to give some remarks, so I hope that's  
11 she's ready. Okay, and I look forward to a  
12 constructive hearing and with nothing further,  
13 I'd like to turn the floor over to my colleague  
14 Council Member Diana Reyna, who as I've  
15 indicated earlier represents Community District  
16 One, which is the most, the district which has  
17 almost half of the total permitted capacity for  
18 the entire City of New York, and has been a  
19 leader in making sure that this bill is passed  
20 in the City Council before she leaves this  
21 auspicious body, and at this point, Council  
22 Member Reyna, the floor is yours.

23 COUNCIL MEMBER REYNA: Thank you,  
24 Madam Chair. I wanted to just take a moment to  
25 thank you, congratulate you moving onto higher

2 office and so proud of your achievements and  
3 your chairing this committee in a very critical  
4 moment at the end of this term where I can  
5 finally see some legislative action provide  
6 what would be environmental justice to my  
7 community and the communities of southeast  
8 Queens as well as south Bronx. We have been  
9 joining in this coalition of advocates and  
10 residents and environmental justice  
11 organizations, New York lawyers for public  
12 interest who represented what would be this  
13 important battle to making sure that SWMP as we  
14 know it and its spirit and intent would  
15 continue to achieve its goals, more importantly  
16 making sure that there was a reduction of  
17 disproportionate amount of garbage being  
18 processed in these three communities as mention  
19 before and we could not have gotten to this  
20 point without the cooperation of our speaker  
21 and this committee and I wanted to thank your  
22 counsel, Jared Hova [phonetic] as well as  
23 Daniel Avery, your Senior Policy Analyst, and  
24 Kate Seli-Kirk [phonetic], Senior Legislative  
25 Finance analyst. This is the first hearing in

2 seven years regarding reductions of waste  
3 permits in these three communities that we have  
4 been able to have a dialogue that will be  
5 transparent and open. I look forward to the  
6 administration's testimony. I understand that  
7 there were numerous, numerous conversations  
8 that have taken place whether that was with me,  
9 my office, or the Speaker's office or the  
10 community or the industry. I hope that there  
11 will be reference to those dialogues, how we--  
12 how far we've come or didn't come, how close we  
13 came, and the change of intent to continue  
14 negotiating what would be reductions because I  
15 understand there's a lot of hearsay, and today  
16 I want to receive the facts. Today's action  
17 legislatively provides us what would be the  
18 security of those productions and that's  
19 different. No longer can we wait an additional  
20 seven years for the continuation of SWMP to  
21 achieve environmental justice in these three  
22 communities. I want to especially thank my  
23 colleagues who have signed onto the bill. I  
24 look forward to more colleagues learning about  
25 this issue, continuing to address these issues,

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2 because this will live on beyond my tenure as  
3 far as SWMP is concerned, and my staff, Malcolm  
4 Sanborn-Hum, who has been a tremendous  
5 individual who changed his plans this weekend  
6 to remain. So I wanted to just share my  
7 gratitude to him. So without further adieu,  
8 just thank you Madam Chair for hosting this  
9 hearing.

10 CHAIRPERSON JAMES: Thank you Council  
11 Member Reyna for your vigilance on this issue.  
12 Both she and I, again, blew off President  
13 Barack Obama to be here this morning. Again,  
14 its because of our commitment. I too want to  
15 thank Daniel Avery, Jared Hover [phonetic] and  
16 Kate Seli [phonetic] in her absence for all of  
17 the work that they've done on this issue as  
18 well as in regards to the committee as a whole.  
19 Again, they are tireless staff members who  
20 often times do not get recognized, and at this  
21 time I wanted to recognize them. So,  
22 Commissioner, you're on.

23 COMMISSIONER DOHERTY: Good morning  
24 Chair James and members of the Sanitation Solid  
25 Waste and Committee. With me--I am John

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2 Doherty, Commissioner of New York City

3 Department of Sanitation. With me this morning

4 to my right is Robert Orlin, Deputy

5 Commissioner of Legal Affairs. To my left is

6 Dennis Diggins, Deputy Commissioner for Solid

7 Waste Management, and to my far right is Thomas

8 Milora my Executive Assistant who one of his

9 many jobs is the oversight and management of

10 the permit inspection unit which monitors the

11 transfer stations throughout the city. I am

12 here today to discuss Intro 1170 under

13 consideration by the committee today and

14 mandate, which mandates very significant

15 reductions of private transfer station capacity

16 in four specific community districts, Bronx One

17 and Two, Brooklyn One, and Queens 12. Private

18 solid waste transfer stations are a critical

19 component of the City's solid waste management

20 plan system. Lawfully permitted and operated,

21 they are essential to the City's ability to

22 handle more than 26,000 tons of residential and

23 commercial waste, excluding fill material,

24 generated in the five boroughs every day.

25 Transfer stations sort recycling and

2 consolidate loads of solid waste for removal  
3 from the City by truck, barge, and rail, and  
4 they also process material for re-use as fill  
5 material and recently as feed stock for  
6 anaerobic digestion. The solid waste transfer  
7 station landscape of 2013 is completely  
8 different than that of recent past. Local law  
9 40 of 1990 mandated the department to overhaul  
10 the process for permitting and regulating  
11 operations of putrescible and non-putrescible  
12 solid waste transfer stations. Since 1990, the  
13 department together with the New York State  
14 Department of Conservation, DEC, has utilized  
15 its permitting authority, environmental review  
16 process, and enhanced enforcement activity to  
17 gain tighter oversight and improve the  
18 operations of private transfer stations.  
19 Additionally, the Business Integrity Commission  
20 ensures the fitness and integrity of each  
21 potential transfer station owner. Consistent  
22 with Local Law 40, the City's solid waste  
23 management plan, the SWMP, the Department has  
24 implemented various measures to strengthen this  
25 oversight and enforcement of transfer station

2 industry, which I like to highlight here.

3 First, Departments Permit and Inspection Unit,  
4 PIU, is responsible for regulating, inspecting  
5 all private transfer stations, regularly  
6 inspecting all private transfer stations in the  
7 City. Due to the efforts of PIU, transfer  
8 stations may be the most highly regulated in  
9 the City. PIU officers on average inspect each  
10 transfer and CND [phonetic] transfer stations  
11 once per week. Second, the Department's  
12 enforcement efforts have help lead an overall  
13 reduction in the number of transfer station  
14 permits in the City from 153 in 1990 to 59  
15 today. Since 1998, 18 transfer stations in  
16 Brooklyn One, Bronx One, and Bronx Two and  
17 Queens 12 have shut down, reducing the number  
18 of putrescible and CND transfer stations  
19 located in these districts from 44 to 26.

20 Third, we have adopted strict rules governing  
21 the siting of transfer stations. These rules  
22 restrict both the siting of new solid waste  
23 transfer stations, the ability of existing  
24 transfer stations to increase their daily  
25 permanent through-put capacity, encourage the



2 development of transfer stations that transport  
3 solid waste from the City by rail or barge,  
4 which reduces truck traffic. Take into account  
5 the concerns of both community districts in  
6 which these transfer stations are located and  
7 the need to ensure that there is enough  
8 transfer stations capacity to accommodate all  
9 the solid waste generated by this City on a  
10 daily basis. These rules have a very immediate  
11 and positive impact. They prohibit any  
12 increase in transfer stations capacity in  
13 Community Districts One, Bronx Two, and they  
14 prohibited any new transfer stations in Queens  
15 12. These rules were challenged by five  
16 different transfer station operators or  
17 proposed operators, but they were upheld by the  
18 New York courts. Fourth, Department also  
19 adopted more stringent operation maintenance  
20 requirements for all transfer stations to help  
21 minimize environmental impact of transfer  
22 station operations. Highlights of the rules  
23 are stricter ventilation and odor mitigation  
24 requirements for putrescible transfer stations.  
25 The implementation additionally dust depression

2 measures, the CND transfer stations, and  
3 requiring all transfer stations to limit the  
4 emissions from stationary equipment and non-  
5 road vehicles that they are operating outdoors.

6 Fifth, in part of the mandated transfer  
7 stations permit application process, the  
8 Department in conjunction with the City  
9 agencies and state DEC conducts extensive  
10 environmental review. The review allows the  
11 department to assess the effects of private  
12 transfer stations on the areas where they are  
13 located, and sixth, we negotiated capacity  
14 reductions with the transfer station industry  
15 in accordance with the 2006 Solid Waste  
16 Management Plan. Under this 2006 SWMP, which  
17 was approved by the City Council, permanent  
18 putrescible and construction and demolition  
19 debris, CND capacity was to be reduced by up to  
20 6,000 tons per day through capacity reductions  
21 in Bronx One, Two, Brooklyn One, and Queens 12.  
22 Beginning in late 2006 and through early 2008,  
23 the Department met with the owners of all the  
24 putrescible and CND transfer stations located  
25 in these four districts to negotiate capacity

2 reduction and counsel staff participated with  
3 the Department in many of these meetings and  
4 phone conferences, and through the negotiations  
5 oral agreements were eventually reached, which  
6 the transfer station owners in these four  
7 districts with over 6,000--for over 6,000 tons  
8 per day of permanent capacity reductions, which  
9 the Council though ultimately decided not to  
10 pursue at that time. The department remains  
11 committed to meeting the goals outlined in the  
12 SWMP and has taken many measures to address the  
13 impacts of transfer stations particularly in  
14 the communities with the greatest number of  
15 these solid waste facilities. However, we  
16 believe that Intro 1170 is not the best way of  
17 furthering these goals because it will impose  
18 severe limitations on the city's ability to  
19 handle its own waste, which I will explain.

20 Intro 1170 initially requires the Department to  
21 reduce the permanent capacity of transfer  
22 stations in Bronx One, Two and Brooklyn One and  
23 Queens 12 by 125 percent of the daily amount of  
24 waste that these facilities handle over the  
25 past three years. By January 16<sup>th</sup>, the

2 Department would be mandated to further reduce  
3 putrescible and non-putrescible capacity at the  
4 transfer stations in these four districts, an  
5 amount that is 18 percent less than the daily  
6 average weekly amount--it's less than the  
7 average weekly amount of these waste handled by  
8 these facilities during proceeding year. As  
9 written, Intro 1170 will have a detrimental  
10 effect, impact on the City's ability to manage  
11 its own waste since it would effectively  
12 eliminate private putrescible and CND capacity  
13 in the City by approximately 21,000 tons per  
14 day. The four community districts impacted by  
15 this legislation currently have a approximately  
16 34,000 tons per day of transfer stations  
17 capacity, and Intro 1170 will reduce that  
18 capacity in these districts by approximately 65  
19 percent. Moreover, the overall private  
20 putrescible and CND capacity in the City is  
21 approximately 44,000 tons per day. The  
22 consequence of this bill would be to reduce  
23 private putrescible CND capacity in the City by  
24 approximately 50 percent. This severely  
25 jeopardizes the City's ability to manage waste

2 safely and expeditiously. Specifically, CND  
3 capacity City-wide would reduce from  
4 approximately 23,000 tons per day to 11,000  
5 tons per day, and putrescible capacity would be  
6 reduced from approximately 21,000 tons a day to  
7 12,000 tons per day. The reduction in capacity  
8 call for by this legislation will lead to a  
9 shut down of smaller transfer stations which  
10 would have an enormous impact on our ability to  
11 manage solid waste particularly during weather  
12 related or other emergency crises such as super  
13 storm Sandy. Although Intro 1170 contains  
14 emergency waiver language that allows the  
15 Commissioner to temporary waiver permit  
16 capacity reductions, such authorization is  
17 meaningless unless businesses--if businesses  
18 lack the equipment, personnel, and operating  
19 infrastructure necessary to handle the  
20 increased capacity because they are operating  
21 capacity was reduced by this legislation. As a  
22 result of Sandy, several of the par--several  
23 facilities Department uses to process the  
24 City's waste was shut down due to damage,  
25 flooding, or lack of power including a major

2 facility in New Jersey that handles a majority  
3 of Manhattan's waste. Fortunately, the  
4 problem--the Department was still able to find  
5 capacity almost entirely in city capacity to  
6 handle and process 80,000 tons during a seven  
7 day period. This is 33 percent more waste than  
8 the department handles in an average seven day  
9 period. The lack of sufficient in-city  
10 capacity to compensate for New Jersey closure  
11 would have further crippled the disposal  
12 network, and undoubtedly would jeopardize the  
13 public health and safety. In addition, the  
14 other facilities that were opened were able to  
15 process waste and had capacity issues due to  
16 the difficulty tractor trailers were  
17 experiencing getting fuel as well as an  
18 increase demand for long haul vehicles that  
19 were needed to mitigate the disruptions in the  
20 rail disposal network. The Department relied  
21 heavily on small transfer stations to help deal  
22 with the immediate disposal of solid waste.  
23 The bills proposed legislation which far  
24 exceeds what was called for in the Solid Waste  
25 Management Plan could result in waste being

2 left on the streets in neighborhoods that may  
3 be impacted by a disaster. Such significant  
4 reductions would also likely drive transfer  
5 station owners to raise their tipping freight.  
6 An increased tipping fee would be passed by the  
7 private carders, passed on the private carders  
8 to their commercial customers which include  
9 Bodega's, deli's, restaurants, and small  
10 businesses as well as some large businesses.  
11 Additionally, Intro 1170 could adversely impact  
12 long term contracts that the department has  
13 with private transfer stations for rail export  
14 of residential waste. Department currently has  
15 two such long term contracts, one with a  
16 private transfer station in Brooklyn One, and  
17 one with a private transfer stations in Bronx  
18 One. Under the legislation, these two transfer  
19 stations with which we have long term contracts  
20 may not have sufficient permitted capacity to  
21 handle the waste we send them on peak days  
22 beginning in 2015. In fact, since our  
23 contractors with which we have long term  
24 contracts would be mandated to reduce their  
25 capacity by an average of 18 percent below

2 existing through-out volumes in 2016. They  
3 would not be able to handle all the waste they  
4 were awarded contractually and would  
5 necessitate the Department sending one  
6 borough's waste into another borough and  
7 violating the solid waste management principle  
8 of solid waste of borough sufficiency.

9 Moreover, the reduction called for by the bill  
10 would be based on a depressed generation of  
11 waste, particularly for construction debris.

12 For example, from 2001 and 2007 there was  
13 approximately 30 percent more CND waste  
14 generated in the City than there has been in  
15 the past three years. Consequently, during  
16 another major construction period in the City,  
17 there will be a particular shortage of capacity  
18 for CND debris which often gets--which mostly  
19 gets recycled. Intro 1170 will require very  
20 thorough environmental review, likely a full  
21 environmental impact statement to review the  
22 legislation's potential significant impacts.  
23 The environmental review will need to look at  
24 the adequacy of the City's solid waste transfer  
25 station infrastructure to accommodate waste



2 generated in the City, the cumulative traffic  
3 and noise impacts from diverting trucks longer  
4 distances to other facilities, and the  
5 socioeconomic impact of the solid waste  
6 transfer stations industry as a result of the  
7 legislation. Additionally, the reduction in  
8 capacity called for this legislation will  
9 require modification to the 2006 SWMP. The  
10 private transfer stations impacted by the  
11 legislations are critical to the City's ability  
12 to manage its waste. The SWMP specifically  
13 includes the public and private transfer  
14 stations that are available to manage solid  
15 waste generated within the City and the  
16 through-put capacity for all such facilities.  
17 If this legislation was to pass, it may mean  
18 commercial and sanitation collected waste in  
19 the Bronx would go to Queens North Marine  
20 Transfer Station and a privately operated  
21 transfer stations in a flushing area. Waste  
22 from the transfer station in Brooklyn One might  
23 go to the Brooklyn Hamilton area Marine  
24 transfer station, which will open in the spring  
25 of 2015, and privately operated transfer

2 stations in Redhook and Brooklyn and Sunset  
3 Park Transfer Station at 50<sup>th</sup> Street and 1<sup>st</sup>  
4 Avenue Brooklyn. Also, under the legislation,  
5 certain transfer stations in Brooklyn District  
6 One, Bronx Two, and Queens 12 would actually  
7 get their temporary increase in permitted  
8 capacity in 2015 when you multiply the current  
9 through-put volumes by a 125 percent. As you  
10 know, the department and the administration are  
11 ambitiously seeking to promote and support a  
12 system of sustainable solid waste management  
13 and minimize waste and maximize recycling with  
14 a goal of reaching 30 percent diversion by  
15 2017. Importantly, organic material makes up  
16 30 percent of the Departments managed daily  
17 refuse we collect. Working together with the  
18 Council, we now have legislation authorizing  
19 the Department to conduct a pilot collection  
20 program for residential waste. Additionally, a  
21 bill recently introduced in the Council will  
22 require certain large commercial food  
23 establishments to arrange for separate  
24 collection of food waste. In order for the  
25 City organic's initiative to foster and grow

2 successfully we must have the necessary  
3 infrastructure in place to support a robust and  
4 ambitious residential and commercial organic  
5 program. Intro 1170 would severely impeded any  
6 chance of the City's organic program to succeed  
7 if transfer station capacity is reduced. For  
8 the above reasons, the Department does not  
9 support Intro 1170. However, the Department is  
10 committed to working with the Council and the  
11 industry to reduce transfer station capacity in  
12 the four districts covered by the legislation.  
13 To avoid potential protracted legislation, we  
14 think it's best to try and accomplish the  
15 capacity reduction through negotiations. My  
16 staff and I are now ready to answer any  
17 questions you may have. Thank you very much.

18 CHAIRPERSON JAMES: Thank you,  
19 Commissioner. I'm going to turn it over for a  
20 first line of questioning to Council Member  
21 Diana Reyna.

22 COUNCIL MEMBER REYNA: Thank you,  
23 Madam Chair. Commissioner, you and I have had  
24 numerous conversations regarding the intent of  
25 negotiating what would be a reduction. Can you

2 just tell me what occurred since last year, two  
3 weeks, three weeks before hurricane Sandy where  
4 we were making progress, and the change of  
5 heart today where now your testimony is  
6 claiming there's an environ--violation, this  
7 bill will intentionally violate SWMP, and that  
8 was discovered now post all those conversations  
9 as opposed to taking that into account when you  
10 had introduced SWMP to the Council and had an  
11 environmental review as well as a second  
12 opportunity to review those numbers when you  
13 issued the two contracts in the South Bronx and  
14 in North Brooklyn, and then the third attempt  
15 to be able to have an additional review over  
16 the course of the last seven years as you  
17 engaged in what would be all these dialogues to  
18 reach reduction.

19 COMMISSIONER DOHERTY: The SWMP  
20 provided, asked for 6,000 ton reduction in the  
21 transfer stations. We worked with the  
22 industry. We worked with the City Council. We  
23 worked with you. We both met numerous times.  
24 We didn't always agree. We tried to reach a  
25 tonnage number that we both thought we could

2 live with. Unfortunately, we were able to  
3 reach that number.

4 COUNCIL MEMBER REYNA: Why is that?

5 COMMISSIONER DOHERTY: But as far as  
6 the Solid Waste Management Plan in these  
7 communities allowed us to have the capacity at  
8 the transfer stations that we operated. We  
9 contract within the Bronx and in Brooklyn.

10 COUNCIL MEMBER REYNA: And you had  
11 to come to the Council for support of those  
12 long term plans, and the environmental review  
13 as far as taking into account what would be  
14 future reductions seems to have not been into  
15 consideration, where today in your testimony  
16 you're claiming you will fall short.

17 COMMISSIONER DOHERTY: Well, the  
18 environmental review that I mentioned will look  
19 at the where the waste is going to go to. I  
20 mean, that's the biggest change. We did the  
21 environmental review for the transfer stations  
22 that we currently use and we got through that.  
23 That was approved. But when we moved the waste  
24 out of those transfer stations because of the  
25 reductions in the Bronx and Brooklyn, now

2 they're going to go to the other locations and  
3 you have to look at it, do an environmental  
4 review to see the impact of the traffic  
5 changes, the noise and the distance they're  
6 going to be traveling to these locations.

7 COUNCIL MEMBER REYNA: And so when  
8 you were engaging in dialogue for the last  
9 seven years, the environmental review and its  
10 impact was never conducted.

11 COMMISSIONER DOHERTY: Yeah, go  
12 ahead.

13 ROBERT ORLIN: Hi, Council Member,  
14 the difference is the numbers that had been--

15 COUNCIL MEMBER REYNA: [interposing]  
16 Can you identify yourself? I apologize. You  
17 just need--for the record.

18 ROBERT ORLIN: I'm Robert Orlin,  
19 Deputy Commissioner for Legal Affairs at the  
20 Department of Sanitation. The difference is  
21 the numbers in this legislation go far beyond  
22 anything that the administration and the  
23 department were willing to commit to.

24

25

2 COUNCIL MEMBER REYNA: Well, what  
3 were you willing to commit to? That was never  
4 achieved.

5 ROBERT ORLIN: Yeah, I mean--

6 COMMISSIONER DOHERTY: We were  
7 willing to commit to 6,000. I think we  
8 actually, one of the discussions we were able  
9 to get a little above the 6,000, but then it  
10 just, it broke down.

11 COUNCIL MEMBER REYNA: When you say  
12 you were able to go to 6,000, why was that not  
13 achieved?

14 COMMISSIONER DOHERTY: Well, we had  
15 negotiated oral agreements with the private  
16 sector, the transfer stations on voluntary  
17 reductions.

18 COUNCIL MEMBER REYNA: And then what  
19 happened?

20 COMMISSIONER DOHERTY: We got to  
21 that number and at that time, that time the  
22 Council showed no interest in pursuing it at  
23 that point. It didn't come up until later on  
24 after that that you pursued negotiations or  
25 discussions with the City itself.

2 COUNCIL MEMBER REYNA: Commissioner,  
3 voluntary reduction achieved orally does not  
4 mean that you have achieved by action, and so  
5 therefore, how are you achieving the 6,000  
6 beyond what were words agreed?

7 COMMISSIONER DOHERTY: Bob Orlin  
8 handled most of the negotiation with the  
9 transfer station, that part of it. I'll let him  
10 respond to it. Bob?

11 ROBERT ORLIN: Yeah. In March of  
12 2008 we had concluded negotiations with all 26  
13 permit operators in the four impacted  
14 districts. We forwarded it to the Council, you  
15 know, the list of reductions that we had oral  
16 agreements on. We were only going to go  
17 forward, and this was--

18 COUNCIL MEMBER REYNA: [interposing]  
19 There was no list provided according to what  
20 Community Board? It was a number that was  
21 issued.

22 ROBERT ORLIN: That's not true.  
23 That's not true.

24 COUNCIL MEMBER REYNA: Okay.



2 ROBERT ORLIN: We forwarded it to  
3 the Council.

4 COUNCIL MEMBER REYNA: Do you have  
5 that today?

6 ROBERT ORLIN: I don't have it with  
7 me today, but it was forwarded--

8 COUNCIL MEMBER REYNA: [interposing]  
9 I would like to see that. If you could have  
10 that emailed.

11 ROBERT ORLIN: We forward to the  
12 Council several times.

13 COUNCIL MEMBER REYNA: If you could  
14 have that emailed right now.

15 ROBERT ORLIN: Sure.

16 COUNCIL MEMBER REYNA: That would be  
17 fantastic.

18 ROBERT ORLIN: Okay. And so but it  
19 was important for the industry that to  
20 formalize these reductions that they be put in  
21 writing and the writing would have to have the  
22 concurrence of the City Council Speaker and the  
23 administration, because the industry didn't  
24 want to agree to reductions and then take the  
25 chance that the Council would then pass more

2 significant reductions later on. And so we had  
3 talked with council staff who attended these  
4 meetings and at that time the Council to side  
5 with Sanitation Committee had talked with the  
6 Speaker's staff about having the Council and  
7 the Commissioner sign agreements with each  
8 individual transfer station operator to achieve  
9 the reductions. When we forwarded the  
10 reductions to the Council in March of 2008, you  
11 know, we didn't get back any response, and--

12 COUNCIL MEMBER REYNA: [interposing]

13 So this, the last conversation on the 6,000 was  
14 in 2008, but no real reduction as far as  
15 actions are concerned every occurred?

16 ROBERT ORLIN: Well there were no  
17 actions taken because we didn't get the City  
18 Council to agree with the reduction.

19 COUNCIL MEMBER REYNA: There was no  
20 legislative action to take place.

21 ROBERT ORLIN: No, no--

22 COUNCIL MEMBER REYNA: It was more  
23 of the department's action to conduct what  
24 would be those reductions.

2 ROBERT ORLIN: Well, no, but it was  
3 critical. The idea behind the voluntary  
4 reduction was that the Council would sign an  
5 agreement with the administration and the  
6 department formalizing each reductions

7 [cross-talk]

8 COUNCIL MEMBER REYNA: Formalizing  
9 these reductions in exchange for what?

10 ROBERT ORLIN: In exchange for the  
11 reductions to occur.

12 CHAIRPERSON JAMES: So, let me just  
13 jump in here, Council Member, and sort of try  
14 to understand. So in the absence of the  
15 Council taking action in 2008, is it your  
16 position that the sanitation should just rest  
17 on the 6,000 reduction which is contemplated in  
18 the SWMP and that is sufficient?

19 ROBERT ORLIN: Well, the SWMP calls  
20 for 6,000 tons of reduction, right?

21 CHAIRPERSON JAMES: Right.

22 ROBERT ORLIN: And that's what we  
23 achieve through the negotiation. It took about  
24 18 months.

2 CHAIRPERSON JAMES: And as a result  
3 of the breakdown with communication with the  
4 City Council, what's the position of the  
5 Department of Sanitation?

6 ROBERT ORLIN: I guess our position  
7 would be that the department would be happy to  
8 re-engage with the council over a number. You  
9 know, I guess the department's concern here is  
10 that the number in this legislation is, you  
11 know, almost four times as high as what the  
12 SWMP called for.

13 CHAIRPERSON JAMES: And what number  
14 would you consider satisfactory?

15 COMMISSIONER DOHERTY: I don't think  
16 in this environment right now we can sit down  
17 and take a number. I think it's a, as I said,  
18 we would have to sit down with the industry  
19 again and look at what they think they can live  
20 with and what we--how much we can push them on  
21 further reductions, but the 6,000 was a number  
22 that we all agreed on. Getting beyond that  
23 means sitting down, talking, discussing it, and  
24 looking at the impacts by going--

2 CHAIRPERSON JAMES: Commissioner,  
3 with all due respect, negotiations did not go  
4 anywhere in 2008 based upon the comments from  
5 your counsel, and since then there have been no  
6 negotiations with industry, notwithstanding  
7 according to your counsel there was no  
8 communication from the City Council. Has  
9 there--what has happened since 2008, I guess is  
10 the question? Have there been any discussions  
11 notwithstanding according to the Council--

12 COMMISSIONER DOHERTY: [interposing]  
13 The only discussions that I had was with  
14 discussions on going above the 6,000. That was  
15 discussed, and at meetings and Bob Orlin can  
16 talk about it. He was at many of meetings too.  
17 I mean we met and they were looking for a  
18 number. We couldn't have reached agreement on  
19 what was the proper number.

20 CHAIRPERSON JAMES: So in the  
21 absence of any agreement with this New York  
22 City Council, has anything happened? Have  
23 there been discussions with industry? Have we  
24 done anything other than say no?

2 COMMISSIONER DOHERTY: We reached  
3 agreement with the industry on a 6,000 tons.

4 CHAIRPERSON JAMES: And beyond that?

5 COMMISSIONER DOHERTY: After that it  
6 was quiet. There was nothing said. The  
7 Council did not react to that. My counsel just  
8 told you we sent over information to the  
9 Council, what was going to be done. There was  
10 no action on it. After that, a period after  
11 that the councilwoman came in and talked to the  
12 administration about trying to reach an  
13 agreement on tonnage that was greater than the  
14 6,000. Those negotiations didn't work out.

15 CHAIRPERSON JAMES: So Commissioner,  
16 here we are. We have a bill in front of you.  
17 Can we begin those discussions now?

18 COMMISSIONER DOHERTY: We can begin  
19 them now, but not right here we can't do it.  
20 We have to sit down with the industry, yes.

21 CHAIRPERSON JAMES: Oh, I  
22 understand, but we can re-open the negotiations  
23 based on the bill that is before you, correct?

24 COMMISSIONER DOHERTY: Can we  
25 negotiate it?

2 CHAIRPERSON JAMES: Based upon the  
3 bill that is before you.

4 COMMISSIONER DOHERTY: The numbers  
5 we can't nego--the numbers have to come down.  
6 We don't see the amount of tonnage that have to  
7 be reduced from the putrescible and at CND  
8 transfer stations being something that the City  
9 can work with.

10 CHAIRPERSON JAMES: I'm going to  
11 turn it back to Council Member Reyna, but let  
12 me just go--let me just say that I think we  
13 should begin negotiations, and we should--and  
14 the starting place really should be this bill,  
15 and let me say that I know that you have put  
16 forth a number of objections. They include the  
17 need for an environmental impact statement and  
18 the fact that you believe that we need  
19 additional capacity in the City of New York.  
20 But let me tell you what my concern is. My  
21 concern is that the fact that significant  
22 number of children in Community District One  
23 and in Queens and in the Bronx suffer from  
24 asthma. I'm concerned about the  
25 hospitalizations. I'm concerned about the

2 respiratory diseases. I'm concerned about the  
3 cancer mortality rate. I'm concerned about the  
4 cardio pulmonary diseases which unfortunately  
5 have over--are over concentrated in Community  
6 District One in Queens and elsewhere in the  
7 City. I know that you are putting forth a  
8 number of technical objects, but I care nothing  
9 about that. My concern is more about the human  
10 impact of all of these trucks in Council Member  
11 Reyna's district, and with that I'm going to  
12 turn it over to Council Member Reyna to  
13 continue in the line of questions, and you'll  
14 get back to me shortly.

15 COUNCIL MEMBER REYNA: Thank you  
16 very much, Madam Chair. I just wanted to  
17 understand. So my staff has given me what is a  
18 list of these discussions that I'm seeing for  
19 the first time identified by Community Board,  
20 and I want to just understand the criteria as  
21 identified by SWMP that were used to negotiate  
22 the permit reduction as identified by you as  
23 6,000 tons.

24 ROBERT ORLIN: That criteria, I mean,  
25 what we did was and council staff participated



2 in these negotiations, and I have to say I  
3 don't want to go into too much detail because  
4 these numbers have never been made public. I'd  
5 be happy to sit down with you and your staff  
6 after this hearing to go over the numbers, but  
7 the numbers reflect 18 months of negotiations.  
8 Yes, we took into account the factors as best  
9 we could. I think committee staff could talk to  
10 you about some of the difficulties that we  
11 reached in the negotiations, but after much  
12 hard work we were able to reach these  
13 reductions and if you're looking at the number  
14 that each transfer station operator agreed to  
15 reduce, those have not been made public.  
16 They're not final. I would suggest we not  
17 discuss them in public here, but again, I'd be  
18 happy to discuss it with you after this  
19 hearing.

20 COUNCIL MEMBER REYNA: So without  
21 making any reference to numbers specific to  
22 anywhere, I just want to understand. I want to  
23 just explicitly mention that SWMP instructs  
24 DSNY to seek meaningful capacity reduction and  
25

2 to attempt to ensure reductions in actual  
3 through-put. Did that happen?

4 ROBERT ORLIN: What the SWMP also  
5 says it's not supposed to effect the  
6 operational capacity of the City. As I said, I  
7 mean if--I think it's fine, and it's probably a  
8 very good suggestion that the department and  
9 the council meet again and reconvene to see if  
10 there's a number that both sides can agree to,  
11 but--

12 COUNCIL MEMBER REYNA: [interposing]  
13 Again, I just want to get a yes or no answer.  
14 Did the voluntary reductions reduce actual  
15 through-put in Bronx One, Bronx Two, BK One and  
16 Queens 12?

17 ROBERT ORLIN: They reduce capacity  
18 by over 6,000 tons per day.

19 COUNCIL MEMBER REYNA: Of actual  
20 reduction? Of actual use, through-put?

21 [off mic]

22 COUNCIL MEMBER REYNA: Thank you.

23 ROBERT ORLIN: Again, we negotiated  
24 in accordance what we understood the council to  
25 agree to in the SWMP. The reductions did not

2 go nearly as far as the legislation you have  
3 proposed.

4 COUNCIL MEMBER REYNA: So the answer  
5 is no, it did not reach the reductions for  
6 actual through-put?

7 ROBERT ORLIN: Well, I think it  
8 would have an impact on certain days.

9 THOMAS MILORA: And the actual SWMP-  
10 -

11 COUNCIL MEMBER REYNA: [interposing]  
12 If you could just identify yourself?

13 THOMAS MILORA: I'm Tom Milora,  
14 Executive Assistant to Commissioner Doherty.  
15 The actual SWMP reduces through-put in the  
16 effected boards by moving capacity out when the  
17 MTS has come up and running. So you're going  
18 to lose through-put. DSNY interim waste will  
19 come out of those districts at some point.

20 COUNCIL MEMBER REYNA: The--I think  
21 my colleagues want to hear you say that again,  
22 as to answering the question as to whether or  
23 not the voluntary reductions that were  
24 identified as a negotiated number of 6,000

2 reduced actual through-put in Bronx One and  
3 Two, BK One and Queens 12.

4 THOMAS MILORA: The voluntary  
5 reductions do not, but the Solid Waste  
6 Management Plan does, which was the intent--

7 COUNCIL MEMBER REYNA: [interposing]  
8 And if you could just continue to explain how.

9 THOMAS MILORA: Because interim  
10 contracts the department, which the department  
11 now holds with private transfer stations will  
12 go to our MTS's, once built, and that will  
13 reduce our trucks from going into some of those  
14 neighborhoods.

15 COUNCIL MEMBER REYNA: And that  
16 would be replaceable?

17 THOMAS MILORA: The capacity would  
18 be--yes. Our material comes out, and that  
19 capacity--

20 COUNCIL MEMBER REYNA: [interposing]  
21 The permits would continue to exist?

22 COMMISSIONER DOHERTY: Right. We  
23 would go in there. The assumption was that  
24 when we pull our tonnage out of the smaller  
25 transfer station, they would probably close

2 down, but there was no, a guarantee on that. I  
3 think the biggest thing we're concerned about  
4 in this bill is the impact out of the--a couple  
5 of things we're concerned about, but the impact  
6 of the tonnage through-put that would be  
7 restricted in particularly two transfer  
8 stations that we have a 20 year contracts with  
9 and our inability to meet those contracts and  
10 that tonnage potentially would go to other  
11 parts of the City. I mean, we still have to--

12 COUNCIL MEMBER REYNA: [interposing]

13 And the--Commissioner, if you could just share  
14 with us which two are you referring to?

15 COMMISSIONER DOHERTY: There's the  
16 transfer station in the Bronx, the Lincoln  
17 Avenue Transfer Station operated by Waste  
18 Management, and there is the Varick Avenue  
19 Transfer Station in Brooklyn operated by Waste  
20 Management.

21 COUNCIL MEMBER REYNA: Who fulfill  
22 receiving a long term contract because they  
23 meet the criteria that was issued to bid for  
24 this particular contract by barge or rail as  
25

2 being one of those criteria which awarded their  
3 contract, correct?

4 COMMISSIONER DOHERTY: That's what  
5 we wanted. We wanted it to go out by rail.

6 COUNCIL MEMBER REYNA: And so how  
7 would this legislation impact what would be  
8 their contracts?

9 COMMISSIONER DOHERTY: It reduces the  
10 capacity.

11 COUNCIL MEMBER REYNA: That's  
12 impossible. They have a long term contract  
13 with what would be tonnage that takes into  
14 account DSNY's criteria based on the SWMP for  
15 barge or rail.

16 COMMISSIONER DOHERTY: If you take  
17 their current through-put capacity and multiply  
18 it by the 125, you're reducing your capacity,  
19 their through-put capacity by--increasing their  
20 through-put capacity by 25 percent initially.  
21 So you're increasing their through-put. You're  
22 not changing their permitted capacity, but  
23 you're giving them a little increase to take in  
24 more stuff. That's what you're actually doing  
25 when you do the 125; you increase everybody by

2 25 percent basically. Then when it comes to the  
3 second one where you reduce it by 18 percent,  
4 that's when they will go below their current  
5 through-put which impacts the waste that the  
6 City collects and puts into those transfer  
7 stations. That's part of it. This other  
8 issue's in the plan, too, or the Introduction  
9 that we would have to consider, but when you  
10 talk about those two particular transfer  
11 stations--and then it could potentially go the  
12 way the legislation is written in the Bronx it  
13 could. The commissioner has the ability--

14 COUNCIL MEMBER REYNA: [interposing]  
15 The discretion.

16 COMMISSIONER DOHERTY: the  
17 discretion in the 18 percent to move it some  
18 place else in the district, and that would go  
19 to another transfer station that could be  
20 impacted severely and it's not moving in and  
21 out of the borough, potentially. And then we  
22 gotta get contracts to do that with them. So  
23 it's not easily done either.

24 COUNCIL MEMBER REYNA: Oh, by no  
25 means did I ever think that this was easy, but

2 it's interesting that you're mentioning what  
3 would be these two contracts in particular and  
4 never achieved what would be the voluntary  
5 reduction so that legislative action wasn't  
6 necessary to get actual through-put reduced.

7 COMMISSIONER DOHERTY: When we talked  
8 about--my understanding on the 6,000 tonnage  
9 that was in there was permitted capacity.

10 COUNCIL MEMBER REYNA: Could I just  
11 share with you the actual through-put in the  
12 negotiated amount of 6,000 was effecting what  
13 would be the majority of un-used capacity.

14 COMMISSIONER DOHERTY: On the--when  
15 you look at it and you do the 18 percent--the  
16 18 percent takes out in some cases, reduces  
17 their through-put now. So you have to take  
18 tonnage out of there based on the through-put  
19 now. I mean, one of the constraints too we  
20 have, is the tonnage we're collecting and the  
21 private sector is collecting, is that going to  
22 change? Is that going to go up? We've been  
23 down for a couple for a years. We've been  
24 higher a couple of years. Now, if that tonnage  
25 goes up, particularly and I mentioned in the CD



2 in particular, that tonnage goes up because the  
3 economy improves. We got no place to put it  
4 within the city. Both the residential--both  
5 the waste we collect, the sanitation, and the  
6 private carters collect and re--

7 COUNCIL MEMBER REYNA: [interposing]  
8 And in the last seven years, why was that never  
9 accounted for in the discussions?

10 COMMISSIONER DOHERTY: The 6,000  
11 tons was a number that could be reached on the  
12 permitted capacity. These transfer stations,  
13 most of them now have un-used permitted  
14 capacity because they ask for a larger permit.  
15 They're not having their through-put. The  
16 through-put is lower. So based on today's  
17 tonnage and the tonnage at that time, we could  
18 reduce, and they were willing to reduce their  
19 permitted capacity, not their through-put.  
20 This legislation goes after the through-put  
21 they're doing now. When you do that,  
22 particularly when you take the 18 percent out,  
23 you, they can't run the tonnage that they're  
24 not collecting, that's now going to them  
25 through their system, through their--

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2 COUNCIL MEMBER REYNA: [interposing]

3 Does it all stay in the City today?

4 COMMISSIONER DOHERTY: Excuse me?

5 COUNCIL MEMBER REYNA: Does it all  
6 stay in the City today?

7 COMMISSIONER DOHERTY: Currently,  
8 no, not all of it because right now with the  
9 Marine Transfer Stations not up and running, we  
10 are shipping some waste to New Jersey.

11 COUNCIL MEMBER REYNA: And SWMP  
12 instructs DSNY to seek meaningful capacity  
13 reductions and attempt to ensure reductions in  
14 actually through-put, which we have not  
15 achieved.

16 COMMISSIONER DOHERTY: Correct, we  
17 haven't received it. We haven't.

18 COUNCIL MEMBER REYNA: Today, the  
19 argument is that an environmental review would  
20 have to be conducted, but it had not been the  
21 case when we passed SWMP and agreed that we  
22 would seek what would be reductions.

23 COMMISSIONER DOHERTY: We could--

24 COUNCIL MEMBER REYNA: [interposing]  
25 In actual through-put.

2 COMMISSIONER DOHERTY: We didn't say  
3 through--we were reducing the permitted  
4 capacity. There would be no shifting of  
5 garbage from one community to another when we  
6 reduced 6,000 tons of capacity between CND and  
7 the putrescible waste. That would not have  
8 shifted garbage around or putrescible waste  
9 around. That's what the companies agreed  
10 voluntarily to do, to take out capacity on  
11 their permitted site, unused capacity. Go  
12 ahead.

13 ROBERT ORLIN: And addressing your  
14 issue about the environmental review, Council  
15 Member, even a 6,000 ton reduction by the  
16 Council would require environmental review.  
17 It's an action under SECRA [phonetic]. It's  
18 just that the impacts would be far less and the  
19 review would be much easier to complete. So  
20 any action taken by the Council through  
21 legislation is always subject to environmental  
22 review. While we were pointing out in the  
23 Commissioner's testimony is that reducing  
24 actual through-put capacity of 18 percent would  
25 require a much more detailed and thorough

2 review than what was provided for by the SWMP,  
3 and I just wanted to state again, you know, I  
4 think the Department is very willing to try to  
5 address these issues. You know, as the  
6 Commissioner testified, we've done the siting  
7 regulations which eliminated new capacity in  
8 most of the south Bronx, Queens 12 and  
9 Brooklyn. We've done the operational regs. As  
10 you may be aware, under the air code that was  
11 just put forward by DEP, there's a revision in  
12 there that would require all commercial carters  
13 [phonetic] to have post 2007 trucks by 2020,  
14 which would have a significant impact on nox  
15 [phonetic] and particular matter emissions.  
16 And so I think the Department and the City are  
17 working very closely together to try to address  
18 the impacts that the speaker mentioned, the  
19 Chair mentioned. So, you know, the difference  
20 is any action by the Council is always subject  
21 to environmental review. The only thing--

22 COUNCIL MEMBER REYNA: [interposing]

23 Right, but Robert, if I could just interject.  
24 There was action that we were waiting from the  
25 administration that we cannot lose sight of.

2 ROBERT ORLIN: I guess I'm not  
3 following you.

4 COUNCIL MEMBER REYNA: Your actions  
5 never took place, which is why we're looking  
6 for legislative action.

7 ROBERT ORLIN: Again--

8 COUNCIL MEMBER REYNA: [interposing]  
9 So the administration failed to take action.

10 ROBERT ORLIN: I guess we have a  
11 difference of opinion on that, because it was  
12 our--

13 COUNCIL MEMBER REYNA: [interposing]  
14 Well, clearly, for the last seven years we  
15 have.

16 ROBERT ORLIN: Well, again, it was  
17 our understanding that we were waiting for the  
18 council. The council had agreed to the six,  
19 over the 6,000 tons of reduction that we--

20 COUNCIL MEMBER REYNA: [interposing]  
21 No, what you were seeking was a commitment that  
22 we would not seek further reduction.

23 ROBERT ORLIN: Right, as a result of  
24 voluntary negotiations that was something the  
25 industry wanted.

2 COUNCIL MEMBER REYNA: Voluntary  
3 reduction of 6,000 as a number without any  
4 understanding as to where this 6,000 number  
5 would be impacting. And so I just want to  
6 share with you, in my Community Board,  
7 Community Board One in North Brooklyn we have  
8 20,000 tons per day, 20,000. Nine hundred tons  
9 per day is what is going to be proposed for an  
10 MTS in East 91<sup>st</sup> street, 900. When we're  
11 carrying 20,000 of which more or less 13,000  
12 tons is unused and you were willing to do 6,000  
13 across the board, these three communities, we  
14 don't begin to see any reduction in my  
15 Community Board.

16 ROBERT ORLIN: Again, the 6,000 was  
17 a number that was negotiated between the  
18 Council.

19 COUNCIL MEMBER REYNA: So I could  
20 assume that the 6,000 was going to reduce the  
21 20,000 my district, right, from my Brooklyn BK1  
22 Community District and nothing from the Bronx  
23 and nothing from Queens, is that accurate?

24 ROBERT ORLIN: The reductions that we  
25 negotiated were in all four districts.

2 COUNCIL MEMBER REYNA: So the  
3 reduction per district was going to impact what  
4 actual through-put?

5 ROBERT ORLIN: Again, on peak days  
6 it would have had an absolute impact. On a  
7 daily basis it wouldn't have had as much of an  
8 impact.

9 COUNCIL MEMBER REYNA: So on a daily  
10 basis, we would have never taken off a single  
11 truck? On a daily basis we would not have seen  
12 any real reduction in impact on actual through-  
13 put. On a daily basis we would still have  
14 status quo? Okay. Thank you, Madam Chair. I'll  
15 resign to defer to my colleagues. I just want  
16 to make sure that I--I had another round of  
17 questions.

18 CHAIRPERSON JAMES: We'll get back  
19 to you on round two. I just want recognize  
20 Council Member Maria Carmen del Arroyo as well  
21 as Council Member Steve Levin, and before I  
22 turn it over to my colleagues I just have a few  
23 questions and then we'll get to my colleagues.  
24 It appears--well let me start out a little bit  
25 more organized. First of all, in New York City

2 there's 38 transfer stations which have a  
3 permitted capacity of 44,447 tons of  
4 putrescible and non-putrescible waste per day.  
5 Do you agree with that? Anyone?

6 THOMAS MILORA: The through-put  
7 number sounds correct.

8 CHAIRPERSON JAMES: Yes.

9 THOMAS MILORA: I believe it's  
10 around--

11 CHAIRPERSON JAMES: And we, in the  
12 City of New York, we generate about 11,000 tons  
13 of residential waste per day, is that correct?

14 COMMISSIONER DOHERTY: Correct.

15 CHAIRPERSON JAMES: And we also  
16 generate commercial waste about 35,000 tons per  
17 day, is that correct?

18 COMMISSIONER DOHERTY: With CND and  
19 putrescible, I think it's right.

20 CHAIRPERSON JAMES: And we have no  
21 idea because we don't keep records on where  
22 commercial waste is delivered, correct?

23 COMMISSIONER DOHERTY: We have the  
24 information, yeah. The carters have to provide  
25



2 information on that and we monitor information  
3 from the transfer stations where they're going.

4 CHAIRPERSON JAMES: But you would  
5 also agree that of the 44,447 tons of  
6 putrescible and non-putrescible waste. There  
7 is some excess capacity, correct?

8 COMMISSIONER DOHERTY: The permit--  
9 there's access in the permitted capacity.  
10 There's not--there's unused access, unused  
11 access.

12 CHAIRPERSON JAMES: Unused, unused?

13 COMMISSIONER DOHERTY: In the City-  
14 wide, yes.

15 CHAIRPERSON JAMES: And do you agree  
16 that we should reduce the amount of that un-  
17 used capacity? Do you agree that we should?

18 COMMISSIONER DOHERTY: That, I think  
19 we can reach negotiations and we did with the  
20 transfer stations, some of the transfer  
21 stations.

22 CHAIRPERSON JAMES: So we reduced it  
23 to about 6,000. Do you believe that we should  
24 reduce it even further?

2 COMMISSIONER DOHERTY: We probably  
3 might be able to get it. We'd have to sit and  
4 talk with them to see what could be reached on  
5 that number, yeah.

6 CHAIRPERSON JAMES: Okay. So we  
7 have an agreement there. Do you agree that we  
8 should reduce actual through-put?

9 COMMISSIONER DOHERTY: To--

10 CHAIRPERSON JAMES: [interposing]  
11 Yes or no.

12 COMMISSIONER DOHERTY: Well it's not  
13 a yes or no answer, unfortunately. You have to  
14 look at each individual transfer station, see  
15 what their through put now is. Now if you take  
16 it down below that through-put, where is that  
17 going to go and what's the impact of doing it.

18 CHAIRPERSON JAMES: Let me get--let  
19 me grind it down even further. Do you believe  
20 that we should reduce through-put in Community  
21 District One?

22 COMMISSIONER DOHERTY: There will be  
23 as a whole, there is room to reduce through-  
24 put. When I look at both Marine transfer--CND

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2 and residential and some of that's going to  
3 come out when we open up Hamilton Avenue.

4 CHAIRPERSON JAMES: Okay, so we have  
5 agreement that--

6 COMMISSIONER DOHERTY: [interposing]  
7 Yeah.

8 CHAIRPERSON JAMES: it should be  
9 reduced in Council Member Reyna's district.

10 COMMISSIONER DOHERTY: We could. I  
11 didn't--

12 [cross-talk]

13 CHAIRPERSON JAMES: The question is  
14 the number.

15 COMMISSIONER DOHERTY: We could. We  
16 could.

17 CHAIRPERSON JAMES: Okay, we have to  
18 talk.

19 COMMISSIONER DOHERTY: We got to  
20 negotiate that, but as I said, some of it's  
21 going to come out when we open up Hamilton.  
22 The same thing, yeah, when Hamilton.

23 CHAIRPERSON JAMES: And in Community  
24 District 12 in Queens?

25

2 COMMISSIONER DOHERTY: That'll go to  
3 north shore. That'll shift. The tonnage we  
4 put in there will shift in the fall of next  
5 year, before this proposed legislation for the  
6 first cut would take place. So that tonnage  
7 will come out of--that'll only leave them a  
8 small amount of commercial waste that they now  
9 take. The question is will they stay in  
10 operation, we don't know. But we have a good  
11 bit of residential waste from that area going  
12 into the two transfer stations that are there,  
13 and that'll all go to Hamilton Avenue.

14 CHAIRPERSON JAMES: And the Bronx?

15 COMMISSIONER DOHERTY: Go to north  
16 shore, rather.

17 CHAIRPERSON JAMES: And in the Bronx  
18 Districts One and Two, do you think we should  
19 reduce through-put in those?

20 COMMISSIONER DOHERTY: That becomes  
21 a little bit more difficult because of the  
22 through-put particularly the Varick, not the  
23 Varick, the Lincoln Avenue Transfer Station is  
24 handling and one other one. There is two  
25 smaller ones up there, Metropolitan and New

2 York Corp [phonetic], that the way the  
3 legislation is written, they're not impacted at  
4 all. So they wouldn't--so it's basically the  
5 two major ones in those areas handle. You know,  
6 all the Bronx residential waste goes to the  
7 Lincoln Avenue facility and most of the  
8 commercial waste in the area goes to another  
9 facility up there.

10 CHAIRPERSON JAMES: So Commissioner,  
11 the answer to that question is yes or no?

12 COMMISSIONER DOHERTY: No, I think  
13 in the Bronx it's very difficult when you look  
14 at through-put capacity because, yeah, it's  
15 very difficult.

16 CHAIRPERSON JAMES: You have  
17 difficulty reducing--

18 COMMISSIONER DOHERTY: [interposing]  
19 There's some room, but I'm not saying outright,  
20 and particularly when you go to the 18 percent.  
21 When you go to the 18 percent, it's out of the  
22 question.

23 CHAIRPERSON JAMES: But you're open  
24 to reducing it?

2 COMMISSIONER DOHERTY: I'm up to  
3 working with the transfer stations and looking  
4 at what we can do, yes.

5 CHAIRPERSON JAMES: And when SWMP is  
6 fully implemented, when all four marine  
7 transfer stations are opened, you indicated  
8 that CND in all likelihood could not be handled  
9 by any of those?

10 COMMISSIONER DOHERTY: No, the CND  
11 doesn't go there.

12 CHAIRPERSON JAMES: Is it--

13 COMMISSIONER DOHERTY: [interposing]  
14 That said, that's a lot of processing when you  
15 receive CND because you want to recycle as much  
16 as you can, and we're not--we're not set up in  
17 our transfer stations there.

18 CHAIRPERSON JAMES: Could there be  
19 any discussions about making an arrangement to  
20 handle CND to any of those facilities?

21 COMMISSIONER DOHERTY: In the close  
22 facilities?

23 CHAIRPERSON JAMES: Yeah.

24

25

2 COMMISSIONER DOHERTY: It's, you  
3 mean our closed facilities or the ones that  
4 are--you mean--

5 CHAIRPERSON JAMES: Marine transfer  
6 stations.

7 COMMISSIONER DOHERTY: Which?

8 CHAIRPERSON JAMES: The four under  
9 SWMP.

10 COMMISSIONER DOHERTY: Can we--no, we  
11 can't handle CND and the--

12 CHAIRPERSON JAMES: At all? Okay.  
13 Not at all?

14 COMMISSIONER DOHERTY: No.

15 CHAIRPERSON JAMES: Okay. Under no  
16 circumstance?

17 COMMISSIONER DOHERTY: No.

18 CHAIRPERSON JAMES: Okay. What about  
19 Sims [phonetic]?

20 COMMISSIONER DOHERTY: Sims is  
21 handled metal, glass and plastic at this point.

22 CHAIRPERSON JAMES: And Commissioner,  
23 we've made attempts working together to  
24 increase recycling in the City of New York, so  
25 our waste stream has reduced somewhat. Do you

2 further anticipate an additional reduction in  
3 waste as a result of ongoing efforts to  
4 increase recycling in the City?

5 COMMISSIONER DOHERTY: I sure hope  
6 so. I mean, it has been difficult. I think our  
7 major step as I pointed out in my testimony is  
8 the compost collection pilot that the council  
9 has supported us on for two year pilot to see  
10 how that works. It's in its very early stages.  
11 I don't know what's going to happen. We  
12 definitely, we started the all plastic  
13 recycling. We started notifying people at the  
14 rigid plastic. I'm seeing a slight, very slight  
15 increase in the tonnage for the metal, glass,  
16 and plastic, but the tonnage on paper continues  
17 to go down, but when I look at both figures, we  
18 haven't seen that much coming percentage-wise.  
19 It's very small taken out of the putrescible  
20 waste stream. And like I said, that's down.  
21 That's been kind of flat for the last couple of  
22 years. It could pop up at any time, and that's  
23 the other concern, once you put these  
24 restrictions in, what's going to happen when  
25 the economy improves? So one has to sit down



2 and figure out, what's real and where is our  
3 safety blanket here to address things that may  
4 occur in the future.

5 CHAIRPERSON JAMES: But if, and I  
6 would argue that attempts at recycling have not  
7 been aggressive enough in the City, and so if  
8 we would work together to begin more aggressive  
9 attempts at recycling in the City, I think it  
10 would further reduce our waste stream, wouldn't  
11 you agree?

12 COMMISSIONER DOHERTY: Absolutely.  
13 Absolutely.

14 CHAIRPERSON JAMES: And that too  
15 would result in the need to further reduce this  
16 actual capacity?

17 COMMISSIONER DOHERTY: That's going  
18 to im--well it would impact the transfer  
19 stations, the privately run transfer stations  
20 that we now deal with, but like I said, a lot  
21 of the waste is going to be going into the  
22 Marine Transfer Stations where we're not going  
23 to have any change. It'll be less tonnage  
24 going through there which will ultimately

2 hopefully save us money, but the tonnage  
3 restrictions doesn't effect it really.

4 CHAIRPERSON JAMES: And Commissioner,  
5 you too joined with me in trying to address  
6 these adverse health impacts in north Brooklyn  
7 and in the Bronx and Queens which are related  
8 to truck traffic.

9 COMMISSIONER DOHERTY: I think we as  
10 a department have made great strides in our  
11 equipment that we operate with the latest  
12 technology for particular trucks, for these--  
13 for different units being put on a truck to  
14 reduce the particular matter coming at 'em, so  
15 we've done a lot. As Commissioner Orlin  
16 pointed out, the private sector industry will  
17 be hopefully increasing the--getting newer  
18 trucks basically and providing trucks with less  
19 fluid coming out and addressing that, but from  
20 a health prospect, a health view point, I don't  
21 know exactly what's causing these problems up  
22 there, so I can't respond to that, but all I  
23 can say is both the Department and the private  
24 sector is, I think, trying to address any  
25 issues on fluid [phonetic] coming out. And we

2 did it with the transfer stations when we  
3 required the on site vehicles that work in CND  
4 transfer stations to meet more restrictive  
5 standards.

6 CHAIRPERSON JAMES: But  
7 Commissioner, clearly, you don't question  
8 whether or not exposure to diesel exhaust has  
9 an impact on health outcomes?

10 COMMISSIONER DOHERTY: I don't know  
11 that to be a fact.

12 CHAIRPERSON JAMES: Okay. Let me  
13 turn it over to Council Member Levin.

14 COUNCIL MEMBER LEVIN: Thank you  
15 very much, Madam Chair. Thank you  
16 Commissioner. So Commissioner, I'm--I've been  
17 a Council Member since 2010. I wasn't on the  
18 Council when SWMP was passed, so I wasn't part  
19 of negotiations in 2008, but I'm going to  
20 address this issue from my perspective. I live  
21 on Morgan Avenue, about a half a block in from  
22 Meeker [phonetic] Avenue. That's right in the  
23 middle of the solid waste transfer stations in  
24 Brooklyn Community District One. It's right in  
25 the middle. It's--I can hear the trucks coming

2 off of the BQE, and the quality of life on my  
3 block is not very good and that's in large part  
4 due to the amount of solid waste that's  
5 surrounding my community. And the amount of  
6 trucks that we have to deal with every single  
7 day, and as you could see all the folks with  
8 yellow shirts on in the audience this morning,  
9 they're also--they're all from that community.  
10 And it's not an academic discussion for us.  
11 This is the actual quality of life on our  
12 blocks every single day and what we have to  
13 live with. And there's no doubt that there are  
14 health outcomes that result from it, and I have  
15 kids that live in my building. I have kids that  
16 live on my block. I got an elementary school  
17 two blocks away, and what bothers me is that  
18 there is--I guess my question would be how  
19 could you--how can you say that it's fair that  
20 one community district out of 59 in New York  
21 City is currently handling close to 40 percent  
22 of the City's solid waste? How is that--how  
23 does that come--approach any sense of justice  
24 for the City? Because I did some rudimentary  
25 math and if each community district was taking

2 its fair share, there'd be somewhere around  
3 1.87 percent of the City's solid waste. That's  
4 about 22.5 times higher than what our fair  
5 share, 22 times higher than what we should be  
6 taking. So, how is that fair?

7           COMMISSIONER DOHERTY: Well, I don't  
8 know how is it fair? I mean, one has to look  
9 at the history behind how these transfer  
10 stations are there, but the fact of the matter  
11 is they are there. It was considered in the  
12 solid waste management plan. We looked at it.  
13 The environmental impact studies that were done  
14 at that time took into account traffic and air  
15 and noise problems at the time. I realize  
16 people are not satisfied with that, but that's  
17 what we were faced with as a city and trying to  
18 address how we handled the waste that this city  
19 generates, and it's unfortunate that over time  
20 the areas were zoned are for that type of  
21 industry, heavy industry.

22           COUNCIL MEMBER LEVIN: So, I guess  
23 I'll get into some specific questions. I  
24 didn't find that answer satisfactory. Mr.  
25 Orlin, when Council Member Reyna's last

2 question to you was if there--if the voluntary  
3 reduction of 6,000 tons had gone into effect,  
4 would we have seen--had that gone into effect,  
5 would we have seen any less through-put in  
6 Community District One on a practical level?  
7 'Cause I think that you seem to indicate an  
8 answer, but you didn't state it explicitly.  
9 Would you like to answer that question?

10 ROBERT ORLIN: What I said is on  
11 peak days, you know, waste comes in surges.  
12 There are peak days after holidays. It  
13 probably would have an impact on certain days  
14 of the year, but not most days.

15 COUNCIL MEMBER LEVIN: So most days  
16 there would not have been any difference  
17 whatsoever on your average day in terms of the  
18 actual through-put going into the community,  
19 through the community. There would have been  
20 not a single truck reduced as a result of that  
21 voluntary agreement had it gone into effect?

22 ROBERT ORLIN: Probably on most  
23 days, that's probably right.

24 COUNCIL MEMBER LEVIN: Okay.  
25 Obviously, that's insufficient then. From my

2 community's perspective, that's an insufficient  
3 agreement because that would have not practical  
4 impact on our day to day lives, and I ask you  
5 to come out. I invite you to come out; I'll  
6 meet you on the corner, and we can count the  
7 trucks, but it is--if there's an agreement, if  
8 there's a proposed agreement that doesn't  
9 actually effect the situation that we deal  
10 with, why would we deem that as sufficient?

11 ROBERT ORLIN: It was in the SWMP,  
12 the Council approved the SWMP. We were  
13 negotiating off what the Council approved by a  
14 large majority vote. It was 45 to five or  
15 something to that effect, and the  
16 administration had agreed on. That's the  
17 number we were working off of. If the Council  
18 would like to discuss a different number, we're  
19 happy to meet with them.

20 COUNCIL MEMBER LEVIN: Okay. The  
21 administration's opposition to the proposed  
22 legislation, I think you've indicated that you  
23 believe that it would require a change to the  
24 SWMP plan, is that correct?

2 ROBERT ORLIN: Like I said, what I  
3 think what the Commissioner's testimony, is it  
4 would likely require a small modification.

5 COUNCIL MEMBER LEVIN: Why?

6 ROBERT ORLIN: Because SWMP is the  
7 City's plan for managing all of the solid waste  
8 within the city. The legislation would require  
9 an 18 percent reduction on average from, you  
10 know, putrescible and CND stations in the four  
11 districts. That would require, you know, 3-  
12 4,000 tons of waste to be displaced at least on  
13 average every day. So you'd have to consider  
14 the impacts of where that waste would go. That  
15 has not been studied, so the way in we handle  
16 putrescible and CND waste would be changed.  
17 The, you know, the 26 facilities that have been  
18 handling it for the past, you know, 15-20 years  
19 would be altered, and that with the SWMP--the  
20 State's regulations state that if there was a  
21 significant change in the way waste is managed  
22 and the locality, that requires a SWMP  
23 modification.

24

25



2 COUNCIL MEMBER LEVIN: So that's one  
3 of the criteria that--which of the criteria  
4 would under DEC would that trigger?

5 ROBERT ORLIN: You know, I think,  
6 again, this would be DEC's ultimate  
7 determination, but what their rules states if  
8 there is a significant change in the way waste  
9 is handled in the locality, that requires a  
10 SWMP modification. So, you know, you have  
11 waste being displaced from up to 26 different  
12 transfer stations, and I think there would be  
13 an expectation from DEC that they'd want an  
14 analysis of where we think that waste would go  
15 and how it would be handled.

16 COUNCIL MEMBER LEVIN: Okay. From,  
17 again, from my perspective and as someone that  
18 lives in one of these communities, the solution  
19 has to be that there is a shifting of through-  
20 put, of not just capacity. Because that's what  
21 is impacting the day to day lives of my  
22 neighbors. For a certain community to have 22  
23 times higher than what it ought to have. Now,  
24 okay, it has a history. It has zoning that  
25 allows for it. It has space that is--has been

2 developed that and there's a lot of historical  
3 forces that--the momentum is there to keep it  
4 that way, but if we're going to have a city  
5 that strives to share the burden or, you know,  
6 distribute the burden that we have to run as a  
7 city. In some semblance of equity, in some--in  
8 at least striving to achieve equity, this is  
9 such an out liar. It's so far past offensive.  
10 It's such a disproportionate impact that if  
11 we're not doing something real to shift that  
12 burden to some degree, because it is right now--  
13 -it is a--it is offensive to me, not just as a  
14 resident of the neighborhood, but as a resident  
15 of this City to think that one community  
16 district so disproportionately impacted, and  
17 there are obviously the others as well, but  
18 we're talking a handful in the entire city, and  
19 that's unfair to the parents that live in that  
20 neighborhood, in those neighborhoods. It's  
21 unfair to the--it's unfair to the children that  
22 live in those neighborhoods, and so I just want  
23 to make that as clear as possible. If we're  
24 going to have a solution here, it's got to  
25 address that in a real way. A couple of

2 questions just about the type of violations  
3 that operators receive because that's the other  
4 thing is that the impact is also that we find  
5 is also due to things that probably shouldn't  
6 be happening, and so I want to ask how many--  
7 does Department of Sanitation have a way of  
8 categorizing the violations for each facility  
9 and a metric for gathering that and then  
10 sharing that with the public so that we know  
11 which of the facilities in our communities are  
12 the better operators, the worse operators, the  
13 best, the worst?

14 COMMISSIONER DOHERTY: We--yeah, we  
15 know. For example, in 2013 fiscal year, there  
16 were 17 violations issued to putrescible and  
17 non-putrescible transfer stations. Three of  
18 them were for tracking of material out of the  
19 transfer station and 11 of them were for  
20 violations including excessively piled  
21 material. And fill material, that was for the--  
22 -out of that number two, also three of them  
23 were for the fill material transfer station.  
24 We do track them. I mean, over the years, once  
25 we put Local Law 40 into effect and we started

2 with the department's permit and inspection  
3 unit, we brought the transfer stations  
4 dramatically in line with the regulations that  
5 they're required to operate by. So we've seen  
6 that there are not that many violations given  
7 out, and we're inspecting them about once a  
8 week when you look at it over the year, because  
9 the transfer stations have complied and they're  
10 living by the regulations. So it's rare that  
11 they get many violations.

12 COUNCIL MEMBER LEVIN: Each--  
13 Department of Sanitation is visiting each  
14 facility once a week?

15 COMMISSIONER DOHERTY: Each  
16 facility. Sometimes it's a more in depth one  
17 where we spend about an hour there. Sometimes  
18 it's just a quick ride-by where we look to see  
19 what might be obvious from the exterior of the  
20 facility, what we see inside, or if we smell  
21 odors, we see queuing lines and such things  
22 like that.

23 COUNCIL MEMBER LEVIN: So there's  
24 only 17 given out in the entire year?

25 COMMISSIONER DOHERTY: Correct.

2 COUNCIL MEMBER LEVIN: That seems  
3 low.

4 THOMAS MILORA: Council Member,  
5 there are also a lot of violations that we  
6 issue to trucks within the community board for  
7 truck spillage. So all the violations aren't  
8 associated with the specific transfer station.  
9 It's to the surrounding area trucks that are  
10 illegally spilling material and--

11 COUNCIL MEMBER LEVIN: So how many  
12 for the trucks then? How many tickets are we  
13 giving out for the trucks?

14 THOMAS MILORA: There--I could  
15 provide you data. There are sometimes  
16 hundreds.

17 COUNCIL MEMBER LEVIN: Okay.  
18 Because obviously, I mean that's a lot of what  
19 the impact that we feel on our streets and in  
20 our neighborhood. So the violations, what type  
21 of violations? I mean often I see trucks that  
22 have--that are spewing forth black smoke and  
23 it's clearly there's something wrong with the  
24 truck. Are you inspecting? Who inspects the  
25

2 trucks? I mean, is there a truck inspection  
3 program? I mean, how does that work?

4 THOMAS MILORA: No, there's not a  
5 per say truck inspection program. If a truck  
6 is emitting--specifically if stationary  
7 equipment within the transfer station is  
8 spewing noxious stuff, we're able to write the  
9 transfer station for that. Trucks, it's a  
10 little more difficult. The standard is a  
11 little higher. So we--

12 COUNCIL MEMBER LEVIN: What if  
13 they're driving down my street spewing forth  
14 noxious fumes, clearly in violation. I mean,  
15 it's obvious to me as a lay person that there's  
16 something wrong with that truck and it's going  
17 down my block. Who writes that truck the  
18 violation?

19 [cross-talk]

20 COUNCIL MEMBER LEVIN: Out in the  
21 community.

22 COMMISSIONER DOHERTY: That's not  
23 something we're authorized to write. That  
24 would go to the Department of Environmental  
25 Protection to handle that.

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2 COUNCIL MEMBER LEVIN: So DEP's got  
3 to be out there writing up--

4 COMMISSIONER DOHERTY: [interposing]  
5 They do set up. They do set up some check  
6 points during the year. I don't know exactly  
7 what they do in your area or how often they do  
8 it, but that would be an air violation that  
9 they would--

10 COUNCIL MEMBER LEVIN: [interposing]  
11 Has Department of Sanitation ever thought about  
12 coordinating with DEP to do that?

13 COMMISSIONER DOHERTY: If we have a  
14 problem we will coordinate with them. It's  
15 something that I agree it does happen at times,  
16 and as I pointed out, the Business Integrity  
17 Commission is working with the private carting  
18 industry to address that as far as the new  
19 equipment coming in that meet the air standards  
20 that they have to meet today. And it's  
21 something that I get annoyed about. I mean, if  
22 I see one of my own trucks out there I take it  
23 off the street immediately, and it's rare that  
24 it happens when you have a well-maintained  
25 truck. So that is, you know, some of the

2 truck--the carting companies, and even the  
3 hauling companies that may not be maintaining  
4 their trucks as much, and it's an area we have  
5 to look at, and I'll be fine to look at that,  
6 yes sir.

7 COUNCIL MEMBER LEVIN: Okay. So,  
8 'cause often I'm out writing down license plate  
9 numbers and trying to track down these guys,  
10 so--

11 COMMISSIONER DOHERTY: [interposing]  
12 I, yeah, I will talk to the Commissioner of DEP  
13 to see what they may be able to do with the  
14 checkpoints or observation areas that they  
15 might be able to do something.

16 COUNCIL MEMBER LEVIN: Okay, it  
17 might be helpful if there's a coordinated  
18 effort with Department of Sanitation.

19 COMMISSIONER DOHERTY: Absolutely,  
20 yeah.

21 COUNCIL MEMBER LEVIN: Thank you  
22 very much.

23 COMMISSIONER DOHERTY: You're quite  
24 welcome.



2 COUNCIL MEMBER LEVIN: Thank you  
3 Madam Chair.

4 CHAIRPERSON JAMES: Before I turn to  
5 Council Member Maria Carmen del Arroyo, let me  
6 just say something that--the SWMP stated that  
7 the City will reduce lawfully permitted  
8 capacity at putrescible and non-putrescible  
9 stations by up to 6,000 tons per day. We all  
10 agree upon that. It also goes on to say that  
11 the Sanitation, Department of Sanitation will  
12 seek to achieve the district specific  
13 reductions no later than one year after the  
14 city-owned MTS serving the borough in which  
15 designated district is located becomes  
16 operational. We all agree upon that language.  
17 It also goes on to say that DASNY and the  
18 Council will be begin negotiations on a  
19 voluntary reduction which will as we all know  
20 did not happen. And I would also argue, well I  
21 think it was stated there was no indication  
22 that these voluntary reductions would amount to  
23 any--to a--would amount to an actual reduction  
24 and through-put in the designated districts and  
25 as a result I would argue that not withstanding

2 the fact that SWMP is silent on this issue, I  
3 would argue that the 6,000 ton per day is the  
4 floor and not the ceiling and that SWMP allows  
5 us or contemplates a further reduction in  
6 actual through-put in the city of New York, and  
7 now is the time to negotiate that further  
8 reduction. Council Member Maria Carmen del  
9 Arroyo from the Bronx?

10 COUNCIL MEMBER ARROYO: Thank you  
11 Madam Chair. Commissioner, welcome and always  
12 nice to see you. I've always said you're one of  
13 my favorite Commissioners until today.

14 COMMISSIONER DOHERTY: Thank you.

15 COUNCIL MEMBER ARROYO: And I like  
16 you most of the time. I don't like you today.  
17 I will--

18 COMMISSIONER DOHERTY: [interposing]  
19 I still like you.

20 COUNCIL MEMBER ARROYO: I was in the  
21 other room listening to the exchange back and  
22 forth between the panel and Council Member  
23 Reyna, and Commissioner, you indicated that  
24 there's little to no opportunity for a  
25 reduction in the Bronx. This is the first time

2 I have heard that statement made. Explain to  
3 us why that is the case and why we're learning  
4 about that in a public hearing coincidentally.

5 COMMISSIONER DOHERTY: What I was  
6 referring to in the legislation as it's  
7 presently that's introduced, the reduction--  
8 there would be a reduction. The problem is  
9 where would that waste go to? And that, I'm  
10 not saying we can't do it. I'm just saying,  
11 what are the alternatives to reducing it in  
12 line with this legislation. I pointed out that  
13 that could possibly end up in northern  
14 Brooklyn, in northern Queens. You have to--If  
15 we're going to reduce the waste where there  
16 through-put is at a point where if you reduce  
17 it they can't handle all the waste they're  
18 currently receiving. Plus, if waste--if waste  
19 gets--the amount of tonnage we handle in this  
20 city, both in the private and the commercial  
21 sector or from the private and the city sector  
22 increases, we have another problem. Where do  
23 we send that to? We could say yes, let's just  
24 reduce it. Now, where do we send it? I just  
25 looked at with the potential for where that

2 would go to. I didn't say that we couldn't do  
3 it. I didn't think it was a good idea to do it,  
4 but if you do it there's going to be an impact,  
5 that's all.

6 COUNCIL MEMBER ARROYO: Okay. So as  
7 I said, it's the first time that I have heard  
8 that statement made, and for the folks in the  
9 audience from my community who have been  
10 working--I've been in the City Council now  
11 eight and a half years.

12 COMMISSIONER DOHERTY: Yeah.

13 COUNCIL MEMBER ARROYO: Who have  
14 been advocating and moving this chain forward,  
15 right? Let's take a football analogy, right?  
16 We think we're going to make a first down here,  
17 and no, somebody dropped the ball and now we're  
18 losing yardage. How is that we find out at  
19 this hearing that what we as a community  
20 anticipated would be a benefit of this  
21 legislation is not the case, and what I'm  
22 hearing is, it is what it is. So, you know,  
23 you're going to have to deal with the fact that  
24 you have x number of permitted facilities in  
25 Community Board One and Two, and that because

2 it's a challenge to figure out how we create  
3 reduction and capacity there, why aren't we  
4 having a conversation about that?

5 COMMISSIONER DOHERTY: As was  
6 pointed out, Councilwoman, we worked on with  
7 the private industry to reduce capacity to meet  
8 the 6,000-

9 COUNCIL MEMBER ARROYO:  
10 [interposing] They have no interest in reducing  
11 capacity. We know that. That's why we're  
12 having this conversation.

13 COMMISSIONER DOHERTY: We met with  
14 them to see if we can meet what we were  
15 required to do in the Solid Waste Management  
16 Plan of 6,000 tons. We did agree--get  
17 agreement, oral agreement with them that they  
18 would reduce--they would reduce capacity. Then  
19 it didn't--it died after that, unfortunately.  
20 We're here now, and we pointed out that we, the  
21 Department and the, I'm sure the private  
22 industry will speak for themselves, but we're  
23 willing to work. The Department's willing to  
24 work with the Council on seeing what can be  
25 achieved, and I'm not saying it's just 6,000

2 tons, it's something we have to sit down with.  
3 There's three parties involved, the private  
4 companies who would like to volunteer to work  
5 with them, the community, the Council, and the  
6 Department. How do we reduce it? What do we  
7 reduce, and what is the impact of reducing it?  
8 Where will it go if we have to ship it  
9 someplace else.

10 COUNCIL MEMBER ARROYO: Has the  
11 sponsor of this legislation, the lead sponsor,  
12 Council Member Reyna and there's several of us  
13 that are co-sponsors with her on this, has she  
14 had the benefit of this dialogue with you and  
15 your staff about the nuances and how the  
16 legislation can be improved so that we're not  
17 doing something that's going to be detrimental  
18 to either community of the City, impacted  
19 already? And make the legislation make better  
20 sense, because what I'm hearing you say is that  
21 there is a flaw in this legislation.

22 COMMISSIONER DOHERTY: Correct. We  
23 think there's--

24 COUNCIL MEMBER ARROYO: Has Council  
25 Member Reyna had the benefit of dialogue with

2 your staff and those who could help us improve  
3 the legislation?

4 COMMISSIONER DOHERTY: Not on this  
5 legislation per say that I'm aware of. I have  
6 had conversations with the Councilwoman prior  
7 to this on trying to reach an agreement on how  
8 much we would get, but on this legislation I'm  
9 not aware of the department having negotiations  
10 to re-draft or re-work this particular  
11 legislation as introduced.

12 COUNCIL MEMBER ARROYO: I think one  
13 of the most reasonable people in this body is  
14 Council Member Reyna.

15 COMMISSIONER DOHERTY: I don't  
16 disagree.

17 COUNCIL MEMBER ARROYO: She has her  
18 moments.

19 COMMISSIONER DOHERTY: Yeah.

20 COUNCIL MEMBER ARROYO: But mostly  
21 she's very reasonable. Mostly, she's very  
22 reasonable, and I find it offensive to hear in  
23 a public hearing that there's little to no  
24 opportunity to reduce capacity in the Bronx,  
25 and the reasons for it are just unacceptable.

2 So, we're not about not in my backyard. My  
3 mantra and that of the people that I represent  
4 is no more in our back yard and less by God try  
5 to reduce what's already happening there. So  
6 that legislation or not, there has got to be a  
7 commitment to examine how facilities are sited  
8 and permitted in what communities and have a  
9 conversation to say no more here and let's make  
10 a very concerted effort to reduce the  
11 experience that communities are having day to  
12 day. I live between two transfer stations at  
13 the foot of the--oh, my God. RFK? I forget the  
14 name. Tri-borough. I had a moment there. I  
15 have to negotiate traffic with the sanitation  
16 garage on the other block, but I think when you  
17 live next to it and experience it every single  
18 day, the challenge is different than for these  
19 guys in the suits in the front row here, 'cause  
20 I don't know where they park where they go home  
21 when they go home at night. I park at the foot  
22 of the tri-borough bridge in the Bronx, and I  
23 have to run my wipers every single morning just  
24 to get the soot off my windshield, and 90  
25 percent of that is the trucks that are coming



2 through that community. So I hope that we can  
3 create the opportunity to work with the prime  
4 sponsor of this legislation so that we can make  
5 some amendments to the language that we can all  
6 live with that get us to where we need to be,  
7 and that is in Community Board One and Two in  
8 the Bronx reduction and capacity. Forget  
9 excess capacity. Capacity in general. So if  
10 we reduce the excess, we see no impact in my  
11 community, whatsoever. The trucks will still  
12 continue to come through at the same rate that  
13 they are today. So my hope, given that I know  
14 that you are one of the coolest commissioners  
15 in this administration, is that the Council  
16 Member will have the benefit of your wisdom in  
17 helping to modify the language in this  
18 legislation that gets us to where we need to  
19 be.

20 COMMISSIONER DOHERTY: Agreed. We  
21 want to do that. We want to work together on  
22 that. We fully agree. Thank you very much.

23 CHAIRPERSON JAMES: We've been  
24 joined by Council Member Crowley and Council  
25 Member Gennaro, and before I turn it over to

2 Council Member Jackson, Commissioner, you  
3 indicated and I guess there was--and I take  
4 responsibility for this, my question I asked  
5 you whether or not any of the four marine  
6 transfer stations contemplated by SWMP are in a  
7 position to take in CND and you indicated no,  
8 but isn't it true that the West 59<sup>th</sup> Street MTS  
9 is a facility for CND?

10 COMMISSIONER DOHERTY: Yeah, that's  
11 a fifth facility. We still haven't worked that  
12 out. We're doing repairs up there. We had one  
13 proposal from SIMS for that. I, when you asked  
14 SIMS, before I was thinking their place in  
15 Brooklyn, but you're right. That's still  
16 something that's on a drawing board. We'd like  
17 to see that happen so we can handle some of the  
18 CND material through there and shift our--and  
19 that ties in with Gander [phonetic] street  
20 having a recycling export or transfer point  
21 there for the paper and NGP from Manhattan.

22 CHAIRPERSON JAMES: And let me--and  
23 my silence in regards to the statements by  
24 Council that this bill would require an  
25 environmental impact statement or an

2 environmental review. That's really a question  
3 of fact and I'm not prepared to concede that  
4 point. This is really nothing more than an  
5 attempt to reduce through-puts in over-burdened  
6 districts and to transfer it to other  
7 communities, other transfer stations where  
8 there is capacity, and I'm not sure whether or  
9 not an environmental impact statement would be  
10 required. Council Member Jackson?

11 COUNCIL MEMBER JACKSON: Thank you.

12 Thank you, Chair. Good morning everyone.

13 COMMISSIONER DOHERTY: Morning.

14 COUNCIL MEMBER JACKSON: So,

15 Commissioner, I just have a couple questions.  
16 So, as someone that is not very knowledgeable  
17 about this particular field even though I am on  
18 the Sanitation and Solid Waste Committee, even  
19 though I approve and voted for the Solid Waste  
20 Management law that we passed, a through-put is  
21 the actual amount of waste that goes through  
22 water marine transfer station, is that correct?

23 COMMISSIONER DOHERTY: Yes, sir.

24 COUNCIL MEMBER JACKSON: Okay. So I  
25 heard you and your other staff members of the

2 Department of Sanitation, Deputy Commissioners  
3 or legal counsel indicate that the voluntary  
4 discussions as far as capacity with 6,000 that  
5 was agreed to, but when you went to the City  
6 Council you basically got no feedback from the  
7 City Council to continue that. That's what I  
8 heard you and your representatives say, and  
9 that you were willing to even possibly discuss  
10 even more than 6K, six tons per day, but in  
11 essence you never really get any type of  
12 feedback or meetings with the City Council in  
13 order to move in that direction.

14 COMMISSIONER DOHERTY: On the  
15 negotiations with the private industry and what  
16 we said to the Council was strictly for the  
17 6,000 tons. I had and City had a negotiation  
18 with Council Member Reyna on looking at the  
19 6,000 and going higher than that. We kind of  
20 were looking at a higher number, but the  
21 negotiation between us fell apart,  
22 unfortunately.

23 COUNCIL MEMBER JACKSON: Okay. And  
24 the 6,000 tons per day as far as capacity, what  
25

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2 was the breakdown within the Brooklyn and Bronx  
3 and Queens? I mean--

4 COMMISSIONER DOHERTY: [interposing]  
5 I don't have those numbers right now, sir.

6 COUNCIL MEMBER JACKSON: Diana Reyna  
7 or Council Member Reyna indicated to me that of  
8 all the transfer stations in her district that  
9 was--it equals about 20,000 tons per day  
10 capacity. Would it be safe to say that about  
11 half or more of the 6,000 was the reduction and  
12 the capacity was in her district?

13 COMMISSIONER DOHERTY: The 6,000, I  
14 can't say for sure. It was basically to reduce  
15 capacity in a four zone. Maybe--Commissioner  
16 Orlin worked on this--

17 COUNCIL MEMBER JACKSON:  
18 [interposing] Sure.

19 ROBERT ORLIN: Yeah, Council Member,  
20 the reductions that we negotiated through oral  
21 agreements have not been made public because  
22 there was no final action, and as I had  
23 indicated to Council Member Reyna earlier, I  
24 think it's best. I'd be happy to discuss the  
25 reductions through the negotiations that we

2 had, but because these were not final  
3 reductions and we hadn't memorialized these  
4 reductions in written agreements, we're not in  
5 a position to discuss what we negotiated  
6 because it wasn't a final action by the City,  
7 and these numbers have not been made public  
8 outside to the Council.

9 COUNCIL MEMBER JACKSON: Okay. I  
10 think I believe or heard the request for that  
11 list and that list was going to be submitted is  
12 that correct?

13 ROBERT ORLIN: Yes, and we forwarded  
14 that list to the Council in 2008, and I believe  
15 Council Member Reyna received a copy during  
16 this hearing.

17 COUNCIL MEMBER JACKSON: Is that the  
18 one that Council Member Reyna requested that  
19 you ask someone to email to us this morning?

20 ROBERT ORLIN: Yes. I--my  
21 understanding was that she had received it  
22 during this hearing, but if she didn't, we'll  
23 email it after this hearing.

24 COUNCIL MEMBER JACKSON: Okay. So  
25 the marine transfer stations, I believe that

2 the discussions and part of this legislation is  
3 when marine transfer stations come online in  
4 the respective boroughs. I heard, I believe  
5 one of you in response to Diana Reyna that that  
6 would reduce the through-put at some of the  
7 transfer stations because it would then be  
8 going to the marine transfer station in that  
9 respective borough. Am I right?

10 COMMISSIONER DOHERTY: Correct.

11 COUNCIL MEMBER JACKSON: But there's  
12 no specific number of what that reduction is,  
13 or is there proposed reductions of shifting  
14 from the transfer station to the MTS in an  
15 essence to reduce the through-put on a daily  
16 basis at those other transfer stations?

17 COMMISSIONER DOHERTY: The transfer  
18 stations that we have not entered into a 20  
19 year contract and there's basically three of  
20 them in the City, one in the Bronx, one in  
21 Brooklyn, and one in Queens we're still working  
22 on. That tonnage would go there. It's the  
23 transfer stations that have received material  
24 that we will send to the marine transfer  
25 stations when they open up. An example I used

2 was in Queens 12, the Jamaica area, the two--  
3 there's only two transfer stations out there  
4 privately operated, and we probably put through  
5 probably 90 percent of the waste that they  
6 receive is from us. That will go to north  
7 shore. That'll happen. North Shore Marine  
8 Transfer Station in Queens, that'll happen  
9 probably in the fall of next year. So that'll  
10 come out. And there is a little bit here and  
11 there at some of these other transfer stations  
12 that we would pull out. Probably in Brooklyn we  
13 may be pulling some out of one of the transfer  
14 stations also as we get all the transfer  
15 stations on. And remember, we have to get the  
16 one down in southwest one. That's down the  
17 line yet, and we do that--more waste comes out.  
18 A couple of them are in Brooklyn.

19 COUNCIL MEMBER JACKSON: When you  
20 say, okay, so north shore, that's a marine  
21 transfer station?

22 COMMISSIONER DOHERTY: That's a  
23 marine transfer station, yes, sir.

24 COUNCIL MEMBER JACKSON: When you  
25 say north shore, I think of north shore Long



2 Island. Is that the north shore on Long Island  
3 we're talking--

4 COMMISSIONER DOHERTY: [interposing]  
5 Well, it's the north shore of that part of  
6 Queens.

7 COUNCIL MEMBER JACKSON: Oh, okay.  
8 Okay.

9 COMMISSIONER DOHERTY: I don't know  
10 the history of it, but it's been the north  
11 shore as long as I can remember in the  
12 Department; that goes back a ways.

13 COUNCIL MEMBER JACKSON: Okay. The  
14 marine transfer stations, the capa--I heard, I  
15 think in response to a question that the MTS's  
16 will only handle putrescible, in essence  
17 household garbage. Is that correct?

18 COMMISSIONER DOHERTY: Correct, sir.

19 COUNCIL MEMBER JACKSON: Not CND  
20 which is construction and debris?

21 COMMISSIONER DOHERTY: Right. The  
22 only one as the Chair mentioned, James  
23 mentioned that the--we have plans to turn the  
24 59<sup>th</sup> Street marine transfer station into a CND  
25 transfer station if we can work that out.

2 COUNCIL MEMBER JACKSON: Under the  
3 Solid Waste Management Plan that was passed  
4 into law, it was my understanding, correct me  
5 if I'm wrong, that the 59<sup>th</sup> Street marine  
6 transfer station was supposed to be for paper.  
7 Is that correct?

8 COMMISSIONER DOHERTY: No, that,  
9 what we want to do is we'd like to--we plant a  
10 bill at transfer station down at Gander  
11 [phonetic] Street in lower Manhattan.

12 COUNCIL MEMBER JACKSON: Gander  
13 point?

14 COMMISSIONER DOHERTY: Gander Street  
15 in lower Manhattan. It's around 12th Street.  
16 Just below 14<sup>th</sup> Street on the west side where  
17 we would ship the metal, glass and plastic, and  
18 the paper collected in Manhattan--

19 COUNCIL MEMBER JACKSON:  
20 [interposing] To Brooklyn?

21 COMMISSIONER DOHERTY: NO, it would  
22 go to, yeah, maybe Brooklyn. Paper goes to  
23 Staten Island right now, and the paper  
24 currently comes out of the 59<sup>th</sup> Street marine,  
25 we want to ship down, rebuild it. So that

2 would open up that facility probably with some  
3 work that would have to be done to redesign the  
4 facility to handle CND, but that's an ultimate  
5 plan; we'll see if we can do it.

6 COUNCIL MEMBER JACKSON: Sure. But  
7 was--my questions to you was that part of the  
8 law that we passed in 2006? That was the real  
9 question. In essence was there a shift from  
10 what we passed into law to what the division is  
11 at this point in time?

12 COMMISSIONER DOHERTY: It called for  
13 the Gander Street and also called for the 59<sup>th</sup>  
14 Street, I believe.

15 COUNCIL MEMBER JACKSON: 59<sup>th</sup> called  
16 for paper now, and then CND--

17 COMMISSIONER DOHERTY: [interposing]  
18 No, paper for now, CND when we get the Gander  
19 Street one opened up.

20 COUNCIL MEMBER JACKSON: Okay, is  
21 that what the law basically said? And I'm just  
22 asking.

23 COMMISSIONER DOHERTY: I believe  
24 that was in there. Yeah, that was in there.

2 COUNCIL MEMBER JACKSON: Okay. So as  
3 far as capacity for the MTS's, is there a goal  
4 or is there a fix amount of residential  
5 capacity that is scheduled to go to the MTS's,  
6 and if so, what is that and then what is the  
7 capacity to handle of the MTS's?

8 COMMISSIONER DOHERTY: The Solid  
9 Waste Management Plan, the construction of  
10 marine transfer stations envisioned waste  
11 coming from certain areas of the City going to-  
12 -for example, the north shore transfer station  
13 in Queens would take most of the residential  
14 waste in Queens, and there was another facility  
15 we're working on for long term contract in  
16 Queens that would also take waste 'cause north  
17 shore couldn't take it all. There is also come  
18 capacity in all the transfer stations no matter  
19 where it comes from to handle commercial waste  
20 into them. How we get it there, how we get  
21 them into it, the capacity it there for a  
22 certain amount of tonnage to go in there. That  
23 tonnage for each of the transfer stations was  
24 agreed upon in the Solid Waste Management Plan  
25 as to how many tons would go through it.

2 Mostly for the residential waste that we  
3 collect and the capacity to have some room for  
4 commercial waste.

5 COUNCIL MEMBER JACKSON: And you had  
6 indicated that Queens, most of it or all of it  
7 would go towards north shore.

8 COMMISSIONER DOHERTY: Yeah.

9 COUNCIL MEMBER JACKSON: What is the  
10 though-put now of Queens, because in essence I  
11 want to know is that 2,000 TPD, or is 5,000?  
12 In essence if it's going to go to north shore.

13 COMMISSIONER DOHERTY: Queens  
14 handles about 32,000. Queens generates on  
15 residential maybe around 28 or 30. On a daily  
16 basis, I think it's about 28.

17 THOMAS MILORA: 2,800.

18 COMMISSIONER DOHERTY: 28,000 tons a  
19 day, that's what they generate right now.

20 COUNCIL MEMBER JACKSON: Not 28,000-

21 -

22 COMMISSIONER DOHERTY: No, 2,800.

23 I'm sorry. Big numbers.

24 COUNCIL MEMBER JACKSON: I know you  
25 didn't mean that, I know.

2 COMMISSIONER DOHERTY: Forgot my  
3 decimal place. Yeah, it would do that, and  
4 that's on an average day.

5 COUNCIL MEMBER JACKSON: Yeah.

6 COMMISSIONER DOHERTY: We're talking  
7 about an average day. And you have peaks,  
8 you'll have seasonal changes and stuff like  
9 that.

10 COUNCIL MEMBER JACKSON: But I'm  
11 just trying to understand it. Okay, so if in  
12 fact the game plan was for, or is for north  
13 shore to handle, let's say a majority of the  
14 2,800 tons plus some other tonnage from  
15 everywhere else.

16 COMMISSIONER DOHERTY: Right.

17 COUNCIL MEMBER JACKSON: So, in  
18 essence is there already been set a maximum  
19 amount of tonnage for the MTS's to handle under  
20 the whole entire plan?

21 COMMISSIONER DOHERTY: Yes.

22 COUNCIL MEMBER JACKSON: And if so,  
23 what is that for each one? Or is it the same  
24 for each one, or it's a different one,  
25 different capacity for each one?

2 COMMISSIONER DOHERTY: Each one has  
3 a different capacity. The two bigger ones, and  
4 I'll have Commissioner Diggins give you the  
5 numbers in a minute. The two bigger ones are  
6 north shore and the Hamilton area. They take  
7 the maximum. 91<sup>st</sup> Street and Southwest has a  
8 much lower capacity. Go ahead then.

9 COUNCIL MEMBER JACKSON: Sure. Thank  
10 you.

11 DENNIS DIGGINS: My name is Dennis  
12 Diggins. I'm the Deputy Commissioner of Solid  
13 Waste Management. Each facility is permitted  
14 for a certain amount of tonnage by the DEC.  
15 They're all pretty much similar as far as their  
16 total permitted capacity, but as far the  
17 contract to operate this facility that's based  
18 on what our through-put's going to be there. So  
19 for north shore MTS, we average there on a  
20 given day right now in FY13, 1,846 tons a day.  
21 The maximum capacity right there is 3,672 tons  
22 a day. That's the permitted capacity for the  
23 facility.

24 COUNCIL MEMBER JACKSON: 36 what?

25 DENNIS DIGGINS: 72.

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2 COUNCIL MEMBER JACKSON: 72 tons a  
3 day.

4 DENNIS DIGGINS: That's the peak  
5 day.

6 COUNCIL MEMBER JACKSON: 3,600 or  
7 36,000?

8 DENNIS DIGGINS: 3,672.

9 COUNCIL MEMBER JACKSON: Okay. And  
10 the other ones that are scheduled to come on  
11 board?

12 DENNIS DIGGINS: Hamilton Avenue  
13 would 3,520 tons per day. 91<sup>st</sup> Street would  
14 1,860 tons.

15 COUNCIL MEMBER JACKSON: That's a  
16 maximum capacity?

17 DENNIS DIGGINS: That's the maximum  
18 peak day capacity that goes through. There are  
19 upset limits to that where they allow you in  
20 following an emergency situation where there is  
21 weather event. There's also upset conditions  
22 where they allow, if there's another component  
23 of the Solid Waste Management Plan breaks down,  
24 we can shift capacity there.

25



2 COUNCIL MEMBER JACKSON: And that  
3 decision is made by whom?

4 DENNIS DIGGINS: Then New York State  
5 Department of Environmental Conservation sets  
6 those limits.

7 COUNCIL MEMBER JACKSON: So in  
8 essence, if the Commissioner felt or you as the  
9 Deputy Commissioner felt that that was  
10 necessary, you would have to go to DEP to get  
11 approval?

12 DENNIS DIGGINS: DEC, we are  
13 approved up to these numbers without having to  
14 go to them. We have to notify them when those  
15 conditions exist, but those are permitted  
16 numbers already.

17 COUNCIL MEMBER JACKSON: Sure. Now  
18 it was mentioned, I believe in a response or in  
19 a questions about the Manhattan MTS on 91<sup>st</sup>  
20 Street about a capac--a 900 tons per day as far  
21 as either agreement or numbers that would go  
22 through there. Which one is it?

23 DENNNIS DIGGINS: Was the through-put  
24 at?

2 COUNCIL MEMBER JACKSON: No, not  
3 through-put because there's nothing there now.

4 COMMISSIONER DOHERTY: No, we agreed  
5 to a much lower number than the facility has  
6 the capacity to handle.

7 COUNCIL MEMBER JACKSON: And that is  
8 900, is that correct?

9 COMMISSIONER DOHERTY: I believe so,  
10 yes, sir.

11 COUNCIL MEMBER JACKSON: Okay. So  
12 under this--

13 [cross-talk]

14 COUNCIL MEMBER JACKSON: I'm sorry?

15 COMMISSIONER DOHERTY: No, I'm  
16 sorry. Go ahead.

17 COUNCIL MEMBER JACKSON: Under this  
18 particular bill, and under the Solid  
19 Waste Management plan, my understanding is that  
20 each borough must deal with its own residential  
21 garbage, is that correct?

22 COMMISSIONER DOHERTY: Correct,  
23 borough sustainability.

24 COUNCIL MEMBER JACKSON:  
25 Sustainability?

2 COMMISSIONER DOHERTY: Yes, sir.

3 COUNCIL MEMBER JACKSON: Now so in  
4 essence, in order to deal with this particular  
5 law, if this law was implemented the way it is  
6 written, and I heard what you had to say and I  
7 read your statement and I heard your statement  
8 as to why you disagree with it, the shifts  
9 would have to be made within each borough in  
10 order to fulfil this particular matter? Not  
11 even talking about the fact that what you  
12 expressed some haulers or some of the people  
13 that own the MTS's, they would not have  
14 anywhere else to put their garbage, 'cause they  
15 may have reached their capacity.

16 COMMISSIONER DOHERTY: Based on this  
17 legislation, the one area that definitely--  
18 well, two areas, but the Bronx because there's  
19 the transfer stations are consolidated in those  
20 two districts, one and two.

21 COUNCIL MEMBER JACKSON: In the  
22 Bronx?

23 COMMISSIONER DOHERTY: In the Bronx.  
24 The only place to go if the capacity  
25

2 particularly in the one transfer station that  
3 we use for the Bronx waste--

4 COUNCIL MEMBER JACKSON:

5 [interposing] And which one is that?

6 COMMISSIONER DOHERTY: That is the  
7 review--it's Lincoln Avenue. It's a waste  
8 management facility in the south Bronx. If  
9 that capacity is reduced, the only way I can do  
10 it is when I get to the 18 percent, that's  
11 where it gets effected, with the current  
12 through-put. That doesn't adjust for any  
13 increase in tonnage in the City, but based on a  
14 current input when the I, the Commissioner, has  
15 the ability to shift it to another transfer  
16 station in the borough which is right in that  
17 same area. The next option is to go outside of  
18 the borough, the Bronx. The option there for  
19 the City would be where does it go? The most  
20 logical one probably would send some of the  
21 putrescible waste to north shore and some of it  
22 to a privately run transfer stations in the  
23 same area. That's the possibilities.

24

25

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2 COUNCIL MEMBER JACKSON: Okay. Now,  
3 so is it true that that location you just  
4 mentioned where the transfers--

5 COMMISSIONER DOHERTY: [interposing]  
6 Right.

7 COUNCIL MEMBER JACKSON: station is,  
8 they have a rail in order to take out--

9 COMMISSIONER DOHERTY: [interposing]  
10 They rail it out. That's what we required when  
11 we asked them submit proposals for--

12 COUNCIL MEMBER JACKSON:  
13 [interposing] Rail or MTS, is that correct?

14 COMMISSIONER DOHERTY: Rail or barge,  
15 yeah, through an MTS system.

16 COUNCIL MEMBER JACKSON: Okay. So I  
17 think that's all I have for the moment.

18 COMMISSIONER DOHERTY: Thank you,  
19 sir.

20 COUNCIL MEMBER JACKSON: I  
21 appreciate it.

22 CHAIRPERSON JAMES: Thank you.  
23 We've been joined by Council Member Jim  
24 Gennaro, and I just--one question before I turn  
25 to Council Member Crowley. Commissioner, do

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2 you oppose the section of the bill, section  
3 16474 which is establishes a capacity cap of  
4 five percent of the total amount of city-wide  
5 permitted capacity for all community districts?

6 COMMISSIONER DOHERTY: Say again,  
7 I'm sorry.

8 CHAIRPERSON JAMES: There's a  
9 provision in the bill.

10 COMMISSIONER DOHERTY: Yes, the intro  
11 1170?

12 CHAIRPERSON JAMES: Yeah.

13 COMMISSIONER DOHERTY: Go ahead.

14 CHAIRPERSON JAMES: And it  
15 established a cap of five percent, do you  
16 oppose that provision?

17 COMMISSIONER DOHERTY: A cap of?

18 CHAIRPERSON JAMES: Yeah.

19 COMMISSIONER DOHERTY: A cap--

20 CHAIRPERSON JAMES: For all the  
21 other districts, the non-impacted districts.

22 ROBERT ORLIN: Right, I mean the--  
23 right. I think the legislation would cap--

24 CHAIRPERSON JAMES: [interposing] I  
25 can't hear you. I'm sorry.

2 ROERT ORLIN: I'm sorry. The  
3 legislation would cap other districts at five  
4 percent--

5 CHAIRPERSON JAMES: [interposing]  
6 Right, Correct.

7 ROBERT ORLIN: of the citywide  
8 capacity.

9 CHAIRPERSON JAMES: Do you oppose  
10 that?

11 ROBERT ORLIN: I don't think we've  
12 made a decision on that. We were focused on the  
13 18 percent reduction. I think we'd be willing  
14 to consider something like that, but we haven't  
15 focused on that.

16 CHAIRPERSON JAMES: Did you say you  
17 would be willing to consider something like  
18 that?

19 ROBERT ORLIN: We'd be willing to  
20 look at it, but we haven't focused on that at  
21 all.

22 CHAIRPERSON JAMES: Okay, thank you.  
23 Council Member Crowley?

24 COUNCIL MEMBER CROWLEY: Thank you,  
25 Chair James. Good morning almost afternoon,

2 Commissioner and Department Staff. In 2006  
3 when the Solid Waste Management Plan was put  
4 together I wasn't in the Council, but I'm  
5 curious to know whether you considered the  
6 impact that transferring the waste onto rail  
7 had in the communities where the rail would  
8 come through?

9 COMMISSIONER DOHERTY: Yes, that was  
10 one of the things. We wanted to reduce the  
11 number of long term trucks and reduce traffic  
12 in the area, and by having to go by rail or  
13 possibly by barge, you reduce the long haul.  
14 It doesn't impact the number of trucks going in  
15 there. We knew what that was going to be. It  
16 just impacts the number of trucks that take it  
17 out. So, ultimately, you reduce truck traffic  
18 in those areas.

19 COUNCIL MEMBER CROWLEY: In the  
20 district I represent, which includes Glendale,  
21 Middle Village area you have the Long Island  
22 Railroad that comes into an auto road, rail  
23 yard, which trash is coming into that yard both  
24 from Queens and Brooklyn and there's also  
25 contracts for bringing trash in from Long



2 Island. Hardly any activity and certainly no  
3 freight activity was going on in this rail yard  
4 prior to 2006. It was used mostly as a  
5 commuter rail for Long Island Railroad.

6 ROBERT ORLIN: Correct.

7 COUNCIL MEMBER CROWLEY: Since it's  
8 been happening and increasing each year, the  
9 people in my district have been suffering.  
10 Back yards are being used as rail yards. It's  
11 moving the vast majority of garbage from  
12 Brooklyn and Queens, and I bring that up today,  
13 although it's not entirely part of the bill,  
14 but I--the merit of this bill is good in that  
15 it's trying to reduce the amount of waste that  
16 overburdens one community versus another and  
17 making more of a equitable distribution of  
18 waste. But when that waste all comes into the  
19 community, the majority of which is coming into  
20 the community that I represent, the locomotives  
21 that are moving the rails, you know, that are  
22 moving the cars that are filled with garbage  
23 are not green. The noise that happens, you  
24 know, it is not within our city guidelines of  
25 acceptable noise levels, but we cannot regulate

2 it as a city because I'm faced with problems  
3 that it's, you know, the rails are controlled  
4 by the state or the federal government.

5 COMMISSIONER DOHERTY: The, just to  
6 be clear, the Brooklyn waste you're talking  
7 about is the waste that goes through there  
8 that's already on a rail car, and the there's  
9 also the waste that goes through there that's  
10 generated in Queens from another transfer  
11 station.

12 COUNCIL MEMBER CROWLEY: Right.

13 COMMISSIONER DOHERTY: Okay.

14 COUNCIL MEMBER CROWLEY: What I  
15 don't believe was taken into consideration is  
16 not the trucks, but now the amount of garbage  
17 that's moving on the rail. The garbage is  
18 lining up in the middle of the night, and it's  
19 the process of pressurizing the brakes and  
20 lining up the mile and half of garbage, not to  
21 mention the smell that comes with it, has made  
22 a severe disruption in my district. It's one  
23 of the number one complaints I've been  
24 receiving as a Council Member?

2 COMMISSIONER DOHERTY: I'm aware of  
3 those complaints early on. I thought that, my  
4 understanding was most of those noise  
5 complaints have been addressed. I haven't in  
6 recent times heard any issues about the noise.  
7 I think they addressed it. And I believe the  
8 Waste Management which handles this stuff and  
9 the Queens transfer station has agreed to  
10 purchase the newest type of tra--not that, but  
11 the diesel, the engine. It won't be a diesel  
12 engine. It'll be electric, I believe. So it'll  
13 be from that viewpoint a more environmentally  
14 run operation. That's one part of it they  
15 agreed to do as far as the exhaust from the  
16 train. The noise, I understood they had  
17 corrected. I don't--I'm not aware of any more,  
18 but we'll look at it. We always are.

19 COUNCIL MEMBER CROWLEY: There's  
20 noise and there's no plan for more than one  
21 green engine. The State is helping to  
22 subsidize the cost of that new locomotive, but  
23 a number of them are used. I think up to four,  
24 maybe even eight during the course of lining up  
25 these trains and moving them, and they're

2 contaminating environmentally the air in and  
3 around the area, and as you've mentioned,  
4 you've heard the complaints of noise, but as  
5 well as smell. And even though these more  
6 sophisticated containers that Waste Management  
7 is using are better than what they were, it's  
8 still causing--it's really disrupting the  
9 quality of life and people in my district are  
10 suffering. So therefore, I'd just like to make  
11 sure that these concerns are addressed when we  
12 continue to look at the bill here, and  
13 understand that it's not just where the  
14 transfer stations are located, but what  
15 happens, sort of the hidden life of this  
16 garbage after it leaves the transfer station to  
17 make sure that if a community is going to be  
18 impacted and burdened, that there's some  
19 mitigation and help for that community. Thank  
20 you.

21 CHAIRPERSON JAMES: So now we have  
22 one question from Council Member Maria Carmen  
23 del Arroyo, and then Council Member Diana Reyna  
24 will close this panel.

2 COUNCIL MEMBER ARROYO: Thank you,  
3 Madame Chair, and I'll be brief. I just--in  
4 the Bronx, our belief is that where the  
5 opportunity lies to achieve reduction is not in  
6 the residential as much as the CND capacity.  
7 There are a number of very small facilities,  
8 but by in large, they all have not only access  
9 capacity, but they're so small and functioning  
10 in many cases out of a warehouse space, that if  
11 they're doors down you really don't know what's  
12 going on behind that gate. So one of the  
13 things that I hope that we can look at is  
14 zeroing in on where we have the best  
15 opportunity to reduce. I don't believe that  
16 the Bronx produces the construction and  
17 demolition garbage that requires as many  
18 transfer stations permitted in the borough. So  
19 if we're going to function from borough self  
20 sufficiency, then we need to look at the CND  
21 permitted capacity in the Bronx and line it up  
22 appropriately.

23 COMMISSIONER DOHERTY: I don't  
24 disagree with that, we just have to see what we  
25 can do on that. There is a lot of capacity

2 that's unused. The concern we have to figure  
3 out is, you know, what history has showed us.  
4 There's been surges in construction and we need  
5 those transfer stations, but you know, what  
6 can--where's the middle ground that we can  
7 reach to get some type of a reduced through-put  
8 or permitted capacity.

9 COUNCIL MEMBER ARROYO: But my  
10 point, Commissioner, is that not all of that  
11 debris is coming from the Bronx, and if we're  
12 going to focus our energy on borough self  
13 sufficiency, then we do not need as many  
14 permitted CND transfer stations in the Bronx as  
15 we actually have now, and that's my point.

16 COMMISSIONER DOHERTY: I would love  
17 to go hand in hand with you to any of the other  
18 boroughs and sit down and work with the  
19 communities on opening up new--

20 COUNCIL MEMBER ARROYO:  
21 [interposing] No, no, no. Let's function from  
22 the spirit of self-sufficiency.

23 COMMISSIONER DOHERTY: Agreed, but  
24 we have to find a place.

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2 COUNCIL MEMBER ARROYO: So if we're  
3 going to go from that premise, then we don't  
4 need that many transfer stations in the Bronx.  
5 Thank you, Madam Chair.

6 CHAIRPERSON JAMES: Council Member  
7 Reyna?

8 COUNCIL MEMBER REYNA: Thank you,  
9 Madam Chair. I just wanted to just address the  
10 fact that you, Commissioner, were mentioning  
11 peak day numbers with Council Member Jackson,  
12 but did not continue, and I just wanted to make  
13 sure that we completed that exercise. You  
14 mentioned north shore, MTS is 3,672 on peak  
15 days.

16 COMMISSIONER DOHERTY: That's  
17 maximum, yes.

18 COUNCIL MEMBER REYNA: East 91<sup>st</sup>  
19 Street is 1,860.

20 COMMISSIONER DOHERTY: According to  
21 what I have, yes.

22 COUNCIL MEMBER REYNA: Hamilton  
23 Avenue 3,520?

24 COMMISSIONER DOHERTY: Right.

25

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2 COUNCIL MEMBER REYNA: Southwest  
3 Brooklyn MTS?

4 COMMISSIONER DOHERTY: That is much  
5 lower, 2,106.

6 COUNCIL MEMBER REYNA: And 59<sup>th</sup>  
7 Street?

8 COMMISSIONER DOHERTY: We don't a  
9 have a rest--we don't have a number on that  
10 because we never worked out completely how that  
11 would be handled.

12 COUNCIL MEMBER REYNA: So how would  
13 that have been proposed in SWMP without  
14 numbers?

15 COMMISSIONER DOHERTY: It would just  
16 propose that it would be addressed as a CND  
17 location to remove waste. Actually, at one  
18 point they talked about it, well yeah, it was a  
19 CND to remove waste. But we never got down to  
20 working the engineering of that facility to the  
21 point where we could determine what would get  
22 through there. And it was talked about at that  
23 time with a lot of people about CND waste out  
24 of Manhattan basically.

25



2 COUNCIL MEMBER ARROYO: Waste from  
3 Manhattan as in?

4 COMMISSIONER DOHERTY: The CND  
5 construction and demolition waste that was  
6 generated in Manhattan.

7 COUNCIL MEMBER ARROYO: So I'd  
8 imagine that you have some type of peak tonnage  
9 per day that you can account for in order to  
10 approve what would be any design and  
11 engineering of 59<sup>th</sup> Street moving forward.

12 COMMISSIONER DOHERTY: We didn't  
13 settle on what the tonnage that would go  
14 through that facility. That was something that  
15 would have to come from an engineering design  
16 that we never got to that point in determining--  
17 -

18 COUNCIL MEMBER ARROYO: I understand  
19 the point of--

20 COMMISSIONER DOHERTY: [interposing]  
21 Yeah.

22 COUNCIL MEMBER ARROYO: not  
23 settling, but I can't imagine that you're going  
24 to propose something and not have some type of  
25 accountability of an estimated number that

2 you're accounting for based on Department of  
3 Sanitation data. I want to just--

4 COMMISSIONER DOHERTY: [interposing]  
5 We know it--

6 COUNCIL MEMBER ARROYO: [interposing]  
7 make sure that you understand where I'm coming  
8 from, Commissioner. You're mentioning that  
9 you're concerned about CND capacity in the City  
10 of New York reduction, and now you're saying  
11 that you don't have an accountability for CND  
12 59<sup>th</sup> Street MTS proposed within SWMP for any  
13 tonnage per day.

14 COMMISSIONER DOHERTY: No, we did not  
15 figure that out.

16 COUNCIL MEMBER ARROYO: So how will--  
17 -why would you then say that you have a concern  
18 amongst what would be the introduction of this  
19 proposed law when the concern really relies on  
20 the fact that the Department of Sanitation  
21 really hasn't gone through the exercise of West  
22 59<sup>th</sup> Street MTS which was proposed in SWMP?

23 COMMISSIONER DOHERTY: The law, the  
24 Introduction 1170 is focusing on four districts  
25 in the City. The 59<sup>th</sup> street marine transfer

2 station is not in those four districts. So we  
3 didn't look at it. We're just looking at what  
4 the legislation proposes, not what--

5 COUNCIL MEMBER ARROYO:

6 [interposing] But the legislation proposes  
7 capacity, capacity as far as permits are  
8 concerned, and so tonnage per day matters  
9 because we're trying to reduce tonnage per day.  
10 So I'm trying to understand and take into  
11 account your concern, but if you have no data  
12 supporting your concern as to what was proposed  
13 in West 59<sup>th</sup> Street because you haven't gone  
14 through those numbers, I find it very odd that  
15 you can raise these concerns on Intro 1170.

16 ROBERT ORLIN: Council Member, the  
17 numbers that Commissioner Diggins is reading to  
18 you, those weren't known in 2006 either. That  
19 was a result of a permit process with DEC. So  
20 any number for West 59<sup>th</sup> Street would have to  
21 be the result of an environmental review and a  
22 permit issued by DEC and working with the  
23 proposed operator to see what can safely and  
24 environmentally go through the facility. We're  
25 not at that stage yet.

2 COUNCIL MEMBER ARROYO: Sounds like  
3 Manhattan once again will not have an  
4 additional MTS proposed moving forward because  
5 of the environmental review exercise hasn't  
6 even started; we don't know the data that we're  
7 going to be able to utilize in order to propose  
8 what would be any reduction anywhere else.

9 COMMISSIONER DOHERTY: Well, I mean,  
10 we have to get--before we could use 59<sup>th</sup>  
11 Street, we have to get Gander street up and  
12 operating and that's down the road. I mean,  
13 when you look at, there's plenty of capacity in  
14 the City. The question is--and there's very  
15 low through-put and when you look at it as a  
16 whole, but, you know, how much can be reduced  
17 on through-put. I don't think you want to  
18 reduce the through-put they have now. What you  
19 want to do is try and reach a number, somewhere  
20 between the through-put now and what their  
21 permitted capacity is to ensure we have the  
22 capacity as a city to handle the CND material.  
23 Whether you open up another transfer station  
24 for CND down the road in 59<sup>th</sup> Street, the  
25 economy of having a transfer station there to

2 receive waste from any of the companies that  
3 are demolishing buildings or doing renovations,  
4 probably the economics of it would work better  
5 for them to go to that 59<sup>th</sup> Street marine  
6 transfer instead of going to the Bronx or to  
7 Brooklyn. But we don't know that at this  
8 point.

9 COUNCIL MEMBER ARROYO:

10 Commissioner, is it not true that in SWMP, the  
11 environmental review studied what would be a  
12 proposed between 1,600 and 2,000 tons per day  
13 for West 59<sup>th</sup> Street?

14 ROBERT ORLIN: There was a very  
15 general review done, but for 59<sup>th</sup> Street--

16 COUNCIL MEMBER ARROYO:

17 [interposing] But you're saying there wasn't,  
18 and so--

19 ROBERT ORLIN: [interposing] No, no,  
20 no.

21 COUNCIL MEMBER ARROYO: We need to  
22 be consistent with our answers for the record.

23 ROBERT ORLIN: Specifically, the  
24 SWMP we left open what exactly would be because  
25 we couldn't do a detailed environmental--

2 COUNCIL MEMBER ARROYO: [interposing]

3 At what tonnage per day?

4 ROBERT ORLIN: We just--I don't  
5 think we got in--there was no detailed  
6 environmental review done in the SWMP for West  
7 59<sup>th</sup> Street. We specifically said that would  
8 have to wait until we had an operator who could  
9 assess what type of volume of the--

10 COUNCIL MEMBER ARROYO: [interposing]

11 And you mentioned that there was one proposal  
12 from SIMS?

13 ROBERT ORLIN: That's right. SIMS  
14 was selected.

15 COUNCIL MEMBER ARROYO: So based on  
16 what data would SIMS be appropriately  
17 responding to any proposal on?

18 COMMISSIONER DOHERTY: They just  
19 proposed to run it as a recycling transfer  
20 station. The negotiation with SIMS did not get  
21 into how it could be handled, what would have  
22 to be done there. We know we would require to  
23 make changes in the facility to handle  
24 construction and demolition waste, how that  
25 would be handled and when you do a new design,

2 how much could be handled was a questions that  
3 was unanswered by us and it was unanswered by  
4 SIMS. We don't know that until we do the--  
5 environmental studies will actually get the  
6 permits and see what's operational and feasible  
7 and when you can build something there at that  
8 facility.

9 COUNCIL MEMBER ARROYO: I just want  
10 the Chair to understand, you know, in the  
11 discussions of SWMP and the negotiations, one  
12 of the critical points raised by the Council,  
13 especially as far as I'm concerned, having  
14 understood being disproportionately the  
15 district that carries the most waste,  
16 putrescible and non-putrescible, that the  
17 conversion of CND to putrescible was a valid  
18 point, and we were able to protect our  
19 community from those conversions as stipulated  
20 in SWMP so that there is language stating that,  
21 and I concluded that point because we didn't  
22 want a situation like the possibilities of West  
23 59<sup>th</sup> Street not being able to be constructed in  
24 the future for whatever reason, political or  
25 nonpolitical, that then would require tonnage

2 to continue as is in the outer boroughs as far  
3 as Brooklyn BK1 is concerned where we host what  
4 would be the majority of the waste transfer  
5 facilities, 16 to be exact with 20,000 tons per  
6 day of capacity of which none has been reduced  
7 to today. So I look forward to a very quick  
8 discussion, quick turnaround in the few days  
9 left of this administration and this council  
10 before my term limit, December 31<sup>st</sup> date, to be  
11 able to have a legislation that we can both  
12 agree on and we can fulfill the commitments  
13 that were achieved in written documentation  
14 furthermore with action. Thank you, Madam  
15 Chair.

16 CHAIRPERSON JAMES: Thank you.  
17 Commissioner, before you leave, how often does  
18 Sanitation visit the transfer stations?

19 COMMISSIONER DOHERTY: I said  
20 approximately every week.

21 CHAIRPERSON JAMES: Every week?

22 COMMISSIONER DOHERTY: Yeah.

23 CHAIRPERSON JAMES: And how many--

24 COMMISSIONER DOHERTY: [interposing]  
25 Average.



2 CHAIRPERSON JAMES: How many NOV's  
3 have been issued?

4 COMMISSIONER DOHERTY: There was 17  
5 last year.

6 CHAIRPERSON JAMES: For the entire  
7 City?

8 COMMISSIONER DOHERTY: For the  
9 transfer station, yes. And was it the--[off  
10 mic]

11 THOMAS MILORA: There were 17  
12 violations for a particular code, which is  
13 violating the transfer station operating rules.  
14 There are multiple summons as written for  
15 effects around the transfer stations, including  
16 truck traffic, trucks, air, the general area.

17 CHAIRPERSON JAMES: And is there a  
18 significant difference in the level of NOV's  
19 that are issued? I mean, are there some, you  
20 know, minor versus more serious infractions?

21 THOMAS MILORA: Yeah, the 17  
22 violations that I mentioned, the minimum fine  
23 is 2,500 dollars. If it was a second or third  
24 time it would go to 10,000 dollars. The  
25 ancillary violations which are to trucks,

2 they're fairly constant. We issue hundreds of  
3 them. We're continually in those four  
4 community boards, so those numbers are higher.

5 CHAIRPERSON JAMES: And have you--  
6 the, I would imagine the 10,000 is for the more  
7 serious infraction. Have you issued any more  
8 really serious violations in the City of New  
9 York in those four districts?

10 THOMAS MILORA: Due to the frequency  
11 of our inspections, I think the industry knows  
12 what we expect. They've been around for many  
13 years, a lot of these facilities. So they  
14 really, they do a decent job of operating  
15 within the rules. So there's not many at 10.  
16 When we hit somebody with a 10,000 violation,  
17 they usually react pretty quickly.

18 CHAIRPERSON JAMES: Have you closed  
19 down any?

20 THOMAS MILORA: Throughout the years  
21 we've closed down many, yes.

22 CHAIRPERSON JAMES: But they've been  
23 allowed to re-open?

24 THOMAS MILORA: I don't believe any  
25 that we've shut down reopened, no.

2 CHAIRPERSON JAMES: Okay. And is  
3 there a metric for counting the number of type  
4 of complaints for each facility? Can I--is  
5 there a place where you can go online and see  
6 the violations?

7 COMMISSIONER DOHERTY: The  
8 violations, the only way--we get violations--  
9 for violations or for complaints?

10 CHAIRPERSON JAMES: Complaints.

11 COMMISSIONER DOHERTY: Complaints,  
12 we don't receive a lot of complaints  
13 interestingly enough. We look at the 311. We  
14 get letters. We get reports from our uniform  
15 field officers that are in the area, or  
16 supervising waste collection operations or  
17 plain street cleaning in the area, but since we  
18 put local law 40 in and we've done major  
19 inspections on a regular basis at these  
20 transfer stations, we don't get that many  
21 complaints coming in on.

22 CHAIRPERSON JAMES: How many officers  
23 are dedicated to inspection, towards inspection  
24 of these facilities?

25 COMMISSIONER DOHERTY: Seventeen.

2 THOMAS MILORA: Seventeen officers.

3 CHAIRPERSON JAMES: And how many  
4 facilities are enclosed?

5 THOMAS MILORA: All putrescible  
6 facilities are required to being closed and  
7 they are, and there's about five CND facilities  
8 that are mostly--four are fully enclosed, one  
9 is partially enclosed.

10 CHAIRPERSON JAMES: And do they have  
11 odor control systems?

12 THOMAS MILORA: Putrescible  
13 facilities do, yes.

14 CHAIRPERSON JAMES: Okay. And is  
15 there a violation for truck cuing?

16 THOMAS MILORA: There's not a violat-  
17 -not for truck cuing per say. The new  
18 operational rules require facilities to, any  
19 new facility to have area dedicated for on site  
20 truck cuing. We would issue a idling violation  
21 if somebody was sitting around in a vehicle for  
22 more than three minutes, and the vehicle wasn't  
23 moving.

24 CHAIRPERSON JAMES: Okay. So let me  
25 just close by saying, Commissioner, you know,

2 based upon your statement earlier where there  
3 was a gasp, most studies have indicated that  
4 there's a link to diesel exposure and health  
5 impacts. It's widely reported and widely  
6 studied, and so obviously, moving forward that  
7 is my concern and I would hope that we would  
8 begin negotiations as was mentioned by Council  
9 Member Diana Reyna, and I hope that we can come  
10 to some conclusion on this bill, and I thank  
11 you and I look forward to working with you for  
12 the next 60 days, 65 days.

13 COMMISSIONER DOHERTY: What about our  
14 next careers?

15 CHAIRPERSON JAMES: Oh, and our  
16 next--oh, so let me--my last, my very very last  
17 questions is do you--if the next mayor whoever  
18 it might be, if they offer you--are you going  
19 to stay on?

20 COMMISSIONER DOHERTY: What's the  
21 saying, you don't want to measure the drapes  
22 before you got the office?

23 CHAIRPERSON JAMES: So let's  
24 hypothetically if one of the mayors says stay  
25 on or whoever the mayor is if they say--

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2 COMMISSIONER DOHERTY: [interposing]

3 I enjoy doing my job.

4 CHAIRPERSON JAMES: So you would take  
5 on another term?

6 COMMISSIONER DOHERTY: I would  
7 seriously consider it, yes.

8 CHAIRPERSON JAMES: Really? Okay.

9 Okay. Notice to--

10 COMMISSIONER DOHERTY: [interposing]

11 But I'm going to miss you. I'm going to miss  
12 you.

13 CHAIRPERSON JAMES: You know I would  
14 love to work with you as the next public  
15 advocate and hopefully you as the next  
16 Commissioner, notice to Bill de Blasio. Hear  
17 me. Hear me. Hear me. Thank you. Next panel?

18 Oh, let me just--before we--[off mic] Council  
19 Member Reyna and I would like to know is there  
20 individuals from the Department of Sanitation  
21 who are going stay throughout this hearing to  
22 hear the rest of the testimony? Who was  
23 assigned to stay? Please raise your hand.

24 [laughter] And what is her position? Is it I,  
25 you know--she's legal? Okay. Thank you. She

2 just did it. Thank you very much. The next  
3 panel--thank you Commissioner, and thank all of  
4 you for testifying. Rolando Guzman, Angela  
5 Tovar--I apologize if I mispronounced your  
6 name. Juan Osorio Camilo, Bridget Moffatt,  
7 Gavin Kearney, and Joan Levine? Please take  
8 your seats at the table. Let me read into the  
9 record testimony from CUFFH, Churches United  
10 for Fair Housing. "Dear Council Member James,  
11 Churches United for Fair Housing is a 501 C3  
12 Not for profit faith based non partisan grass  
13 roots organization which is successfully  
14 working towards creating a sustainable living  
15 community responsive to housing, open space,  
16 education, health and economic development need  
17 in or near north Brooklyn. The bill will--we  
18 support Intro 1170. This bill will implement  
19 the Solid Waste Management's plan commitment to  
20 reduce the amount of waste handled in the over-  
21 burdened communities of the South Bronx, North  
22 Brooklyn, and Southeast Queens. Nearly three-  
23 fourths of waste handled in New York City goes  
24 to transfer stations in these communities. The  
25 legislation also ensures that no New York City

2 Community will be unfairly over burdened in the  
3 future by capping the percentage of the City's  
4 waste that can be handled in any one community  
5 district. For north Brooklyn this bill will  
6 reduce approximately 1,200 tons of garbage or  
7 345 truck trips per day. Thank you for your  
8 consideration with regards, Rob Selano,  
9 Executive Director, Churches United for Fair  
10 Housing." Please choose amongst you who will  
11 testify first. I'm going to put a time limit  
12 on your testimony. I apologize, but there's a  
13 significant number of individuals that wish to  
14 testify today, and we would like to hear--we  
15 would like to hear from all of them, and so the  
16 time limit is at least three minutes, and I may  
17 cut you off if you go beyond that, so I  
18 apologize. And again, I thank you again.  
19 Council Member Reyna and I decided to blow of  
20 President Obama to be here, and so please be  
21 respectful and thank you. You may--

22 JUAN OSORIO: Good morning

23 Chairperson James and members of the City  
24 Council. My name is Juan ? and I'm here to  
25 testify in strong support of Intro 1170 on



2 behalf of the New York City Environmental  
3 Justice Alliance. NEJA is a non-profit city-  
4 wide membership network linking grassroots  
5 organizations from low income neighborhoods and  
6 communities of color in the struggle for  
7 environmental justice. Because a number of the  
8 NEJA members come from communities overburdened  
9 by garbage, our organization was a key advocate  
10 for the landmark Solid Waste Management Plan  
11 adopted by Mayor Bloomberg and the New York  
12 City Council in 2006. We have provided written  
13 testimony that I will summarize as follows.

14 The plan articulates two central goals. Number  
15 one, green garbage collection to improve air  
16 quality and quality of life by taking trucks  
17 off the street and moving garbage by barge and  
18 rail instead. Number two, borough equity to  
19 ensure that everyone handles its fair share and  
20 no community serves as a dumping ground for  
21 another, but in order to achieve this, the plan  
22 needs to be fully implemented which requires a  
23 strategy for reducing the actual garbage  
24 handled in overburdened communities. This bill  
25 provides long overdue relief for those that

2 handle a disproportionate amount of the City's  
3 waste. It will also ensure that no other  
4 community is mistreated like this in the  
5 future. Even though the south Bronx and north  
6 Brooklyn will continue to handle considerably  
7 more waste than other New York City communities  
8 after the bill's reductions take place, these  
9 decreases will have an important impact in  
10 these communities as it represents a relief for  
11 residents who experience some of the highest  
12 levels of asthma in the country and deserve  
13 cleaner air and streets. In addition, the bill  
14 will also prevent current conditions at the  
15 waste transfer stations from getting worse. In  
16 targeting reductions, it will require the City  
17 to elevate the public health impacts of a  
18 transfer station including proximity to homes,  
19 schools, and parks as well as the stations  
20 environmental and worker safety track record  
21 among other factors. NEJA commends the New  
22 York City Council Committee on sanitation for  
23 holding a hearing on this bill, creating an  
24 opportunity for public comment on this  
25 important milestone toward the implementation

2 of the Solid Waste Management Plan and urges  
3 the passage of Intro 1170. Thank you.

4 BRIDGET MOFFATT: Good morning. I'm  
5 Bridget Moffatt with the New York League of  
6 Conservation Voters, a statewide environmental  
7 advocacy organization. I would like to extend  
8 our thanks to the Committee for providing the  
9 opportunity to comment on Intro 1170 to  
10 eliminate waste overburdening. In 2006, the  
11 Oba--I mean, woah--the Bloomberg administration  
12 and the City Council developed a Solid Waste  
13 Management Plan that employs principles of  
14 environmental justice and borough equity. The  
15 plan mandates a switch from truck based systems  
16 of waste export to one of marine and rail  
17 transfer stations networks. These marine and  
18 rail transfer stations are designed to  
19 alleviate the amount of waste that are handled  
20 in the over-burdened communities of north  
21 Brooklyn, south Bronx and southeast Queens.  
22 However, nearly three-fourths of the waste  
23 handled in New York City still goes to the  
24 transfer stations in these communities today.  
25 These communities have been over-burdened with

2 the City's waste and as a result have  
3 experienced negative public health and  
4 environmental effects. The quality of life for  
5 residents of these communities is negatively  
6 impacted by the increased air pollution from  
7 truck traffic causing children and the elderly  
8 to suffer from asthma in much larger numbers  
9 than the city average. Intro 1170 will ensure  
10 fair distribution of waste in New York City  
11 communities while capping the percentage of  
12 waste that any one community can be permitted  
13 to handle. The amount of waste handled in  
14 south Bronx, north Brooklyn, and southeast  
15 Queens will be reduced by 18 percent by 2016 or  
16 when the marine transfer stations open in the  
17 community. The bill will prevent the issuing  
18 of new permits in any community district with  
19 more than five percent of the City's waste  
20 permit capacity. This legislation will also  
21 require the City to consider public health  
22 criteria to target reductions. This  
23 legislation is an important step for the City  
24 to ensure that no one community is being  
25 disproportionately burdened with the waste

2 generated from the entire city. It will  
3 guarantee fairness and equality for the New  
4 York City communities and the permits of waste  
5 transfer stations, and for these reasons, the  
6 New York League of Conservation Voters strongly  
7 supports the passage of Intro 1170. Thank you.

8           ANGELA TOVAR: Good morning. My  
9 name is Angela Tovar. I'm the Director of  
10 Policy and Research at Sustainable South Bronx.  
11 Sustainable South Bronx is a non-profit  
12 organization that seeks to address both  
13 economic and environmental issues in the south  
14 Bronx through a combination of green jobs  
15 training, community greening initiatives and  
16 social enterprise. Today I'm here to represent  
17 my organization and our members, and I'm also  
18 here as a coalition member of the Organization  
19 for Waterfront Neighborhoods and the New York  
20 City Environmental Justice Alliance. I just  
21 wanted to begin by thanking Madam Speaker and  
22 the Sanitation Committee for giving me the  
23 opportunity to testify this morning. It's my  
24 pleasure to state that Sustainable South Bronx  
25 fully supports Intro 1170. The south Bronx has

2 a long history of being over-burdened with  
3 industrial land uses. Many of these facilities  
4 are pollution producing and many rely on the  
5 diesel truck based system. In Hunts Point  
6 alone, it's estimated that 15,000 trucks pass  
7 the peninsula on a daily basis. Most of these  
8 trucks travel on local streets to reach their  
9 destinations, meaning they pass through parks,  
10 schools, day cares, and senior centers along  
11 the way. The high concentration of waste  
12 facilities contributes significantly to this  
13 overburden. Hunts Point and our neighbor to  
14 the south, Port Morris and Mott Haven together  
15 host nine transfer stations and handle--and are  
16 permitted to handle 12,000 tons of waste each  
17 day. On a typical day over 6,000 tons, 23  
18 percent of the City's waste overall is hauled  
19 in and out of the south Bronx, requiring 1,400  
20 truck trips. Some of these transfer stations  
21 are not ideal epically because they're in close  
22 proximity to the residential neighborhood and  
23 near our waterfront parks. Some of these  
24 facilities are open-air, meaning they spew  
25 debris and dust into the local community, and

2 often times some of these facilities have  
3 trucks that are idling, releasing emissions  
4 into the air. The combination of all of these  
5 result in a significant burden to the  
6 community. South Bronx residents suffer  
7 overwhelmingly from high rates of asthma, eight  
8 times higher than the national average and  
9 alarming rates of diabetes and obesity. We also  
10 have high rates of pedestrian incidents and  
11 unsafe access to our waterfront parks. We  
12 believe that Intro 1170 would eliminate several  
13 hundred trucks from the south Bronx community  
14 every day. We would still handle more than most  
15 communities, but it would be a significant  
16 reduction. We also believe that this  
17 legislation would tie directly to the Solid  
18 Waste Management Plan. It would advance it.  
19 And finally, we believe that this legislation  
20 would address the burden for communities in the  
21 future, so no community would have to bear the  
22 burden of waste. We urge the Sanitation  
23 Committee and the City Council to take a stand  
24 for environmental justice and to give our

2 communities the relief that it needs. Thank  
3 you for your time.

4 : Good afternoon. It said Good  
5 morning on this, but--and good afternoon to  
6 Council Member James, Chairperson James and  
7 other members of the Committee. My name is  
8 Joan Levine, and I'm the Co-chair of the  
9 Morningside Heights/West Harlem Sanitation  
10 Coalition, a grassroots coalition of residents  
11 and block associations committed to  
12 environmental justice on solid waste and other  
13 issues. Among other things, the coalition has  
14 worked with the City to pilot ambitious  
15 recycling initiatives in our public housing so  
16 that we can educate neighbors and decrease the  
17 City's reliance on garbage transfer stations  
18 and landfills. I'm here to express our strong  
19 support for Intro 1170. For too long, a small  
20 number of communities have been asked to handle  
21 a grossly unfair burden of the waste that all  
22 of us New Yorkers create. This is unfair and  
23 unacceptable. The legislation will provide  
24 real relief for the south Bronx, Brooklyn, and  
25 Jamaica Queens. By linking reduction to the



2 City's marine transfer stations, it would also  
3 help eliminate long haul truck trips to the  
4 city. While my community does not have any  
5 waste transfer stations like many in New York,  
6 we sit on the roots of travel of hundreds of  
7 diesel trucks every day hauling garbage out of  
8 the City for disposal. The bill also sets the  
9 standard for basic fairness by mandating that  
10 no community has to be overburdened with waste  
11 capacity in the future. For these and other  
12 reasons, I and other members of my coalition  
13 urge the Council to pass the important  
14 legislation without delay. Thank you.

15 GAVIN KEARNEY: Good afternoon,  
16 Chairperson James, members of the Council, and  
17 thank you for the opportunity to provide  
18 testimony today. My name is Gavin Kearney and  
19 I direct the Environmental Justice Program at  
20 New York Lawyers for the Public Interest. New  
21 York Lawyers has been working for over a decade  
22 with the Organization of Waterfront  
23 Neighborhoods and the New York City  
24 Environmental Justice Alliance to advance  
25 responsible and equitable solid waste

2 management practice for New York City, and I'm  
3 here today in that spirit to testify in strong  
4 support of Intro 1170. I have submitted  
5 written testimony. I'll just hit a couple of  
6 the key points, and I also want to respond a  
7 little bit to some of what we heard earlier  
8 today. I would just echo what I think we've  
9 heard from a number of folks already today and  
10 from members of the Council. The current way  
11 that New York City handles waste is grossly  
12 unfair and it's unacceptable. It's a system of  
13 most acutely harmed specific communities, but  
14 because of its excessive and unnecessary  
15 reliance on trucks it hurts New Yorkers as a  
16 whole. We need to change this. The SWMP lays  
17 out a vision for changing this, and in  
18 particular, it speaks to the need to reduce the  
19 amount of waste handled in over-burdened  
20 communities. In particular the SWMP says that  
21 the Department and the Council shall work  
22 towards meaningful reductions in the amount of  
23 waste handled in over-burdened communities,  
24 first through voluntary negotiations and  
25 failing that through legislation. As we heard

2 clearly earlier today, the voluntary  
3 negotiations did not result in meaningful  
4 reductions. They resulted in meaningless  
5 reductions. On a typical day they would have no  
6 impact in the south Bronx and north Brooklyn or  
7 in southeast Queens, and I would just point out  
8 on a peak day it is extremely unlikely that you  
9 would see any impact in north Brooklyn or the  
10 south Bronx. There is simply too much unused  
11 capacity in these communities for the  
12 negotiated reductions to have an impact on even  
13 the highest capacity days. After the reductions  
14 negotiated for north Brooklyn, if they were to  
15 go into effect, north Brooklyn would still have  
16 over two times the amount of capacity that it  
17 actually uses on a typical day. Intro 1170  
18 will make modest but meaningful impacts on  
19 these real world conditions in these three  
20 over-burdened communities. It will eliminate  
21 the excessive un-used capacity that exists in  
22 these neighborhoods and then require an 18  
23 percent reduction in the amount of waste  
24 actually handled in these communities, and this  
25 important to stress, and I think that a number

2 of folks have done this already today. Actual  
3 reductions real world impacts is what we're  
4 after. This amounts approximately to a total  
5 reduction between 2,000 and 2,500 tons per day  
6 in total. These communities will continue to  
7 handle most of the City's waste, but it will be  
8 a meaningful reduction in the amount of waste  
9 that they handle, and by timing the reductions  
10 to the opening of the City's marine transfer  
11 stations, it will contribute to the SWMP's goal  
12 of reducing long haul truck traffic in New York  
13 City and using barge and rail. It's also worth  
14 emphasizing that the bill, although it lays out  
15 criteria for prioritizing reductions in order  
16 to maximize public health benefits, give the  
17 Department of Sanitation ultimate discretion on  
18 how to target those reductions. They are not  
19 mandated to do a cross the board reductions at  
20 every transfer station. They're specifically  
21 to target the worst actors, those with the  
22 greatest local impacts, but in their  
23 discretion, they can target it as they see fit.  
24 This means targeting it at specific transfer  
25 stations. This means targeting between

2 putrescible and construction and demolition.  
3 There's a significant amount of flexibility  
4 that the Department retains under this bill,  
5 and we are confident that the bill will in no  
6 way impede the City's ability to meet its solid  
7 waste management needs. We think that Intro  
8 1170 strikes a responsible balance between the  
9 basic right of New York City residents to live  
10 in a healthy community and the City's need to  
11 manage its solid waste, and with that I'll just  
12 speak to a couple of specific things that came  
13 up today. One is since hurricane Sandy we're  
14 hearing a lot that while waste spiked post  
15 Sandy, we need all the capacity we could  
16 possibly have because who knows what's going to  
17 happen in the future. The bill specifically has  
18 emergency provisions for exceeding permit  
19 limits under emergency conditions, and in the  
20 testimony we heard today from the Commissioner,  
21 they talk about the reductions that would  
22 happen under the bill. What we have not seen is  
23 any evidence that the amount of waste handled  
24 post Sandy would exceed those reductions. They  
25 mention 77,000 tons over, you know, weekly

2 period post Sandy. That's 11,000 tons per day  
3 approximately. The bill would leave more than  
4 that capacity in place to handle waste. We  
5 heard from the Department that they fear that  
6 this bill will unfairly target the rail  
7 facilities with which they have long term  
8 contracts. The reductions required in the bill  
9 will not require that there be reductions at  
10 the rail facilities. In fact, the bill  
11 specifically says that reductions shouldn't  
12 happen at facilities that use rail or barge.  
13 The Department said that they think a SWMP  
14 amendment is likely as a result of this bill.  
15 The state regulates whether SWMP amendments  
16 need to happen through the Department of  
17 Environmental Conservation. There are specific  
18 criteria under which modifications must occur.  
19 This legislation meets none of those criteria.  
20 It's not simply a vague change in the way that  
21 waste is handled. The criteria is a change in  
22 the method, ie, if New York City were to say  
23 we're no longer going to landfill waste, we are  
24 now going to incinerate waste. This does not  
25 rise to that level. We're confident that

2 there's no need for a SWMP amendment. We're  
3 also confident that there's no need for an  
4 environmental impact assessment. It seems like  
5 that hinges on the assumption that trucks will  
6 need to drive further if they can't take all of  
7 their waste to the south Bronx or north  
8 Brooklyn. Right now, no matter where the waste  
9 generates it goes to south Bronx; it goes to  
10 north Brooklyn; it goes to southeast Queens.  
11 There's no reason to believe that those are the  
12 most efficient truck routes for waste in New  
13 York City, and I would also add that the  
14 facilities envisioned under the SWMP, this  
15 movement from land based transfer stations to  
16 marine transfer stations all went through an  
17 environmental review and each transfer station  
18 in New York City goes through an environmental  
19 review. The permits that exist today, which  
20 the bill would function within, all have been  
21 reviewed under the state environmental review  
22 act and we're confident that there's no need  
23 for a full environmental impact assessment.

24 Thank you.

2 RONALDO GUZMAN: Good afternoon,  
3 Madam Chair, Council Members. My name is  
4 Rolando Guzman, and I'm here on behalf of  
5 Williamsburg and Greenpoint Organizaitons  
6 United for Trash Reduction and Garbage Equity  
7 Outreach. We are located at North Brooklyn,  
8 Community Board One, and I just want to say six  
9 years ago or seven years ago we were actually  
10 outside celebrating with some of you with Mayor  
11 Bloomberg, the implementation of the SWMP, and  
12 when that happened we were looking for fair  
13 equity throughout this City with garbage, and  
14 we were hoping trash reductions and truck  
15 traffic reduction in our communities. Seven  
16 years later we are here and nothing has  
17 happened so far. Instead of decreasing truck  
18 traffic in our community we are seeing  
19 increase. In our recent study that Outreach  
20 conducted, in one intersection alone, we  
21 counted that over 80 trucks per hour pass by  
22 during rush hour. That is completely different  
23 than 2004 when did another study and we counted  
24 only 20 trucks. We are here supporting Intro  
25 1170 because we believe this is going to A, be



2 the missing part of the puzzle with  
3 implementation of the SWMP. It's also going to  
4 secure the communities like ours, those have  
5 been overburdened in the future with more  
6 capacity being dumped on them. We also think  
7 that this through-put reduction is going to be  
8 pretty much match it as other transfer stations  
9 come online. So, we don't believe that we are  
10 putting in risk the City of New York. We are  
11 just securing that communities like ours are  
12 not going to be again the dump run for the  
13 whole City. Williamsburg and Greenpoint  
14 process alone over 40 percent of the whole  
15 city-wide garbage. We have almost 15 transfer  
16 stations and every day we process over 7,000  
17 tons of garbage. That equals to almost 1,500  
18 diesel trucks driving our streets every day.  
19 And I just want to say, this is not just the  
20 BQE [phonetic] We are talking a street that  
21 they have playgrounds. We are talking about a  
22 street that they have senior centers, seniors  
23 housing, public housing. So this a matter of  
24 public health as well, and we thank you very

2 much for the time, and we hope that City  
3 Council's going to pass this.

4 CHAIRPERSON JAMES: Thank you. I  
5 want to ask two questions to Council, to Mr.  
6 Kearney. Mr. Kearney, some have argued that  
7 this, if this bill were to pass, it would  
8 constitute a taking. What's your response to  
9 that?

10 GAVIN KEARNEY: The bill  
11 specifically instructs that reductions that  
12 would occur at transfer stations happen as  
13 transfer station permits come up for renewal.  
14 By doing it through the renewal process, you  
15 avoid any concern of takings.

16 CHAIRPERSON JAMES: And Mr. Kearney,  
17 the argument that he Commissioner made that if  
18 this legislation were to pass, it would mean  
19 commercial and sanitation collected waste in  
20 the Bronx would go to Queens, to Queens north  
21 shore and a nearby privately operated transfer  
22 station in the flushing area. Waste from  
23 transfer stations in Brooklyn might go to  
24 Brooklyn Hamilton Avenue Marine transfer  
25 station, which will open in the spring and

2 privately operate transfer stations in Redhook  
3 in the 50<sup>th</sup> Street and First Avenue in  
4 Brooklyn. What do you say to that?

5 GAVIN KEARNEY: Sure. My  
6 understanding is that's tied to their argument  
7 that this could impede the rail facilities that  
8 they're contracted. In their testimony they  
9 construed the 18 percent reduction as an across  
10 the board reduction, and said if we have to  
11 reduce by 18 percent at these rail facilities  
12 then that 18 percent will have to go elsewhere.  
13 That's not how the bill is written. The bill  
14 says an 18 percent reduction across the  
15 community as a whole. It specifically says  
16 that in determining where to make those  
17 reductions, facilities that use rail should not  
18 be targeted for reductions. It's very much  
19 achievable to do this without effecting their  
20 long term contracts and without effecting the  
21 rail facilities.

22 CHAIRPERSON JAMES: And on CND,  
23 where would it--where would that go? You heard  
24 that the Commissioner said that they would not  
25 be in a position to handle CND.

2 GAVIN KEARNEY: So, two things I  
3 would say about that. One is that the  
4 Department has discretion to allocate  
5 reductionsn between CND and putrescible. We  
6 also heard as that as part of the SWMP, they're  
7 supposed to site a CND facility in Manhattan  
8 that would handle CND waste coming out of  
9 Manhattan. I would also that throughout the  
10 City, not clustered in the way that they are in  
11 the south Bronx and north Brooklyn, exists CND  
12 waste transfer stations that have capacity  
13 that's currently being unused. So there is room  
14 in the system outside of overburdened  
15 communities. In addition to what would remain  
16 in the overburdened communities post reductions  
17 to handle CND.

18 CHAIRPERSON JAMES: And to the  
19 entire panel, are any of you familiar with the  
20 agreements that were made with the industry in  
21 2008 on voluntary reduction?

22 GAVIN KEARNEY: I am, yeah.

23 CHAIRPERSON JAMES: Yeah. What was  
24 your--and your thoughts on that agreement?

2 GAVIN KEARNEY: I would just  
3 reiterate, I think, what we heard earlier today  
4 which is if you look at the reductions you look  
5 at what--I mean, the Commissioner said as much  
6 what people were voluntarily willing to give up  
7 was permit capacity that they were not using,  
8 and if you add up all of those reductions and  
9 you look at what they're going to do in the  
10 south Bronx and in north Brooklyn and southeast  
11 Queens, there's going to be no impact on the  
12 South Bronx and north Brooklyn, and only on  
13 peak days, the most minimal impact, a few dozen  
14 tons of garbage coming out of southeast Queens  
15 and only on peak days, and that is not the  
16 meaning for reductions envisioned in the SWMP,  
17 and it's certainly not what folks fought for in  
18 passing the SWMP and in striving to achieve  
19 equity in New York City.

20 CHAIRPERSON JAMES: Thank you, Mr.  
21 Kearney. I apologize for mispronouncing your  
22 name earlier.

23 GAVIN KEARNEY: No problem.

24 CHAIRPERSON JAMES: Any other  
25 questions from colleagues? Thank you.

2 GAVIN KEARNEY: Thank you.

3 CHAIRPERSON JAMES: Thank you very  
4 much. The next panel: David Biderman, David  
5 Hilcoat, Charles Mahoney, Gerald Antonacci, Ron  
6 Bergamini, Thomas Toscano, and William Mackey.  
7 William Mackey and Thomas Josine [phonetic] are  
8 from Hi-Tech. Are you both testifying or is it  
9 necessary to have both representatives from Hi-  
10 Tech testify? No one's listening to me. Okay.  
11 That's fine. When I become public advocate  
12 they will. [laughter] One day, I guess, okay.  
13 Most men tend not to listen period anyway.  
14 It's typical. [off mic] Thomas Toscano and  
15 William Mackey represent Hi-Tech, you're both  
16 testifying?

17 UNKNOWN: Yes.

18 CHAIRPERSON JAMES: Okay.

19 [off mic conversation]

20 CHAIRPERSON JAMES: Oh, okay. So  
21 one is the owner and one is the employee,  
22 different perspectives I guess. Okay. Choose  
23 amongst you who will go first and begin.

24

25

2 DAVID BIDERMAN: Thank you,  
3 Chairwoman James, Members of the Committee and  
4 distinguished guests. Excuse me?

5 [off mic conversation]

6 DAVID BIDERMAN: My name's David  
7 Biderman, I'm the General Counsel for the  
8 National Solid Waste Management Association.  
9 We're a non-profit trade organization that  
10 represents the waste and recycling communities  
11 that operate in all 50 states. Our members  
12 include many of the transfer stations that are  
13 targeted by this legislation as well as about  
14 50 carters who will be adversely impacted by  
15 this law. We appreciate the opportunity to  
16 testify here today. Intro 1170 if enacted  
17 reduces the ability of most transfer stations  
18 in New York City to process waste to below  
19 their current through-put and significantly  
20 below their permitted capacity. These  
21 facilities handle much of the municipal solid  
22 waste and CND material generated in the City,  
23 and the owners and operators of these  
24 facilities provide a vital service, comply with  
25 numerous city laws and regulations governing

2 their operations. As we heard from DSNY, they  
3 do a good job of doing so, and they work with  
4 the communities and neighborhoods in which they  
5 operate to reduce traffic, to reduce impacts.  
6 Although well-intentioned, Intro 1170 goes far  
7 beyond the permit capacity reduction goals  
8 established under the SWMP and would likely  
9 lead to the closure of several existing MSW and  
10 CND transfer stations. This means the handful  
11 of transfer stations in the City located  
12 outside the four districts can be expected to  
13 receive sharply higher volumes of waste. NSW  
14 may calculate that up to 750,000 tons of waste  
15 will be diverted to these other disposal  
16 facilities each year, as the Council analyzed  
17 the impact of redirecting this waste to the  
18 other transfer stations. NSW may suggest that  
19 the proponents of this bill advise Council  
20 Members representing districts with these other  
21 transfer stations about the size and impact of  
22 this diversion. Combined with the expected  
23 diversion of waste to the MTS's currently being  
24 constructed, the result will be additional  
25 burdens on residents in numerous city



2 neighborhoods and sharply higher waste disposal  
3 costs for waste generators. Disposal costs  
4 will increase because the supply of transfer  
5 station capacity will decrease and because  
6 carters will have to drive longer distances and  
7 wait on longer lines to dump their loads. NSW  
8 made estimates the additional disposal cost  
9 caused by Intro 1170 will be between 50 to 100  
10 million dollars each year, which carters will  
11 be forced to pass onto their customers if  
12 they're legally permitted to do so. In  
13 addition, the bill proposes eliminating much of  
14 the capacity that the City has to handle  
15 natural disasters that generate large volumes  
16 of waste. The transfer stations targeted by  
17 1170 manage the substantial amount of the waste  
18 generated in the City after hurricane Sandy,  
19 allowing the City to get back on its feet  
20 quickly. With the one year anniversary of Sandy  
21 next week and such tragic events expected to  
22 occur in the future, legislation that impairs  
23 the City's ability to deal with the waste  
24 generated by such storms is simply short-sided,  
25 and importantly, the proposed emergency waiver

2 is not adequate. Many transfer stations will  
3 close. The properties will be sold and  
4 converted into other uses if this bill is  
5 passed, and we are gravely concerned as are  
6 others about what will happen when the next  
7 storm hits. The MTS's located on the  
8 waterfront in flood zones are not likely to be  
9 available immediately after a Sandy type storm.  
10 Further, 1170 sends the wrong message about  
11 investing in recycling and waste diversion  
12 infrastructure in New York City. Companies and  
13 investors will be very hesitant to invest in  
14 expensive new equipment for processing waste  
15 and recyclables or seek permits to open new  
16 recycling facilities if legislation such as  
17 1170 that interferes with their permits and  
18 restricts their operations is passed. And as  
19 NSWA [phonetic] members will testify today, a  
20 collateral result will be the loss of working  
21 class jobs at transfer stations for city  
22 residents. Finally, in a city that is growing,  
23 approving numerous major new development  
24 projects and buildings, generating more waste  
25 and expecting to add a million new residents

2 over the next few decades, legislation that  
3 reduces what transfer stations could legally  
4 handle to levels far below what they're  
5 currently handling is irresponsible and  
6 unreasonable. Our members are developing and  
7 investing into technologies that will help the  
8 City improve its recycling rate and achieve  
9 many of Intro 1170's goals. We are willing to  
10 enter into a dialogue with City officials and  
11 community groups to address issues relating to  
12 the transfer stations, including a responsible  
13 level of permitted capacity reduction. This is  
14 a far more thoughtful approach than a cross the  
15 board cuts that add unnecessary costs to city  
16 businesses and impair the City's ability to  
17 respond promptly to future emergencies. We  
18 appreciate the opportunity today and after the  
19 other panels have spoken we'll be glad to  
20 answer any questions. Thank you.

21 [off mic conversation]

22 RON BERGAMINI: Hello? Oh, there  
23 you go. My name is Ron Bergamini. I'm the CEO  
24 of the Action Environmental Group. Thanks for  
25 the opportunity to speak today and

2 congratulations Chair James on your recent  
3 election. We're the largest private hauler  
4 operating in the City, and a time when New York  
5 City is attempting to expand its recycling  
6 programs while simultaneously trying to reduce  
7 emissions, we find this legislation will  
8 advance neither. Why? Because the legislation  
9 does nothing to reduce waste. Someone else has  
10 to figure out how to get that done. All it  
11 does is shift waste to other districts.

12 Moreover, the legislation will increase  
13 emissions by trucks having to drive further  
14 distances. At our company, this bill would  
15 reduce our through-put by 50 percent. Our  
16 facility is located on East 132<sup>nd</sup> Street in the  
17 Bronx. Our facility has changed over the  
18 years. We've only been in it for three years,  
19 but we now have a state of the art recycling  
20 facility within it that we spent 15 million  
21 dollars on and it produced jobs. We did this,  
22 by the way, with private equity support. We  
23 also did it with partnership with Sustainable  
24 South Bronx and from a grant from the New York  
25 State Empire Development Program. So, all

2 along, we think we're doing the right thing.

3 Moreover, our facility is located in M3

4 industrial heavy zone where it should be, a

5 mere minute or two to the Major Deegan or Tri-

6 Borough Bridge. We pass no schools. We pass no

7 homes. We pass no hospitals. I am sure that

8 the legislation is well intentioned, and I

9 understand those intentions by sitting here

10 today and listening to both the legislators and

11 people in the community, but what are you

12 trying to solve? If it's truck emissions, if

13 it's too many trucks on the road, well, I'm

14 told the George Washington Bridge has 300,000

15 vehicles go over it every day. One third of one

16 percent of that is for garbage trucks? Garbage

17 trucks evoke a visceral reaction in people. We

18 have neighbors right on 132<sup>nd</sup> Street that

19 hundreds more trucks than we do. Are we going

20 to knock on their door and have them reduce

21 trucks? The BIC recently is proposing

22 legislation to improve truck emissions. We

23 support that. We agree with that. We try to

24 be a good neighbor, and frankly, we are. We

25 hire people, and in fact, I'm going to have to

2 apologize after speaking to Ron, 'cause I'm  
3 speaking to John Jay College today about a re-  
4 entry program. We hire people who've been  
5 formally incarcerated. We have 200 employees  
6 in the South Bronx. Have you considered those  
7 jobs will be lost? At least some of them, not  
8 all of them, but some of them. Programs of  
9 hiring folks previously incarcerated. Did you  
10 start that early? Real quick, so you need to  
11 look at the totalitary [phonetic] there. The  
12 last point, since the time is up--we also work  
13 with middle schools in the area and some  
14 community centers, but the last point which  
15 David mentioned which is a real world example.  
16 This Council is debating a bill about  
17 composting, about organic waste. I know the  
18 environmental community supports it. I believe  
19 the administration supports it. In two weeks  
20 I'm actually traveling to Europe to go look at  
21 two composting facilities. It's not the  
22 romantic trip I envisioned, but I'm going to go  
23 see some composting facilities. If this type  
24 bill gets passed, you know who's going to build  
25 the composting facility in New York City? No

2 one. No bank will finance it. No investors  
3 will support it. So you need to consider the  
4 future there too. Thank you, and again, I  
5 apologize. I have to be at 59<sup>th</sup> Street at one  
6 o'clock.

7 CHARLES MAHONEY: Good afternoon  
8 Chairman James and committee members. Thank you  
9 for the opportunity to testify this morning. I  
10 am Charles Mahoney, the Sales Manager for IESI  
11 New York Corporation, which is a progressive  
12 waste solutions company. IESI was one of the  
13 first corporate responders after super storm  
14 Sandy. Working closely with the Department of  
15 Sanitation at our Varick Avenue facility in  
16 Brooklyn, which will be directly impacted by  
17 the proposed legislation received approximately  
18 5,500 tons of storm debris. We have another  
19 transfer station at Cassanova [phonetic] Street  
20 facility in the Bronx that'll be impacted by  
21 this legislation as well. There are three  
22 fundamental flaws with Intro 1170. First, it  
23 will stifle innovation. Our Cassanova Street  
24 facility has state and city permits to handle  
25 225 tons per day municipal solid waste. We

2 currently only operate it to maintain the  
3 permit and do not utilize it on a day to day  
4 basis. With the City's recent push towards  
5 organics recycling however, we have begun to  
6 analyze whether using it as an organics  
7 processing facility, either housing in-vessel  
8 digest or some other method that result in  
9 compostable and end product makes sense. This  
10 legislation will make that impossible since the  
11 calculations for how capacity reductions will  
12 be determined will result in the complete loss  
13 of our city permit, which brings me to a--us to  
14 the second problem with the legislation, it  
15 stifles investment. Simply put, why would we  
16 or any other rational investor want to invest  
17 hundreds of thousands of dollars into a  
18 facility that simply can be taken away or  
19 severely impacted by this legislation. More  
20 certainty in solid waste planning is needed not  
21 less. That is one reason why Solid Waste  
22 Management Plan spanned 20 years. Finally, the  
23 proposed legislation does not in any way  
24 eliminate waste or lead to any beneficial  
25 source reduction. It just displaces it. In



2 fact, as I indicated it will have the opposite  
3 effect. As the waste has to go somewhere, the  
4 trucks that carry the material go to other more  
5 remote locations. Trucks will be on the roads  
6 for longer periods of time, burn more fuel, put  
7 more wear and tear on the roads and burden more  
8 communities. I thank you for the opportunity  
9 to share with you our view today. We believe  
10 these across the board reductions go far beyond  
11 what was every contemplated in the Solid Waste  
12 Management Plan. We respectfully request and  
13 urge the Council to reject this proposed  
14 legislation and are happy to answer any  
15 questions you may have. Thank you.

16 DAVID HILLCOAT: Good afternoon. My  
17 name is David Hillcoat, President of Cooper  
18 Tank and Welding. Chairwoman James and members  
19 of the committee and guests, thank you for the  
20 opportunity. Cooper Tank and Welding is a  
21 business started in 1946. It's woman-owned.  
22 It's MWB certified. It has construction and  
23 demolition recycling facility and a waste  
24 container manufacturing facility Brooklyn CB1.  
25 We employ 94 people, 98 percent of the

2 majority, minority, rather, and 90 percent of  
3 them local residents. We have the largest CND  
4 recycling facility in New York City, and we  
5 recycle above 70 percent of our material to  
6 better end uses. We look at the SWMP and we  
7 consider that the objectives of it were to  
8 create some equity in communities that were  
9 overburdened and to improve the quality of life  
10 in those communities, particularly the stress,  
11 the safety, the noise and the air pollution.  
12 You've heard today from a lot of people who  
13 have many views on those things. For our  
14 perspective there are many ways to achieve some  
15 of those. Some of them are radical, some of  
16 them less so. But in essence the SWMP is a  
17 good plan, and the Department of Sanitation has  
18 some tools in its tool bag which it could use  
19 to improve the quality of life for the  
20 residents. In particular, it could require  
21 facilities to be covered. It could require  
22 facilities to have on-site truck cuing. It  
23 could require that trucks follow designated  
24 routes and stay out of communities. It could  
25 move towards modern low emission vehicles, but

2 in reality it needs to do that for the City as  
3 a whole, not just the garbage trucks, because  
4 garbage trucks only account for about less than  
5 five percent of all trucks on the road. And it  
6 could negotiate some sensible meaningful  
7 reductions with capacity within the industry.  
8 And then finally, it should promote recycling,  
9 'cause that is an economic and an environmental  
10 benefit and a social responsibility. We  
11 consider that this bill does not create a  
12 climate of economic certainty that encourages  
13 participation, investment, and integrity from  
14 the industry. We thank you for the opportunity.

15 GERRY ANTONACCI: Hi, my name is  
16 Gerry Antonacci. I am the President of Crown  
17 Container. Crown Container is a small family  
18 owned business and is a licensed carter with 18  
19 trucks collecting waste and recyclables in New  
20 York City. I find myself in front of the  
21 Council once again as the City, again, tries to  
22 take something away from my company and me.  
23 First it was my land and now it's a portion of  
24 my permit. These actions are very troublesome.  
25 I'm concerned about the way the City treats

2 small businesses. Crown is very concerned that  
3 Intro 1170 will result in substantially  
4 increased operating cost of my company. My  
5 company like most carters, disposal costs are  
6 our biggest operating expense. My trucks  
7 dispose much of the putrescible waste they  
8 collect at transfer stations that will be  
9 forced to take less waste as a result of this  
10 bill. These facilities will be forced to raise  
11 their tipping fees to cover their shortfall.  
12 The few putrescible transfer stations in the  
13 City that are not targeted by this legislation  
14 do not have sufficient capacity under their  
15 current permits to take all of the waste that  
16 will be diverted, and they will be able to  
17 raise their prices as well. The only other  
18 option in this City will be the marine transfer  
19 stations, which were initially going to cost 50  
20 million dollars each to build, but now are  
21 estimated to cost 200 million. The tipping fee  
22 at the MTS will likely be much higher than the  
23 current market rate. The current estimate is  
24 at least two times the rate. One option will  
25 be for me to increase my monthly bills to my

2 customers, but the city has a rate cap that  
3 limits what I could charge the customers.  
4 Instead, I will likely have to reduce services,  
5 lay off some of my employees, and I will not  
6 have the capital to invest in new trucks, which  
7 costs at least 250,000 dollars each. These  
8 trucks have lower emissions, and the carters  
9 will be very hesitant to buy them because of  
10 laws like this and the BIC rate cap. We have  
11 just purchased four of these trucks for over a  
12 million dollars. Intro 1170 is precisely the  
13 type of law that discourages innovation and  
14 small business in New York City. I urge the  
15 City Council not to approve it. Thank you.

16 TOM TOSCANO: Good afternoon. My  
17 name is Tom Toscano and I am the Chief  
18 Financial and Legal Officer of Hi-Tech Resource  
19 Recovery and all its facilities including--all  
20 its affiliates including a carting company. I  
21 wanted to thank you for giving me the  
22 opportunity to speak today in opposition to  
23 Intro 1170. In 1988, in anticipation of the  
24 Staten Island Fresh Kills Landfill closing my  
25 grandfather had the foresight to start a

2 transfer station in the City of New York. He  
3 purchased land in the East Williamsburg section  
4 of Brooklyn, which was then as it is now, a  
5 heavily industrial area. Back in 1988, it was  
6 not a place where most people would want to  
7 live or work. There was much crime and poverty  
8 and many of the buildings were unoccupied. I  
9 remember piles of trash on the street corners.  
10 In fact, at the time the area qualified for tax  
11 incentives through the New York Industrial  
12 Development Agency. Fortunately, Hi-Tech as  
13 well as other businesses in the area, including  
14 transfer stations, moved into that area and  
15 were part of a changing neighborhood. While it  
16 is still heavily industrial, the reduction in  
17 crime and poverty are extreme to anyone who  
18 remembers what it was like 25 years ago. And  
19 in our case, to answer the question that was  
20 asked earlier why there are so many transfer  
21 stations in the area, in essence, we were  
22 invited in. Now there's a bill before you to  
23 reduce truck traffic in the area. The bill  
24 includes an 18 percent reduction in capacity  
25 for most of the transfer stations in New York

2 City. Hi-Tech is a relatively small transfer  
3 station. It is only permitted for 500 tons per  
4 day. Like all businesses it has fixed costs  
5 and requires a certain amount of waste through-  
6 put to offset those costs and turn a profit. A  
7 bill such as this will force cuts including  
8 jobs and my company's employees, most of which  
9 live in the same neighborhood this bill  
10 purports to help. If this bill passes, I hope  
11 someone from this committee will come and  
12 explain to our laid off employees why they lost  
13 their jobs. Transfer stations are very highly  
14 regulated. They undergo inspections several  
15 times per week from the Department of  
16 Sanitation. We have complied with every  
17 regulation passed from having a clean time,  
18 which means the floor has to be completely free  
19 of garbage for a half hour a day to installing  
20 deodorizing equipment and installing fans that  
21 maintain negative air pressure. We have spent  
22 tens of thousands of dollars each year to  
23 comply with the regulations and we continue to  
24 do so. We are also already doing our share to  
25 reduce truck traffic. We bale between 60 and

2 80 percent of our garbage, which means we pack  
3 it up into a cube, tie it up, and put it on  
4 flat bed trucks to send it out of the area.  
5 The reason this is significant is that these  
6 trucks bring back into the area wood, steel,  
7 building materials and the like. Baling is  
8 expensive, but we do it because we get a lower  
9 price on these trucks because they would  
10 otherwise leave the area empty. We also have a  
11 recycling facility that is directly connected  
12 and we move the waste between the facilities.  
13 I mean, the recycling from one facility to the  
14 other and that also reduces truck traffic.  
15 This bill is a bad idea. It--we should look at  
16 other alternatives that benefit the community,  
17 the businesses, and the employees at these  
18 facilities. Thank you.

19 WILLIAM MACKEY: Good afternoon. My  
20 name is William Mackey and I am an employee as  
21 an equipment operator for Hi-Tech Resources and  
22 Recovery. I have been in this position for  
23 almost 18 years, and I have a wife and I have  
24 seven children. There are 14 employees, most  
25 of which are immigrants from Ecuador. The



2 majority of the employees had been at their  
3 jobs for more than five years. About half of  
4 them with the company for, I'm sorry, for more  
5 than 10 years. These jobs are union jobs and  
6 they pay well and they have benefits. Most of  
7 the employees live in Brooklyn and Jamaica and  
8 Queens, and various areas in Intro 1170 is  
9 supposed to help. My employer does everything  
10 it can to operate with safety and minimize the  
11 impact on the Community. The sidewalks, the  
12 streets around our facility are cleaned daily  
13 and the floors are cleaned and washed and  
14 deodorized every day. The exterminator's there  
15 at least weekly to treat the place for rodents  
16 and the workers who operate the equipment are  
17 trained on the importance of safety. We bale  
18 most of garbage and most of our waste, which  
19 reduces the truck traffic by using trucks that  
20 will leave the area empty, and we are  
21 continuing to expand our facility and spend  
22 lest waste for the landfills. If Intro 1170  
23 passes, my employer may have to reduce his  
24 workforce or worse, close. The impact on me  
25 and my fellow workers will be hardly felt. We

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2 will all be hard pressed to find employment and  
3 that pays as well as what we make at Hi-Tech.

4 I ask the Council to find a better way than to  
5 pass this bill to help reduce the truck traffic  
6 and a way to--and a way that does not hurt me  
7 and my fellow workers. Just a little bit  
8 nervous. I never thought I'd be in City Hall  
9 trying to keep my job. So I thank you.

10 COUNCIL MEMBER REYNA: Did all of you  
11 participate in a negotiation process with the  
12 Department of Sanitation? If you could just  
13 speak into the record.

14 DAVID HILLCOAT: Yes, Cooper Tank  
15 did.

16 COUNCIL MEMBER REYNA: Thank you.

17 CHARLES MAHONEY: Yes, IESI did.

18 COUNCIL MEMBER REYNA: Thank you.

19 TOM TOSCANO: Yes, Hi-Tech did.

20 COUNCIL MEMBER REYNA: Thank you.

21 Can you just speak into the record?

22 GERALD ANTONACCI: No

23 COUNCIL MEMBER REYNA: By choice or  
24 you weren't invited or?

25

2 GERALD ANTONACCI: No, I'm not  
3 actually in that area right now.

4 COUNCIL MEMBER REYNA: You're not  
5 part of the three communities--

6 GERALD ANTONACCI: Correct.

7 COUNCIL MEMBER REYNA: that had been  
8 identified. Okay. And Mr. Toscano, the  
9 anticipation of Staten Island Fresh Kills  
10 Landfill closing, there were many areas that  
11 could have been host to what would have been  
12 the operations of your facility. Can you just  
13 share why East Williamsburg?

14 TOM TOSCANO: Well--

15 COUNCIL MEMBER REYNA: [interposing]  
16 Why not anywhere else?

17 TOM TOSCANO: First of all, my  
18 understanding that these facilities require M3  
19 zoning.

20 COUNCIL MEMBER REYNA: That's  
21 accurate. So a Land Use aspect takes into  
22 consideration what would be the hosting of this  
23 particular operation, correct?

24 TOM TOSCANO: That is correct.

2 COUNCIL MEMBER REYNA: And were  
3 there any M3 zones in Manhattan?

4 TOM TOSCANO: I don't know.

5 COUNCIL MEMBER REYNA: And did you  
6 ever look in Manhattan?

7 TOM TOSCANO: Not that I recall, no.

8 COUNCIL MEMBER REYNA: Okay. Any  
9 other individuals ever operated a facility in  
10 an M3 in Manhattan?

11 CHARLES MAHONEY: No, we have not.  
12 IESI has not.

13 COUNCIL MEMBER REYNA: And did you  
14 ever take a look in Manhattan in an M3?

15 CHARLES MAHONEY: I don't believe we  
16 have.

17 COUNCIL MEMBER REYNA: Cooper Tank?

18 DAVID HILLCOAT: We have never  
19 looked in Manhattan, and don't believe there  
20 are any M3 zones in Manhattan.

21 COUNCIL MEMBER REYNA: Very good  
22 observation. That's because Manhattan has out-  
23 zoned itself out of M3 Land. Thank you very  
24 much.

2 CHAIRPERSON JAMES: So my question  
3 is because those who negotiated with the City  
4 regarding voluntary reductions, you agreed that  
5 there should be some reduction in excess  
6 capacity or in actual capacity?

7 DAVID HILLCOAT: We negotiated a  
8 reduction in permitted capacity.

9 CHAIRPERSON JAMES: Permitted  
10 capacity.

11 DAVID HILLCOAT: That's what we were  
12 asked to consider.

13 CHAIRPERSON JAMES: And would that  
14 have any impact on your through-puts daily?

15 DAVID HILLCOAT: It would have a  
16 impact, but only for certain times of the year  
17 when we are busy with construction material in  
18 the sort of June to--sorry, April to June.

19 CHAIRPERSON JAMES: So it would only  
20 have an impact on your peak period?

21 DAVID HILLCOAT: For about half of  
22 the year.

23 CHAIRPERSON JAMES: For about--okay.  
24 And you do recognize that there is an issue  
25

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2 with regards to truck traffic in and around the  
3 area in the district where you are located?

4 DAVID HILLCOAT: There is a lot of  
5 truck traffic generally. I think if it was not  
6 construction, demolition transfer stations and  
7 the land was repurposed, there would also be  
8 truck traffic.

9 CHAIRPERSON JAMES: Because it's  
10 currently zoned a manufacturing district?

11 DAVID HILLCOAT: Correct.

12 CHAIRPERSON JAMES: Anyone else want  
13 to answer that, take that on? No? The  
14 negotiations were voluntary and as a result of  
15 the negotiations would there be any reduction  
16 in actual through-puts in any of your  
17 operations?

18 TOM TOSCANO: In our case, there  
19 would have been. Other than maybe the couple  
20 of the slowest months of the year, January,  
21 February, but there would have actually been  
22 reductions.

23 CHAIRPERSON JAMES: So the--it would  
24 not be a significant reduction?

25

2 TOM TOSCANO: I, that's not what I  
3 said. I believe it would have been significant.

4 CHAIRPERSON JAMES: Would have been?

5 TOM TOSCANO: Yes, and again, all  
6 but the slowest months of the year.

7 CHAIRPERSON JAMES: And do you  
8 recognize that there is an issue in the  
9 community or concern with regards to truck  
10 traffic?

11 TOM TOSCANO: Yes, I do. I didn't  
12 get to it in my testimony, but one of the  
13 things in that area directly across the street  
14 from us less than 10 years ago, the Department  
15 of Sanitation consolidated several garages and  
16 actually moved the truck garage into that area.

17 CHAIRPERSON JAMES: And so you're  
18 argument is that that's the--they're  
19 responsible for--

20 TOM TOSCANO: No, it's not the only  
21 reason, but I'm saying that, you know, if we're  
22 going to look at options, if you're trying to  
23 reduce truck traffic in an area, don't move  
24 something in that generates more truck traffic.

2 CHAIRPERSON JAMES: I hear Council  
3 Member Reyna saying she agrees with your  
4 position.

5 [off mic]

6 CHAIRPERSON JAMES: You want to take  
7 to the microphone?

8 COUNCIL MEMBER REYNA: Chair, I  
9 apologize. I just wanted to interject and  
10 remind the Chair and the Committee, that we  
11 have been in enormous discussions during budget  
12 time regarding the disregard of the Department  
13 of Sanitation and this Administration removing  
14 the budget dollars that were going to build a  
15 community sanitation garage station in  
16 Community Board Three to host its own community  
17 garage when I was representing Bedford  
18 Stuyvesant Community Board Three.

19 CHAIRPERSON JAMES: She's taking in  
20 sanitation garage--sanitation trucks from  
21 district. I've been advocating for my own  
22 sanitation garage in Community Board Three, and  
23 I've only been ignored, and those trucks--

24 COUNCIL MEMBER REYNA: [interposing]  
25 And we're also host to the Bushwick community



2 sanitation garage. So we have one, four, and  
3 three.

4 CHAIRPERSON JAMES: So she agrees  
5 with you. In regards to, I think, someone  
6 testified earlier with regards to the rate cap,  
7 the pleased to announce that the rate cap will  
8 be increased.

9 GERALD ANTONACCI: Yes. But, you  
10 know, if you're a disposal cost goes up over 50  
11 percent, then that rate cap really has no  
12 effect on that. It's, you know, raising  
13 something 15 percent on one side and 50 percent  
14 on the other side, doesn't--

15 CHAIRPERSON JAMES: Because of the  
16 tipping fees?

17 GERALD ANTONACCI: doesn't equal  
18 out. Yeah.

19 CHAIRPERSON JAMES: Okay.

20 DAVID BIDERMAN: And if I could add  
21 to that. While you're correct that the BIC is  
22 currently considering a 15 percent increase,  
23 which has not yet been finalized, in addition  
24 to the projected increase in disposal cost if  
25 the Council passes organics diversion

2 legislation or passes truck mandate legislation  
3 in particular, those new trucks cost 250,000  
4 dollars or more and will eat up whatever  
5 limited profit margins carters currently have  
6 in the city.

7 CHAIRPERSON JAMES: Okay. Thank  
8 you. Oh, I'm sorry. You want to say something?

9 TOM TOSCANO: I just wanted to add  
10 to that, that that rate increase, that 15  
11 percent is the first rate increase in about  
12 five years.

13 CHAIRPERSON JAMES: No, I  
14 understand. Thank you. Next panel, Nancy  
15 Ploeger, Angela Pinsky, Andrew Mozell,  
16 Sylvester Gustino, I apologize if I  
17 mispronounced your name, and Jay Pletz? Peltz,  
18 excuse me. Thank you.

19 NANCY PLOEGER: Thank you. Good  
20 afternoon. And before I start, I just wanted to  
21 say I'm very heartened to the fact that you do  
22 wish to continue the conversation with both  
23 administration and with the carting association  
24 because we do believe that your intentions are  
25 very very well meaning, and we think that there

2 are ways that this bill can be worked out with  
3 a lot less burden put on the backs of what we  
4 consider to be our small businesses community  
5 as well. So thank you for that.

6 [off mic]

7 NANCY PLOEGER:I don't but I'm sure  
8 we could work on it and come back to you. So  
9 I'm, today I'm Nancy Ploeger. Tomorrow I'm  
10 Nancy Ploeger. Yesterday I'm Nancy Ploeger.  
11 Sorry. Today I'm here on behalf of the  
12 Manhattan Chamber of Commerce, also my  
13 colleagues at the Queens Chamber of Commerce,  
14 the Brooklyn Chamber of Commerce, the Bronx  
15 Chamber of Commerce, and the National  
16 Supermarket Association and all of the 18,000  
17 business members and the subscribers that we  
18 represent, and we are here to encourage the  
19 Council to reject this particular legislation  
20 for many reasons. The current distribution of  
21 through-put at the waste transfer stations  
22 reflects the cheapest way to handle it, and if  
23 the through-put is cut and sent to other  
24 transfer stations outside the designated  
25 community districts or to other places outside

2 this city, this will be a higher cost burden on  
3 all businesses and the consumers in our city.  
4 And if there are issues with over-burdened  
5 transfer stations now with expected population  
6 growth, new development, and new construction  
7 eventually all transfer facilities will be  
8 overburdened, and moving some of the waste now  
9 to others does not deal with the underlying  
10 problem. It appears to be only a stop gap  
11 measure. So we feel that there needs to be  
12 further discussion looking more longer term.  
13 This bill would also essentially create a new  
14 market for carting and tipping solid waste  
15 would significantly reduce capacity resulting  
16 in higher prices, which we passed along to  
17 businesses and consumers alike. In addition,  
18 the proposed rule changes by BIC generally  
19 require that a rate setting hearing be held  
20 every two years beginning in 2015. Thus,  
21 carters will have the opportunity to argue for  
22 rate increases every two years, which would  
23 also lead to a higher cost. In addition, the  
24 bill will eliminate much of the capacity that  
25 the city has to handle natural disasters that

2 generate large volumes of waste. We heard  
3 before testimony about Sandy. We have no idea,  
4 the next disaster could be twice what happened  
5 with Sandy. We just are just very much in the  
6 dark about that, and are concerned with our  
7 ability to respond to these natural disasters.  
8 The transfer stations targeted by 1170 handled  
9 a substantial amount of the waste generated in  
10 the City after hurricane Sandy, allowing the  
11 City to get back on its feet quickly. With the  
12 one year anniversary approaching and such  
13 tragic events expected to recur in the future,  
14 legislation that impairs the City's ability to  
15 deal with waste generated by such storms is  
16 short-sided. And in a city that is growing,  
17 approving major new development projects would  
18 generate even more waste and expected to add a  
19 million new residents over the next few  
20 decades, legislation that reduces what transfer  
21 stations can illegal handle to levels well  
22 below what they currently processing is short-  
23 sided and unreasonable. The NSWMA, which you  
24 heard from before, estimates the additional  
25 disposal cost created by 1170 will be between

2 50 and 100 million dollars annually, which  
3 carters would be forced to pass on to their  
4 customers who in turn would pass those costs  
5 onto their customers. And combined with the  
6 expected diversion of waste to the marine  
7 transfer stations currently being constructed  
8 and controversial in their own right, the  
9 result will be added burdens on residents and  
10 businesses in numerous neighborhoods and  
11 sharper higher waste disposal costs for waste  
12 generators. Disposal costs will increase  
13 because of supply of transfer station capacity  
14 will decrease, and because carters will have to  
15 drive longer distances and wait longer lines to  
16 dump their loads. We hope that the Council will  
17 reject this legislation and meet with all of  
18 the interested parties and stakeholders as  
19 their members are developing and investing in  
20 new clean technologies that will achieve many  
21 of Intro 70's goals. They are more than  
22 willing to enter into dialogue with city  
23 officials and community groups to address  
24 issues relating to the transfer stations,  
25 including a responsible level of permitted

2 capacity reduction to keep lower costs, support  
3 our capabilities to respond to disasters and be  
4 prepared for the growth of our City's  
5 population. Thank you very much.

6 JAY PELTZ: Thank you for the  
7 opportunity to testify at today's public  
8 hearing. My name is Jay Peltz, and I am the  
9 Vice President of Public Affairs for the Food  
10 Industry Alliance of New York State. The FIA  
11 is a non-profit trade association that promotes  
12 that interests state wide of New York's grocery  
13 stores, drug stores, and convenience stores.  
14 Our members include chain and independent food  
15 retailers that account for a significant share  
16 of the City's retail food market and the  
17 wholesalers that supply them, as well as drug  
18 stores and convenience stores. Many of our  
19 members are small businesses struggling to  
20 survive as we muddle through the fifth year of  
21 the weakest of the 11 post war [phonetic]  
22 recoveries. As a result, weak consumer  
23 spending has become the new normal. In turn,  
24 unemployment remains stubbornly high in the  
25 City at 8.6 percent in August 2013 compared to

2 7.6 percent in New York State and 7.3 percent  
3 nationally. On top of that, new laws and  
4 regulatory changes no matter how well intended  
5 have imposed significant costs on businesses as  
6 they seek to comply with the Affordable Care  
7 Act, the City's pay sick law, a state minimum  
8 wage hike, and state as well as federal income  
9 tax increases. Accumulative effects of these  
10 and other changes will raise the cost of doing  
11 business in the City and ultimately reduce  
12 business investment and therefore job growth.  
13 An unintended consequence is that we wind up  
14 hurting the very people we seek to help through  
15 policy changes. Given this economic and policy  
16 context, this measure would further hurt our  
17 members, especially our small business members  
18 that are struggling to survive in a very low  
19 margin business and are seeking to avoid job  
20 cuts and price increases. Twenty-seven of the  
21 City's 38 waste transfer stations are located  
22 in the four designated community districts,  
23 specified in the legislation. The bill's  
24 mandates would result in these 27 transfer  
25 stations having their permitted capacity and



2 through-put significantly cut. The mechanics  
3 of the bill would then redirect the waste to  
4 higher cost alternatives both inside and  
5 outside the City. The technical aspects of how  
6 that will happen are described in my submitted  
7 testimony. For now, it should be noted that  
8 solid waste that currently goes where it goes,  
9 because that is the cheapest place to send it.  
10 However, the mandates in the legislation will  
11 redirect that waste based not on economics, but  
12 on other factors. The unintended consequences  
13 will be distortions and inefficiencies in the  
14 market place which will raise hauling and  
15 tipping fees. This inflation will be  
16 accommodated by proposed rule amendments by BIC  
17 that would increase the rate caps for the  
18 collection, removal, disposal, or recycling of  
19 trade waste by 15 percent. In addition, these  
20 proposed rule changes require that a rate  
21 setting hearing be held every two years  
22 beginning in 2015. Thus, stakeholders will get  
23 the opportunity to argue for rate hikes every  
24 two years, justified by the sharp reduction in  
25 permanent capacity and through put in the four

2 designated community districts. Moreover,  
3 carters could go under--sorry. Moreover,  
4 carters could go under as a result of a  
5 dislocation which could increase prices  
6 further. Given the current state of the economy  
7 and the pending increases to businesses costs  
8 due to the policy changes outlined above, this  
9 cost inflation will be particularly untimely.  
10 Finally, we should keep in mind that sending  
11 waste outside the four designated community  
12 districts does not cleanse the waste or the  
13 intended logistics of its offensive aspects.  
14 So the answer is not to knowingly increase the  
15 burden in neighborhoods outside the four  
16 designated community districts. The answer  
17 revolves around more recycling or includes more  
18 recycling. Our members recycle significant  
19 amounts of plastic, paper, cardboard, and food  
20 waste including meat scraps, fat and bones. FIA  
21 members also donate substantial amounts of food  
22 to non-profits, thus keeping the food out of  
23 the waste stream. Accelerating these efforts on  
24 a collaborative basis will solve the problem in  
25 the fairest way by avoiding the transfer of the

2 offensive aspects of processing waste to other  
3 neighborhoods in the city. Accordingly, the  
4 FIA on behalf of its members opposes adoption  
5 of this bill. Thank you for your time and  
6 attention to our concerns.

7           ANDREW MOZELL: Good afternoon,  
8 everyone. My name is Andrew Mozell, and I'm  
9 here as a spokesperson for the New York State  
10 Restaurant Association, a trade group that  
11 represents 5,000 restaurants in New York City  
12 and 10,000 state wide. And I don't need to tell  
13 the committee or everyone in this room how  
14 important the restaurant industry is to New  
15 York City, making it one of the best, if not  
16 the best city in the world. I think it is.  
17 It's well established that the restaurant  
18 industry is a particularly difficult business  
19 to be successful. Complying with regulatory  
20 filings, labor costs, food costs, equipment  
21 costs, the cost associated with renovation,  
22 upkeep, and the physical plan all contribute to  
23 razor thin margins for food service  
24 establishments. Even under the best of  
25 circumstances it's difficult to stay in

2 business, and yet, new laws and regulations  
3 continue to push new cost burdens onto  
4 restaurants and all small businesses. That  
5 when combined with even--that make it even  
6 harder for restaurants to survive. Regardless  
7 of their good intentions, laws such as  
8 mandatory paid sick leave and the affordable  
9 care act are zero sum propositions for  
10 restaurants. That money simply has to come  
11 from somewhere and is usually the pocket of the  
12 restaurateur as it is difficult to pass these  
13 costs along to consumers. Because the  
14 hospitality industry is particularly labor  
15 intensive, many of these laws have and outside  
16 impact on restaurants even though they can  
17 least afford it. The end result is that  
18 restaurant owners are discouraged from making  
19 new investments in jobs and new venues in New  
20 York. It is through this context that we urge  
21 this committee to examine Intro 1170. This  
22 bill has noble intentions, but the benefits of  
23 the bill as it is written must be weighed  
24 against the additional costs it ultimately pass  
25 along to restaurants and other small

2 businesses. While my colleagues have done a far  
3 better job than I could explaining the merits  
4 and the technical aspects of the bill, the  
5 consensus is ultimately and the legislation  
6 will certainly result in increasing commercial  
7 carting fees. Carting fees for the hospitality  
8 industry are already on the rise. The Business  
9 Integrity Commission sets a cap on the rates  
10 for the carting industry, and currently what--  
11 this is an important point, 60 percent of the  
12 industry is actually below the cap. If the  
13 legislation passes, you can expect that number  
14 to probably be exactly zero percent. That  
15 means that the increase will probably have many  
16 restaurants be much more than the 15 percent,  
17 the cap will be raised. Moreover, the  
18 Commission is currently proposing--[off mic]  
19 With permitted capacity diminished and haulers  
20 potentially getting out of the industry, we  
21 anticipate those rates to climb perpetually  
22 upward as the commission will have a hearing on  
23 it every two years. So what does this mean for  
24 your average restaurant? A mid-size restaurant  
25 operator who has a 5,000 square feet of space

2 pays about 700 dollars per month for waste  
3 removal. With the current rate cap increases,  
4 the full implementation of this bill, a small  
5 business could see their rates increase by as  
6 much as 30 percent or nearly 2,500 dollars per  
7 year. Combining the tax increase of 25,000  
8 food service establishments in the City,  
9 conservatively that could be 60 million dollars  
10 of additional tax on the restaurant industry.  
11 To many restaurant operators, this increase  
12 would come too quickly based on the proposed  
13 time frames and the capacity for reduction.  
14 The goal of removing trash--I'm sorry. The goal  
15 of removing the burden of trash from these,  
16 from certain neighbors is lot of one, but it  
17 must be done in a more responsible way that  
18 will not increase costs so dramatically or so  
19 quickly on the hospitality community. Many  
20 elected officials, including members of this  
21 committee, and I'm happy that Council Member  
22 Reyna and Council Member Arroyo were here who  
23 have worked so hard and so closely to reduced  
24 cost on the hospitality industry must realize  
25 that by doing--by passing this legislation,

2 they will only re-add those costs to restaurant  
3 operators they fought so hard to remove.

4 Therefore, the New York State restaurant  
5 Association asks of this committee not pass the  
6 bill as written. We ask that you continue to  
7 work with the hospitality and other impacted  
8 industries to develop a responsible waste  
9 disposal system that protects our communities  
10 and small businesses at the same time. Thank  
11 you very much.

12                   ANGELA PINSKY: Hi, I'm Angela  
13 Pinsky. I'm from the Real Estate Board of New  
14 York, and because I've been to hearing before,  
15 and I knew of how important this was, I've  
16 actually put good afternoon into my testimony.  
17 So good afternoon, Chairperson James and  
18 members of the Committee on Sanitation and  
19 Solid Waste Management. The Real Estate Board  
20 of New York represents over 14,000 owners,  
21 developers, managers and brokers of real  
22 property in New York City, and we thank you for  
23 the opportunity to testify about Intro 1170 and  
24 appropriate capacities for solid waste transfer  
25 stations through the five boroughs. We also

2 appreciate that the New York City Council has  
3 been proactive in seeking our comments and  
4 collaborating with building owners. REBNY  
5 supports the City's effort to more efficiently  
6 and effectively handle solid waste. It's  
7 important to address over concentration of  
8 transfer stations and film material operations  
9 in all community districts to the fullest  
10 extent possible to avoid disproportionately  
11 burdening areas. Although we applaud the goal  
12 of this bill, we have concerns about the  
13 practical application and feasibility of its  
14 legislation. The Real Estate Board has been  
15 actively engaging discussions with our  
16 membership regarding the disposable--disposal  
17 of waste throughout the City. For all non-  
18 residential and non-institutional buildings,  
19 our members turn to private collectors to  
20 dispose of their waste. As written in Intro  
21 1170 goes beyond the Bloomberg's  
22 administration's goal and the City Council's  
23 goals in the Solid Waste Management Plan.  
24 Because capacity will be reduced prior to  
25 identifying new capacity elsewhere or



2 reductioning [phonetic] in waste collection  
3 city-wide, this will most likely lead to higher  
4 carting and tipping prices for buildings,  
5 businesses, construction, not for profits, and  
6 social service organizations. The bill's broad  
7 definition of over concentration districts  
8 includes most of the stations in the City,  
9 meaning that any permitted reallocation of  
10 capacity would be focused on only 11 or less  
11 than a third of the existing transfer stations.  
12 The reduction capacity in these districts will  
13 likely lead to millions of dollars of increases  
14 in the cost of collection, removal, disposal,  
15 and recycling of trade waste as travel distance  
16 and weight times at other transfer stations  
17 will increase. Moreover, the selected stations  
18 within the four designated community districts  
19 handle over 80 percent of the city's daily  
20 construction and demolition or CND waste  
21 material. City-wide there are only five other  
22 transfer stations permitted for handling this  
23 type of waste, the largest of which sits on the  
24 New Jersey side of Staten Island. Given the  
25 size of the closer stations, one of the CND

2 waste transfer stations estimated that the  
3 impact of this legislation would be a 35  
4 percent increase. It is already immensely  
5 difficult and expensive to build in New York  
6 City. If developers are forced to absorb the  
7 decided cost, it will only mean that they will  
8 be less able to address other pressing issues  
9 such as affordable housing, energy efficiency  
10 and employment. What is more is it difficult  
11 to create new capacity for waste transfer in  
12 New York City, which this committee understands  
13 better than anyone. In addition to  
14 construction costs, the public review process  
15 for site selection can take many months,  
16 carries no guarantee of gaining consensus and  
17 costs of replacement facilities increase every  
18 year. It is unlikely the city will be able to  
19 replace the waste management capacity this  
20 proposal seeks to reduce in the given time  
21 frame it's extent to implement these changes.  
22 Therefore, as our need grows, we've become  
23 increasingly dependent on the capacity of the  
24 other states to handle our wastes. Beyond the  
25 increase cost burden, we are concerned that

2 limiting the capacity of transfer stations will  
3 limit the City's ability to address our  
4 expected population growth, construction booms,  
5 and increased need during natural disasters as  
6 witnessed during hurricane Sandy. Finally, we  
7 are concerned that increased trucking will  
8 damage air, water, and soil quality while  
9 adding to noise pollution in areas that may not  
10 be accustomed to such usage. This bill will  
11 likely lead to more trucks idling for longer  
12 periods of time, which is proven more  
13 environmentally detrimental than driving and  
14 waste management reform should take all these  
15 factors into account. Thank you again for the  
16 opportunity to comment. We look forward to  
17 continuing our conversation with the  
18 administration and the City Council to create  
19 legislation that benefits both City and its  
20 inhabitants through proper waste management.

21 CHAIRPERSON JAMES: Thank you so  
22 much. Next panel and final panel, I believe.  
23 [off mic conversation] Oh, okay. Bernadette  
24 Kelly, Teamsters; hi, Ms. Kelly. Step on up.  
25 Ray Barrero [phonetic], Teamsters Local 813.

2 Kellie from the Point? I don't--Kellie, I'm  
3 sorry. Laura Hoffman? Maya Pinto? The next  
4 panel, yeah. The next panel is Anthony Wynn,  
5 Mr. Duran, Emily Gallagher, Esteban--El  
6 Puente's the next panel. Michale Hemberger are  
7 you here? Hiember--bender--binder? He had to  
8 leave?

9 [off mic conversation]

10 CHAIRPERSON JAMES: Okay. And the  
11 next panel is Kate from Newtown Creek. She had  
12 to leave as well? Okay. Okay. Okay.

13 BERNADETTE KELLY: Good afternoon.  
14 [off mic] I was wondering, okay. My name is  
15 Bernadette Kelly. I'm testifying on behalf of  
16 George Miranda, the President of Joint Council  
17 16 here in New York City. Teamsters Joint  
18 Council 16 whole heartedly supports the waste  
19 capacity reduction bill as it significantly  
20 furthers the goals of the 2006 solid waste  
21 management system to handle waste in a manner  
22 that's more environmentally responsible and  
23 fair to all communities, and applauds this bill  
24 sponsors for their foresight and vision. Under  
25 the current system, nearly three-fourths of all

2 waste handled in New York City goes to just  
3 three neighborhoods, South Bronx,  
4 Williamsburg/Greenpoint, and Southeast Queens.  
5 This is simply unjust and unfair to many New  
6 York City residents who are saddled with  
7 everyone else's waste. Teamsters Joint Council  
8 16 represents many of the working families  
9 living in these overburdened neighborhoods and  
10 also represents workers in the private and  
11 public sanitation industries. By passing this  
12 legislation, the council would significantly  
13 advance the primary objectives of the City's  
14 2006 Solid Waste Management Plan. It will  
15 shift commercial waste from truck-based  
16 transfer stations to marine transfer stations,  
17 a move that will benefit the entire city by  
18 eliminating millions of truck's miles traveled  
19 in New York City each year, reduce waste  
20 handled in over-burdened communities, and--  
21 overburdened communities. The bill also  
22 prohibits the overburdening of any one  
23 community in the future. The bill protects  
24 responsible businesses and targets reductions  
25 at those transfer stations that don't respect

2 their workers and the communities in which they  
3 sit and is consistent with a broader need to  
4 make waste handling in New York City more  
5 community and worker friendly. Over the long  
6 term, New York City needs to move away from a  
7 transfer station dependent system that exports  
8 waste for landfilling and incineration to a  
9 system that focuses on recycling, composting  
10 and re-use. This is good for the City and good  
11 for workers, as sustainable waste practices  
12 create far more jobs than landfilling and  
13 incineration. The bill is tied to the opening  
14 of the City's marine transfer stations and is  
15 part of the City's move from a truck intensive  
16 waste system to a barge and rail system. This  
17 will eliminate thousands of long haul truck  
18 trips in New York City every year, but we know  
19 from this experience in other cities that we  
20 can create better, safer, more environmentally  
21 friendly jobs that will provide for working  
22 class families. The teamsters union looks  
23 forward to continuing our work with our friends  
24 here in the City Council and within the  
25 Environmental Justice Community to change the

2 way New York City waste is handled and realize  
3 a safer cleaner working family oriented waste  
4 system of the future. Thank you for your time.

5 CHAIRPERSON JAMES: Thank you, Ms.  
6 Kelly. Ms. Kelly, you represent--the union  
7 represents most of the men and women who work  
8 at these transfer stations currently?

9 BERNADETTE KELLY: In some of the  
10 transfer stations, but not all--but not all of  
11 them, though. Some are union. Some are non-  
12 union.

13 CHAIRPERSON JAMES: Okay, thank you.

14 BERNATDETTE KELLY: But as you know,  
15 we represent the New York City sanitation  
16 workers and private sanitation.

17 CHAIRPERSON JAMES: Thank you.

18 RAY BARRERO: Good afternoon, Chair.

19 Good afternoon, Council. My name is Ray  
20 Barrero, I'm testifying on behalf of Sean  
21 Campbell, President Teamster Local Union 813.  
22 I am honored here to testify today at this  
23 hearing to talk about capacity reduction as it  
24 relates to private sanitation industry, the  
25 workers in the trenches and the families that

2 we have adversely impacted for years of weak  
3 public policy. The capacity reduction bill is  
4 a step in the right direction to ensure that  
5 the people living in the South Bronx, Eastern  
6 Queens and Williamsburg know that this city  
7 cares about their welfare and the future of  
8 their children. As President of Teamster Local  
9 813 and a sanitation worker by trade, I know  
10 first hand that most of the families I  
11 represent both work and live in these harsh  
12 environments that pollute our air and wreak  
13 havoc on our streets. At local 813, we also  
14 know that there are thousands of workers who do  
15 not have the protection of a good union  
16 contract and go to work day after day fearful  
17 of raising their voices in opposition to unsafe  
18 work practices at privately operated transfer  
19 stations. Marine transfer stations operate in  
20 a highly regulated environment and the workers  
21 are represented by various unions including the  
22 teamsters. Our experience in the private  
23 sector pales in comparison. In fact, many of  
24 the privately run transfer stations skirt the  
25 laws and operate to the detriment of the



2 community and the workers they employ. This  
3 bill will help identify the good and the bad  
4 actors in the waste industry so we can move to  
5 one single high standard of operating transfer  
6 stations in New York City. Rather than Hurting  
7 good employers, many of which we have  
8 collective bargaining relations with it would  
9 bring the bad actors out into the light. High  
10 road businesses will be rewarded. Businesses  
11 that we want to continue down the downward  
12 spiral would have to either clean up their act  
13 or move on. This is a good move for workers.  
14 This is a type of forward looking policy that  
15 will be a step in the right direction for safer  
16 working conditions and healthier neighborhoods,  
17 and with this, on behalf of the 2,500 men and  
18 women I represent in a private sanitation  
19 industry, we wholeheartedly back this bill.  
20 Thank you.

21 KELLIE TERRY: Good afternoon, Madam  
22 Chair and members of the Sanitation Committee.  
23 I just--my name is Kellie Terry, and I'm an  
24 Executive Director of the Point Community  
25 Development Corporation, also a member of OWN,

2 Organization for Waterfront Neighborhoods, and  
3 NEJA, the New York City Environmental Justice  
4 Alliance. Thank you so much for allowing us to  
5 testify today in full support of Intro 1170,  
6 and please excuse the fact I don't have written  
7 comments. I will provide those afterwards. As  
8 a long--born and raised in the Bronx and long  
9 term member of the Point for over a decade  
10 working to support after school programs,  
11 community revitalization efforts such as the  
12 South Bronx Greenway and Eat Local Economic  
13 Development Efforts. We're also a business  
14 incubator. We fully support strong, local  
15 economies and also healthy communities. Within  
16 the South Bronx we host nine waste transfer  
17 stations which receive about 12,000 tons a day  
18 of waste. Every day 6,000 tons of waste go in  
19 and out with about 1,400 diesel trucks and  
20 that's on top of, of course, being zoned an  
21 SMIA. So, yes, we are in a significant  
22 maritime industrial zone area and we are in  
23 flood zones--God bless you. One thing to point  
24 out, though, with all the testimony, we  
25 understand the very impor--the importance of

2 Sandy, and as part of the Sandy Regional  
3 Assembly, we often point out as a part of  
4 NEJA's Waterfront Justice Project that all of  
5 our transfer stations and many of our food  
6 industry infrastructure is located within flood  
7 zones. So, I just wanted to address that  
8 point. And also to speak to the positive  
9 correlation, which you have said, Madam Chair,  
10 over and over again, between health disparities  
11 and diesel fumes as noted in the South Bronx  
12 Environmental Health and Policy Study taken on.  
13 We believe that the reduction referred to in  
14 this bill will be absorbed in a just and fair  
15 manner. If the MTS systems stations come on  
16 line as reported in the Solid Waste Management  
17 Plan, without this legislation we do believe  
18 that the goals of the Solid Waste Management  
19 Plan that was passed and worked hard for will  
20 not be realized. I also want to address the  
21 cost that many of our partners from the various  
22 associations are up here talking about. I want  
23 to point out one cost that we haven't really  
24 addressed, which is the cost of not passing  
25 more equitable and just legislation. We see

2 these costs in our emergency rooms when our  
3 families have no healthcare and they have to  
4 take care of their kids. Those are costs that  
5 are really passed on to our society. So we  
6 should not cut our nose to spite our face. If  
7 the folks that are up here earlier really do  
8 care about their employees and their families,  
9 they would look for long term sustainable and  
10 just ways to handle our waste and we do believe  
11 that Intro 1170 provides that for us. Thank  
12 you.

13                   MAYA PINTO: Good afternoon. Thanks  
14 to the Sanitation Committee for the opportunity  
15 to provide testimony. My name is Maya Pinto,  
16 and I'm a Senior Policy and Research Analyst at  
17 a ALIGN. ALIGN is a permanent alliance of  
18 worker and community organizations united for a  
19 just and sustainable New York. I am here to  
20 express ALIGN's strong support for Introduction  
21 1170, the capacity reduction bill. ALIGN is  
22 committed to the long term goals of borough  
23 equity in waste handling and sustainable waste  
24 management, and the capacity reduction bill  
25 goes a long way towards achieving those goals.

2 The capacity reduction bill offers sound, long  
3 term solutions to the problems of inequitable  
4 distribution of private waste transfer stations  
5 in the city, and polluting waste export  
6 practices. The bill both reduces waste  
7 handling in the most over-burdened  
8 neighborhoods in the South Bronx, North  
9 Brooklyn and Southeast Queens where almost 75  
10 percent of the city's waste is handled, and it  
11 ensures that no community board be saddled with  
12 more than five percent of the city's waste.  
13 The bill also ensures that commercial waste  
14 handling capacity at the city's growing network  
15 of marine transfer stations is used, both  
16 making waste handling more equitable and  
17 reducing its carbon foot print. The capacity  
18 reduction bill is the result of decades of  
19 really good and difficult work that New York  
20 City's environmental justice community and its  
21 allies in the City Government and City Council  
22 have done to ensure that borough equity is  
23 truly achievable. The history of how our city  
24 has handled its trash is troubled and this bill  
25 is essential to ensure the promise of increased

2 equity and trash handling becomes a reality.

3 So passage of the 2006 Solid Waste Management

4 Plan was a really--it was a watershed moment in

5 the history of solid waste management in New

6 York City, and the City, it made a commitment

7 to borough equity and solid waste management.

8 It also recognized that commercial waste is a

9 public policy issue. And so to achieve its

10 goals, the SWMP explicitly states that the

11 Department of Sanitation "will work with

12 community groups, the industry, and the City

13 Council to archive its goals." The capacity

14 reduction bill really represented the

15 opportunity for the City Council to do its part

16 to ensure the full implementation of the 2006

17 Solid Waste Management Plan, and so ALIGN

18 strongly urges the council to seize the

19 opportunity to do right by communities that

20 have been over-burdened by the city's garbage

21 for far too long, and to do right by

22 generations of New Yorkers to come whose future

23 is really contingent on the policy decisions we

24 make today. So we urge you again to pass

25 Introduction 1170. Thank you.

2 LAURA HOFFMAN: Can you hear? Hi,  
3 my name is Laura Hoffman. I'm representing  
4 Barge Park Pals today. We're a member  
5 organization of OUTRAGE and also Newtown Creek  
6 Alliance. Newtown Creek Alliance, I'm a board  
7 member. OUTRAGE, I'm a steering committee  
8 member. I'm here to support their positions, of  
9 course, and the position of Gavin Kearney,  
10 Lawyers for Public Interest. In addition to  
11 that I want to say that--well, first of all the  
12 Sanitation rep that's here, who is that?  
13 'Cause I hope it's not the young lady that's  
14 been texting throughout the testimony, 'cause I  
15 really want her to hear what I have to say. My  
16 family's medical health history reads like a  
17 Area 51 report. Since the last time I--since  
18 the last time I testified before this  
19 committee, my mother, father, and their dog all  
20 died from brain disease. My brother and I both  
21 were confirmed with undifferentiated connective  
22 tissue disorder. My daughter was diagnosed  
23 with Lupus, and another thing, my oldest son  
24 has since moved away from the community hoping  
25 that he would escape the environment that they

2 were experiencing on Metropolitan and Union.

3 They used to scrape the soot off their screens.

4 At the time my oldest grandson had very bad

5 asthma and his other grandmother who still

6 lives there still experiences bad asthma.

7 Since that time his wife has lost two babies.

8 I lost my granddaughter in March 28<sup>th</sup>. This is

9 a picture of my--her twin that survived to give

10 everybody and example of what she might have

11 looked like. So I take this really serious.

12 The community's been slammed. We've been

13 slammed with environmental impact and something

14 has to get done. I'm so angry today. I hope I

15 don't start crying. I'm so angry today that I

16 heard the Commissioner state, alright,

17 something about the segra [phonetic]. I

18 remember meetings where Mr. Scorpinsky

19 [phonetic] I believe his name is. We had

20 debates over the same issues that he spoke

21 about. He stated that there was not going to

22 be and individual segra needed for each of

23 these steps taken, because that was very much

24 on my radar and one of the questions I had

25 asked at the time. I was dumbfounded today when



2 I heard the DOS Commissioner say that he wasn't  
3 even aware that diesel causes cancer. I mean I  
4 would urge our Commissioner to pick up a  
5 newspaper and to read about the--what the  
6 findings have been since then. This is stuff  
7 that's on the news. It's in--on the internet.  
8 You can find the information anywhere. If I  
9 know it, he should know it. He gets paid to  
10 know that. And it's about time that the  
11 Department of Sanitation take this seriously. I  
12 don't want to lose anymore family members, and  
13 I'm sick and tired of coming here, same old  
14 crap.

15 CHAIRPERSON JAMES: Thank you very  
16 much and our thoughts and prayers are with you  
17 and your family at this time.

18 LAURA HOFFMAN: Thank you.

19 CHAIRPERSON JAMES: Any comments or  
20 questions from any of my colleagues? Thank you  
21 all for testifying. Now, finally our last  
22 panel is Esteban Duran from El Puente and  
23 Anthony Winn, and if I missed anyone, now is  
24 your opportunity. Emily Gallagher, yes.

2 EMILY GALLAGHER: Hello, thank you  
3 very much for having this hearing. I'm Emily  
4 Gallagher, and I am the Co-Chair of Neighbors  
5 Allied for Good Growth, which began its life in  
6 1994 as Neighbors Against Garbage directly  
7 because of this issue of irresponsible waste  
8 transfer stations in North Brooklyn. I have  
9 not been in the organization for its entire  
10 legacy, but because our board is full of  
11 lifelong and long term members of the  
12 community, I have absorbed the legacy of the  
13 issues in this neighborhood and I am aware of  
14 the dark history of garbage and waste transfer  
15 in North Brooklyn. I was moved as many of you  
16 were by Laura's, Laura Hoffman, my, you know,  
17 collaborator in the neighborhoods, testimony.  
18 I want to add to that by some secondary effects  
19 of the truck traffic that we see. Fifteen-  
20 hundred diesel trucks are in our neighborhood  
21 every day. In a recent study that NAG did with  
22 transportation alternatives in Community Board  
23 One, we found that 62 percent of truck traffic  
24 on McGinnis [phonetic] Boulevard is speeding.  
25 Thirty-four percent of that is going above five

2 miles per hour over the speed limit, which  
3 makes it almost impossible for them to stop on  
4 time. This has resulted in a four year period  
5 of 57 crashes involving pedestrians and  
6 cyclists. No fewer than--no fewer than five of  
7 those have resulted in death. So, this is  
8 impacting us not only in terms of long term  
9 health, but also in terms of endangerment every  
10 single day walking to work, walking to school,  
11 walking to visit friends or relatives. Out my  
12 own front door I, if I walk the wrong way,  
13 which is about five minutes in front of my  
14 face, I will pass no fewer than three garages  
15 where they are hauling and dumping garbage and  
16 I see workers in there sorting that garbage.  
17 It does not seem to me that they are following  
18 any of the regulations and I believe that this  
19 is the kind of garbage disposal that would be  
20 targeted by this law. So I'm very excited to  
21 see that that might become more equitable both  
22 for those workers and for my community. In  
23 addition to that, just one block away from that  
24 is the waste sewage treatment plant, and then  
25 one block over from that is Newtown Creek. So,

2 if anyone has any question about the  
3 environmental and safety burdens of North  
4 Brooklyn all they have to do is go for a 10  
5 minute walk. So thank you very much. NAG, to  
6 repeat, deeply supports this law and we look  
7 happily towards the future at continuing New  
8 York City's legacy of setting examples of  
9 social justice laws that can be replicated in  
10 other cities. So I hope that this will be a  
11 part of that. Thank you.

12 ESTEBAN DURAN: Thank you Chair  
13 James and Council Members. I'm here on behalf  
14 of El Puente, a 30 year old community human  
15 rights institution in Williamsburg and  
16 Brooklyn. We promote leaderships for peace and  
17 justice through the engagement of youth and  
18 community members in the arts education, health  
19 and wellness, and environmental action. We  
20 have three youth leadership centers in  
21 Williamsburg, one in Bushwick, and a public  
22 high school founded by El Puente 20 years ago.  
23 I'm the community organizer for the El Puente  
24 Greenlight District. It's a 10 year  
25 sustainability initiative we launched in 2011

2 to lead the south side or Los Surez [phonetic]  
3 from one of the most economically  
4 environmentally challenged neighborhoods in New  
5 York City into an equitable sustainable safe  
6 healthy and civically engaged community. We  
7 really urge you to support 1170. It will  
8 eliminate unused capacity at waste transfer  
9 stations, effect an 18 percent reduction in  
10 waste handled in our community, and prevent  
11 continual concentration of waste transfer  
12 stations in our community. This bill  
13 represents a long needed attempt to address the  
14 commercial waste system in New York City. Our  
15 community of North Brooklyn is directly  
16 impacted by this legislation. In fact, nearly  
17 40 percent of the City's waste is processed in  
18 Community Board One. I am a member of Community  
19 Board One. I have been for the last eight  
20 years, and I've seen outreach, OUTRAGE come,  
21 you know, every few months talking about this  
22 major issue, and talking just about that, the  
23 health conditions and how that effects them.  
24 And on a personal note, I grew up in  
25 Williamsburg about two blocks from the BQE, and

2 that alone, I was--I had asthma, and now I have  
3 a two year old son and these waste transfer  
4 trucks they rip through our neighborhoods, and  
5 I know he's already been diagnosed with asthma  
6 and having these unregulated trucks and they  
7 go--they go--they cut a lot of corners as much  
8 as possible, by the way. They will cut through  
9 the residential neighborhoods, and not only  
10 does that affect our roads, and I included some  
11 pictures of how horrible some of the corners  
12 are in my testimony, but there's also a noise  
13 level of it. And I know your colleague, Council  
14 Member Levin, talked about that, that he lives  
15 in between kind of an area and he hears the  
16 truck traffic. It is very considerable when  
17 these trucks rip through the residential  
18 neighborhoods and the noise is just--I mean, it  
19 literally shakes the houses. So, besides the  
20 noise pollution, you know, and these truck  
21 traffic, our communities already lack adequate  
22 green space and green infrastructure. So you  
23 can't really get away as well. If you want to  
24 like look for a spite [phonetic] at a local  
25 park, we already--you know, it's already a

2 problem 'cause we don't have a lot of green and  
3 open spaces. So being able to remove this  
4 excess capacity at the transfer stations will  
5 aid significantly in bringing borough equity to  
6 our community and or sister community in the  
7 south Bronx, which we're very glad about. And  
8 it is time that historic over-burdening of our  
9 communities be stopped and that all residents  
10 of New York City take responsibility for the  
11 waste we and they create. So, you know, a move  
12 to do this is very important. You know,  
13 really, just one last thing in terms of  
14 streets. Our streets are more than traffic.  
15 They are pedestrians, they're there for  
16 pedestrians and bicyclist. They are for  
17 building community. Our streets are our  
18 connective tissue. It knits together  
19 neighborhoods, and often where we gather is  
20 there in the streets. So trucks make these  
21 streets unsafe and unhealthy places to be, and  
22 we really need to stop this, and we really urge  
23 you to support 1170 and we're here to help you  
24 in any way that we can to do that.

2 ANTHONY WINN: Good afternoon, Madam  
3 Chair and distinguished Council Members. My  
4 name is Anthony Winn. I am Chief Operating  
5 Officer at Nos Quedamos, We Stay Nos Quedamos,  
6 a community development corporation comprised  
7 of residents, home owners, business owners from  
8 the South Bronx who are committed to promoting,  
9 supporting, and advancing ideas of healthy and  
10 sustainable growth both for local communities  
11 and the greater society. Today we join the  
12 collective voices that have come to encourage  
13 the City Council support adaptation of this  
14 legislation that will begin to correct what has  
15 far too long been unacceptable state of  
16 affairs. The proposal 1170 is presently under  
17 consideration, goes a long way in advancing the  
18 efforts to address the challenges faced by  
19 historically poor and underserved communities  
20 who bear a much greater share of the exposure  
21 to carcinogens, noise pollution, and traffic  
22 congestion. Reducing the number of trucks that  
23 moved through our neighborhoods where solid  
24 waste is processed will make our streets safer.  
25 The proposed cap on the future amounts of waste



2 any one community is forced to handle begins  
3 the reversal that is necessary to ensure that  
4 future generations will not grow up under a  
5 cloud of exhaust or deadly air quality. In the  
6 South Bronx the impact of poor air quality has  
7 produced asthma rates as you've heard that are  
8 eight times higher than the national average,  
9 as well as other diseases and illnesses tied to  
10 air pollution. The burden of pollution and the  
11 toxic externalities associated with the  
12 operation of waste transfer stations cannot  
13 continue to be placed upon only three  
14 neighborhoods to bear. Our communities deserve  
15 the benefit of every effort possible to ensure  
16 that the waste management activities are  
17 conducted in a more equitable manner. The  
18 subject matter of this hearing, the legislation  
19 under consideration represents the outcome of  
20 committed work and engagement for the coalition  
21 of community based organization, advocacy  
22 groups, scholars, scholars and public health  
23 professionals who have long documented the  
24 connection between diesel and asthma rates--  
25 that shouldn't have even been questioned; I

2 just put in an accent there--and concerned  
3 community leaders, and committee youth. The  
4 issue of disproportionate impact of waste  
5 transfer stations upon the health and well-  
6 being of unfairly burdened communities has been  
7 of great consideration for many, many, many  
8 years. The imperative for action cannot be  
9 overstated. We now have before us the  
10 opportunity to do what is fair and in the best  
11 interest of those over-burdened communities,  
12 and the city as a whole. The City Council must  
13 adopt this proposal if we are to ensure that  
14 better quality of life for all our neighbors  
15 and stop the historic trends of only a few  
16 suffering the burden for the entire city. It is  
17 my hope and the hope of many families and  
18 children in the South Bronx that one day we  
19 will breathe cleaner air and find our streets  
20 safer to walk upon, and disease rates  
21 associated with poor air quality no longer  
22 strangling the air from our lungs. With this  
23 proposal, there is greater hope that this will  
24 be a reality in the years to come. I say only  
25 one more thing in closing. They may say that

2 they do what they're doing because it's cheap,  
3 but the cost to families and children and  
4 asthma rates and the elderly suffering, that's  
5 not cheap. So if it costs them a few dollars  
6 more to get it right, so be that, and yes, we  
7 will stand in the way of any concentration of  
8 truck activity in our communities because  
9 historically we've been over-burdened by them.  
10 So whoever asked that will we stand up against  
11 all the other trucking activities, if it's  
12 possible, if there's a platform, if there's a  
13 rational approach like the one we have here,  
14 yes we will because the pattern of historically  
15 burdening in these communities must be stopped.  
16 I thank you for the opportunity to address you  
17 and I hope you will support this bill.

18 CHAIRPERSON JAMES: Thank you. Any  
19 other questions or comments from my colleagues?  
20 Thank you. Thank you very much. I want to thank  
21 my colleagues for remaining, Council Member  
22 Carmen del Arroyo and Council Member Diana  
23 Reyna--Maria Carmen del Arroyo, and Council  
24 Member Reyna, and to obviously all of you who  
25 have remained. I hope that we can come to some

2 resolution. We plan on negotiation,  
3 negotiating, and so that we can come to a more  
4 sustainable and equitable and fair policy. And  
5 as someone said, I think now is the time to  
6 seize the moment. Thank you all, and this  
7 hearing now is concluded.

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C E R T I F I C A T E

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



Date 11/10/2013