

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND SOLID WASTE
MANAGEMENT

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March 14, 2018
Start: 1:07 p.m.
Recess: 3:53 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: ANTONIO REYNOSO
Chairperson

COUNCIL MEMBERS: Fernando Cabrera
Chaim M. Deutsch
Rafael L. Espinal, Jr.
Paul A. Vallone

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

Kathryn Garcia, Commissioner
NYC Department of Sanitation

Larry Cipolina, Deputy Commissioner for
Administration and Financial Management
NYC Department of Sanitation

Dan Brownell, Commissioner and Chair
NYC Business Integrity Commission, BIC

Noah Genel, Deputy Commissioner
Legal Affairs and General Counsel
NYC Business Integrity Commission

Cindy Haskins, Assistant Commissioner
Finance and Administration
New York City Business Integrity Commission

Salvador Arona, Director of Policy
New York City Business Integrity Commission

Brendan Sexton, Former Commissioner of
NYC Department of Sanitation
Current Board Member of Energy Vision

Bill Bronson, Energy Vision

Kendall Christensen, Executive Director
New Yorkers for Responsible Waste Management

Cecil Corbin-Mark, Deputy Director
WE ACT for Environmental Justice

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2 [sound check, pause] [gavel]

3 CHAIRPERSON REYNOSO: Good afternoon and
4 welcome to the Committee on Sanitation and Solid
5 Waste Management hearing on the Fiscal 2019
6 Preliminary Budget in the Fiscal 2018 Preliminary
7 Mayor's Management Report for the Department of
8 Sanitation and the Business Integrity Commission. My
9 name is Antonio Reynoso, and I am the Chair of the
10 Committee on Sanitation and Solid Waste Management.
11 Today, we will hear testimony from the Department of
12 Sanitation on Expense Budget, Capital Plan and
13 General Agency Operations. After we hear from DSNY,
14 we will hear from the Business Integrity Commission
15 on its expense budget and general agency operations.
16 The Department of Sanitation's Fiscal 2019 Budget
17 totals \$1.71 billion Expense Budget, which is \$34.5
18 million more than Fiscal 2018 Adopted Budget. DSNY's
19 Commitment Plan for Fiscal 2018 through 2022 totals
20 approximately \$2.17 billion, an increase of \$42.1
21 million or 2% since the last budget adoption. The
22 committee looks forward to discussing such important
23 topics as the efforts to allowing the city with
24 achieve its goal of zero waste by 2030, a status
25 update on the electronics collection of the Clean NYC

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3 program, and the discussing the various new needs
4 included in the Fiscal 2019 Preliminary Budget. The
5 Business Integrity Commission's Fiscal 2019 Expense
6 Budget totals \$8.6 million, which is \$123,000 less
7 than Fiscal Year 2018 Adopted Budget. The committee
8 looks forward to hearing the department's testimony
9 on important topics including enforcement efforts
10 targeting unlicensed waste haulers, as well as agency
11 performance in reviewing applications. We will first
12 hear from Commissioner Garcia, the Department of
13 Sanitation and then proceed to hear from Commissioner
14 Brownell of the Business Integrity Commission. The
15 committee will then hear from members of the public.
16 We thank you in advance for your patience. I would
17 like to thank our committee staff including our
18 Financial Analyst Jonathan Seltzer, Nicole Abene,
19 Legal Counsel to the committee, and our Policy
20 Analyst Nadia Johnson as well as my own staff
21 Jennifer Routiers, and Asher Freeman. Before we hear
22 Commission Garcia's testimony, I would like to
23 acknowledge my colleagues—my colleagues who are
24 present, Council Member Chaim Deutsch from Brooklyn.
25 Welcome Chaim. At this point, I want to [background

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3 comments]. Yes, absolutely. So, we're just going to
4 swear you in before the beginning of testimony.

5 LEGAL COUNSEL: Please raise your right
6 hand. Do you affirm to tell the truth, the whole
7 truth and nothing but the truth in your testimony
8 today, and to answer Council Member questions
9 honestly?

10 COMMISSIONER GARCIA: I do.

11 LEGAL COUNSEL: Thank you.

12 CHAIRPERSON REYNOSO: Thank you. Please
13 begin your testimony. Thank you.

14 COMMISSIONER GARCIA: You know, when I
15 started this job I did not need reading glasses.
16 Good afternoon, Chairman Reynoso and members of the
17 City Council Committee on Sanitation and Solid Waste
18 Management. I am Kathryn Garcia, Commissioner of the
19 New York City Department of Sanitation. Thank you
20 for the opportunity to discuss the department's
21 portion of the Mayor's Fiscal Year 2019 Preliminary
22 Budget, the Fiscal 2018 Preliminary Mayor's
23 Management Report, and our current programs and
24 operations. With me this afternoon are Steven
25 Costas, First Deputy Commissioner and Larry Cipolina,
Deputy Commissioner for Administration and Financial

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3 Management. As proposed, the Fiscal Year 19
4 Preliminary Budget allocates \$1.71 billion in
5 operating funds for the department to perform our
6 core mission of keeping New York City healthy, safe
7 and clean by collecting and managing more than 11,000
8 tons of refuse and recyclables per day, cleaning
9 streets and vacant lots and clearing snow and ice.
10 In addition, the department's proposed Fiscal Year 19
11 Capital Budget is approximately \$407 million. Of
12 this amount, \$301 million is allocated to facility
13 construction and rehabilitation, \$13 million for
14 information technology projects and \$93 million for
15 replacement of vehicles and equipment. The proposed
16 Fiscal 19 Budget also ensures the department's
17 ability to complete the implementation of the city's
18 Comprehensive Solid Waste Management Plan, advance
19 our ambitious and expanding sustainability programs
20 and continue closure construction at the Fresh Kills
21 Landfill. Clean streets and public spaces instill a
22 sense of neighborhood pride and contribute to a high
23 quality of life for New Yorkers. I am proud of the
24 men and women of the department who work hard to
25 deliver essential sanitation services daily in all
five boroughs. In Fiscal Year 2017, the department

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3 achieved a record 95.9 citywide average scorecard
4 rating, the highest in the history of the Scorecard
5 Rating Program. Thorough January of Fiscal 18, the
6 department has achieved a citywide average scorecard
7 rating of 94.7%. The Fiscal 19 Budget continues
8 funding for the Mayor's Clean NYC initiative, which
9 includes expanded Sunday and holiday litter basket
10 collection service and mechanical sweeping of
11 approximately 100 miles of highway ramps and
12 shoulders each week. In addition, as we discussed
13 last week, the Preliminary Budget allocates \$3.2
14 million in Fiscal 18, and \$2.3 million in Fiscal 19
15 related to the Mayor's Neighborhood Rat Reduction
16 Initiative. Last summer, the department release Talk
17 Trash, a video marketing campaign encouraging New
18 Yorkers to do their share by putting litter where it
19 goes, in a litter basket. We released this campaign
20 with an event at the Cage, the iconic basketball
21 courts at West Fourth Street in the Greenwich
22 Village, and have distributed litter baskets painted
23 to look like basketball hoops in parks and
24 playgrounds across the city. I am pleased to share
25 that video with you now because I did such a terrible

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3 job actually describing it in words the last time I
4 testified.

5 YOUNG BOY: Do a tough call, man. Come
6 on. You call that a shot? This ain't a game. Hey,
7 I'm talking to you. You were two feet away from the
8 bucket and you still missed the shot. You didn't
9 even try.

10 FEMALE SPEAKER: Talk Trash, New York.
11 Litter trash is our town. Garbage reaches sewers and
12 floats to our beaches.

13 YOUNG BOY: Yeah.

14 FEMALE SPEAKER: If you see someone
15 littering, tell them where to put it.

16 YOUNG BOY: Talk trash, New York.

17 COMMISSIONER GARCIA: Thank you. So, we
18 have been promoting this on social media and at
19 events across the city. Clearing snow and ice during
20 winter weather ensures safe travel on the city's
21 19,000 lane miles of roadways. In Fiscal 19 the
22 department's Propose Preliminary Snow Budget is
23 approximately \$83.1 million. Snow, sleet and
24 freezing rain fell on our streets on eight separate
25 occasions this winter so far. It is not over until
April. The city also experienced one of the longest

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3 streaks of—streaks of below freezing temperatures in
4 recorded history this past January. The Adopted Snow
5 Budget for Fiscal 18 is \$84.1 million, though our
6 estimated expenditures now stand at approximately
7 \$86.1 million to date for this snow season through
8 the end of February before the last three storms.
9 The official total snowfall accumulations for the
10 city during the 2017-18 snow season currently stand
11 at 27 inches, and to date this season we have used
12 392,333 tons of road salt. We are current---

13 MALE SPEAKER: [off mic]

14 COMMISSIONER GARCIA: Sorry. I was like
15 who's talking behind me. We are working to complete
16 development of the long-term infrastructure component
17 of the City's Comprehensive Solid Waste Management, a
18 fair five borough plan that relies on sustainable
19 rail, barge-based transport and reduces the impact of
20 waste management on historically over-burdened
21 neighborhoods. The Fiscal 2019 Preliminary Budget
22 allocates \$411 million in export tipping fees for the
23 department's long-term export operations and current
24 interim export operations. Today, 7 of the 9 long-
25 term disposal facilities called for in the SWMP are
operating. Three years ago the department opened the

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3 North Shore Marine Transfer Station in College Point,
4 Queens, the first of our converted Marine transfer
5 stations to be completed. Last spring, the
6 department completed the contracting process for the
7 transfer and transport of disposal of containerized
8 waste from the Hamilton Avenue in Southwest Brooklyn
9 Marine Transfer Stations, and Hamilton Avenue with TS
10 began operating last September. Currently, that
11 facility manages up to 960 tons per day. By
12 September of this year, the Hamilton Avenue MTS will
13 be accepting approximately 1,600 tons per day. I am
14 excited to inform this committee that by the end of
15 Fiscal 19 the Southwest Brooklyn Marine Transfer
16 Station and the East 91st Marine Transfer Station
17 will be completed. The Preliminary Budget includes 12
18 additional maintenance staff, three at each MTS to
19 support these facilities going forward. The
20 completion of these facilities is the final step in
21 implementing the city's long-term waste export
22 program under the Solid Waste Management Plan. The
23 initiatives outlined in the Solid Waste Management
24 Plan will reduce truck traffic in and around New York
25 City by more than five million miles per year, reduce
greenhouse gas emissions by 34,000 tons per year, and

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3 contribute to a more equitable distribution of waste
4 management infrastructure in New York City. The
5 enforcement also continues to work toward important
6 reforms to the city's commercial waste system as
7 well. Last year the department and BIC began working
8 with a broad group of stakeholders including
9 businesses, the private carting industry, and
10 Environmental Justice advocates to move toward
11 commercial waste zones in New York City. With the
12 help of a team of consultants, the department is
13 developing an implementation plan that will lay out a
14 framework for establishing commercial waste zone
15 collections to achieve our goal of creating a safe
16 and efficient system to manage waste for New York
17 City businesses that emphasizes high quality, low
18 cost, and sets the city's commercial waste sector on
19 a pathway to zero waste. We look forward to
20 continuing our work with the City Council, and
21 stakeholders in this important process. The
22 Preliminary Budget also reflects our commit to
23 achieve our zero waste goals by 2030. This
24 budget allocates a total of \$60.3 million in Fiscal
25 19 to the department's Bureau of Recycling and
Sustainability for Waste Prevention, Recycling and

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3 Sustainability programs including outreach and
4 education , organics and community composting,
5 textiles, electronic waste, harmful household
6 products, reuse and donations and zero waste schools
7 in addition to our recycling processing costs. The
8 department continues to expand our New York City
9 Organics Curbside Collection Program. When the
10 program begin as a pilot in 2013, there were 3,500
11 households participating in the program. As of the
12 end of 2017, the program serves more than 3.3 million
13 New Yorkers. Today, 22 community districts have
14 curbside organics collection and we will continue
15 expanding this service this year. Buildings in the
16 remaining 20 community districts, which are high
17 density districts in Manhattan and the Bronx, can
18 sign up online to receive organics collection
19 service. Earlier this month the department added our
20 first cohort of Bronx high-rise buildings. In the
21 last year, we have also increase the number of food
22 waste drop-off sites citywide to 97. These new sites
23 are part of Compost on the Go launched in partnership
24 with Grow NYC to expand food scrap drop-off
25 opportunities in underserved areas in Manhattan and
the Bronx. By the end of 2018, the department will

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3 achieve our goal of expanding New York City organics
4 to serve all New Yorkers through curbside collection
5 or convenient neighborhood drop-off sites. The
6 Preliminary Budget also allocates \$117,500 in Fiscal
7 18 and \$70,000 in Fiscal 19 to support the
8 development and the implementation of a food donation
9 portal pursuant to Local Law 176 of 2017. The
10 department is currently on track to launch the Food
11 Donation Portal by March, 2019. Deadline specified
12 in the Local Law. The department is also working
13 with our partners, Housing Works and the ERI to
14 expand our Refashion NYC and e-cycleNYC programs in
15 apartment buildings. As of January 2018, there are
16 nearly 150,000 households across the city have access
17 to the Refashion program, which has collected and
18 diverted more than 12 million pounds of textiles for
19 re-use and recycling. The e-cycleNYC program is the
20 most expansive electronic waste collection services
21 offered by any municipality in the country. Since
22 its inception in 2013, e-cycleNYC Apartment Program
23 has grown to serve more than 800,000 households
24 across the city. In 2017, the department also
25 expanded Curbside e-waste collection to districts in
North Brooklyn. This fall we will expand that

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3 service to the rest of the Brooklyn and Western
4 Queens. The department continues to encourage
5 residents to attend its Safe Disposal events, utilize
6 its special waste drop-off sites, or take advantage
7 of existing kickback options for the disposal of
8 their unwanted electronic waste. Once again, this
9 spring we will host Safe Disposal events one in each
10 borough. New Yorkers can find out more about these
11 events on our website or by calling 311. In closing,
12 I wish to thank Chair Reynoso and the other members
13 of this committee for continuing to work as close
14 partner and for your commitment to our work. Your
15 support is critical to our ability to achieve our
16 mission to keep New York City healthy, safe and
17 clean. Thank you for this opportunity to testify
18 this afternoon. I am now happy to answer your
19 questions.

20 CHAIRPERSON REYNOSO: Thank you,
21 Commissioner. I'm going to ask a couple of questions
22 and then we're going to get to a couple of slides
23 that I just want to go through with you so we get a
24 clear-clear details regarding the Zero Waste
25 Initiatives. So, first the Preliminary Plan
includes \$462,000 in Fiscal Year 2018 to expand the

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2 Food Scrap Drop-off Program. Have we determined all
3 the locations as to where that-that will happen?

4 COMMISSIONER GARCIA: No, we have not
5 determined. We're working with our partners, but
6 we're very open if you think there's a good site that
7 should be focused on, but we're excited but we really
8 do usually need to work with partners to understand
9 what the community's needs are and where we'll be
10 most successful.

11 CHAIRPERSON REYNOSO: Okay great. So I
12 want to just open it up to allowing for maybe Council
13 Member input.

14 COMMISSIONER GARCIA: Absolutely.

15 CHAIRPERSON REYNOSO: Ask you where these
16 drop-off locations can be.

17 COMMISSIONER GARCIA: Yep.

18 CHAIRPERSON REYNOSO: Because I do think
19 it's a-it's a program that is very successful and I
20 think a lot of Council members will be encouraged to
21 use it. I want to encourage Council Members to use
22 it. Of the Food Scrap Drop-Off locations are we
23 adding any to the existing network, and what is the
24 total number of locations per borough?

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2 COMMISSIONER GARCIA: So, there are 97
3 Food Drop-off locations currently. Fifteen are in
4 Brooklyn, 17 are in the Bronx, 45 are in Manhattan in
5 part because that's where they started; 17 are in
6 Queens and 3 are in Staten Island.

7 CHAIRPERSON REYNOSO: Okay. So, adding
8 this fund--this funding how much additional tonnage do
9 we anticipate collecting?

10 COMMISSIONER GARCIA: It's really very
11 dependent on our participation. We have seen some
12 locations where we will get, you know, two, three,
13 four tons, and then some locations where there's been
14 less participation.

15 CHAIRPERSON REYNOSO: So, what are they I
16 guess the communities with the highest, or where are
17 the communities with the highest return?

18 COMMISSIONER GARCIA: Well, the highest
19 return has been, you know, Union Square--

20 CHAIRPERSON REYNOSO: Right. Okay.

21 COMMISSIONER GARCIA: --Grand Army Plaza
22 in Brooklyn, but the ones that were very new last
23 year in Upper Manhattan were very successful. We got
24 good tonnage out of those. The ones in the Bronx,
25 we're looking at whether or not we need to move those

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3 sites around, and partner more closely with some of
4 the community gardens up there to get more material.

5 CHAIRPERSON REYNOSO: Okay. So, you've
6 identified the problems that you've had or
7 operational challenges, and one of those is just
8 maybe siting.

9 COMMISSIONER GARCIA: Siting is
10 understanding how people are moving around and like
11 are we going to the right subway station where people
12 are relatively close and willing to bring their food
13 to you, or is this something where, you know, what's
14 the pedestrian habits and what habit, you know how
15 are we going to engage with the public? And so in
16 some areas that's, you know, we've hit the nail on
17 the head. In other areas we're going to look at
18 perhaps moving them around to see whether or not we
19 can get better participation.

20 CHAIRPERSON REYNOSO: Okay. So,
21 commercial waste zones, a very important topic here
22 in the City Council and in the City of New York I
23 want to say. Can we just get an update as to the
24 status of the plan, and—and the conversations that
25 are happening and the—the interaction between the
Department of Sanitation, and I guess communities in—

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3 in educating and informing them of exactly what will
4 or can happen? Just a general update.

5 COMMISSIONER GARCIA: Yeah, certainly and
6 so this is obviously a huge undertaking that we're
7 doing in partnership with BIC, but it really is much
8 broader than that. We brought on a consulting firm.
9 We have done—they have done over 100 engagements with
10 stakeholders that range from large real estate to
11 BIDs to the private carting community specifically to
12 advocates in the Environmental Justice community, and
13 so really taking the input from all of those
14 stakeholders as we start to put together what will be
15 an implementation plan that we will, of course, bring
16 to the Council. We will go back to our Advisory
17 Board of about 40, and really it's pretty open to
18 anyone who would like to attend.

19 CHAIRPERSON REYNOSO: Uh-hm.

20 COMMISSIONER GARCIA: I know you've been
21 to at least one. I encourage your colleagues if they
22 would like to joint the board to—we would be—we would
23 love to have them, and then we will take back and
24 like they've done a couple of—they're working on
25 finalizing a couple of different models, and take
that to the Board for their input, and then we'll do

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3 the final design, but it's very iterative in terms of
4 taking, you know, what is it--what do--what do big
5 businesses, what do small businesses need? What is
6 the carting community able to do to make sure that
7 they can be sustainable in the long run? How do we
8 really get safety embedded in all of this? We want
9 to make sure that we're achieving a broad range of
10 gals for the city of New York.

11 CHAIRPERSON REYNOSO: So, then for the
12 new members and maybe for some folks watching at home
13 or in here can you just do the basis by which we've
14 come to an understanding the waste zones, waste
15 collection zones might make sense. Can you just
16 refer a little bit to the study and why we think that
17 this might be a solution or an option to I guess
18 mostly speaking about VMTs. So, I just want to--

19 COMMISSIONER GARCIA: Oh, absolutely and
20 so we undertook a study, I guess we completed it
21 probably close to a year ago in which we really
22 looked at the industry, and I--I don't think that any
23 one had looked at the industry in a very long time
24 beyond what was required under the permits that BIC
25 provides. And one of the things that we found is
first of all that the carting industry is heavily

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3 concentrated with just a few firms controlling the
4 vast majority of the market. About the top five
5 firms control 50% of both the customer base as well
6 as the revenue share, and when you get to the top 20
7 it's around 80% of that. In addition, what we found
8 was that in the first analysis anywhere from a 49 to
9 68% decrease in vehicle miles traveled when we
10 expanded to include all carters which hadn't been--
11 they had only looked at the top 20 in the first
12 analysis, and up to 75% reduction in vehicle miles
13 traveled. You know, obviously that's designing an
14 absolutely perfect system, but really making it so
15 that the routes aren't extraordinarily long. One of
16 the things that happens in the private carting
17 industry is it is very highly competitive, and so
18 that the--the objective is always to fill up the
19 truck. And so, if you need to go 10 miles further
20 north to go get that last ton, you add that to the
21 route, and so the routes are highly, highly
22 inefficient, and just by creating boundaries around
23 what happens within a zone, you see a significant
24 reduction vehicle miles traveled.

24 CHAIRPERSON REYNOSO: Okay. So, and for
25 just a little bit of background, in North Brooklyn,

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3 for example, we have a lot of vehicle miles traveled
4 because we handle about 40% of the city's trash. It
5 happens in the South Bronx, it happens in Southeast
6 Queens. There are three districts that bear the
7 burden of handling a lot of the city's private trash,
8 and—and generate trash, and when we saw the study,
9 we've been planning for that a long time, and the
10 study kind of—the study justified a lot of our
11 concerns, which was that the routes were extremely
12 inefficient. When we're talking about a perfect
13 system can get us a 75% more efficiency right, and a—
14 and a—and I guess conservative number let's say 48%
15 more efficient it's definitely something we want to
16 look at. So, I'm glad that the study kind of
17 justified the need to look as—at the private
18 industry, and see if we can do a better—do better at
19 being more efficient with vehicle miles traveled, and
20 try to bring down these asthma rates in these
21 community mostly of color, and again in Brooklyn,
22 Bronx and Queens. So, I'm extremely grateful that
23 that study happened and I'm looking—looking forward
24 to continuing to be in the Board, and trying to find
25 solutions for that, and I am going to encourage
members of this committee to be a part of that board

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3 so they could start learning about what's happening
4 with waste zones, and eventually hopefully being
5 partners in making it happen here in the city of New
6 York.

7 COMMISSIONER GARCIA: Yes.

8 CHAIRPERSON REYNOSO: So, we have
9 \$118,000 in Fiscal 2018 and \$120,000 in 2019 to
10 create a web portal to connect prospect food donors
11 and recipients of food waste. I just want to know
12 the development of that portal. Is it going to be
13 outsourced or insourced? I just want to--

14 COMMISSIONER GARCIA: So, we've decided
15 that we're going to insource this and incorporate it
16 into our Donate NYC website and continue to promote
17 sort of that as the hub for all things donation
18 related. We already have there—a lot of partners,
19 you know, from organizations, you know, like Goodwill
20 or Housing Works, but we want to make it so that what
21 we do now on there is also going to apply to food.
22 So, we're excited about it.

23 CHAIRPERSON REYNOSO: So the \$118,000 is
24 that salary work, then? Is it paying for a salary or
25 what exactly? Is it personnel?

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3 COMMISSIONER GARCIA: Well, it's salary.
4 It's certificates. It's, you know, servers. It's
5 all of that stuff.

6 CHAIRPERSON REYNOSO: So, it encompasses
7 all including salary, including the person?

8 COMMISSIONER GARCIA: Yep.

9 CHAIRPERSON REYNOSO: Okay. So, in
10 Fiscal Year 2018, the budget response, in our Budget
11 response we called for increased funding for radio
12 advertisements, and the general advertisements to
13 spread the word about achieving zero waste in New
14 York City by 2030 as well as to have the
15 Administration establish a set of benchmarks leading
16 to zero waste, and include in the Preliminary Mayor's
17 Management Report. This funding was never included
18 nor was the PMMR recommendation. I personally feel
19 not enough is being done to inform New York City
20 about this ambitious goal, and we need to get the
21 word out. So, I-I just kind of want to put it in
22 perspective. There is Vision Zero for the DOT in
23 trying to prevent crashes and deaths in the—prevent
24 deaths in the city of New York related to vehicles,
25 and then we have Zero Waste, which is another
initiative by the—this Administration. Now, the

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3 funding given for advertisements to educate the
4 public for Vision Zero is about \$10 million, and your
5 entire budget for education and information is 2—just
6 above \$2 million. So, when we talk about one
7 initiative getting \$10 million and then an entire
8 department getting \$2 million, I just really feel
9 uncomfortable with our ability to truly educate the
10 public on how we're going to achieve zero waste or on
11 initiatives that you're taking to achieve zero waste.
12 I just want your response as to whether or not—for me
13 it seems like the administration is not taking this
14 initiative seriously when it doesn't budget you the
15 right amount of money to actually start addressing
16 the issues, and the initiative itself.

16 COMMISSIONER GARCIA: Right. No, I mean
17 I understand how you—you may perceive it that way.
18 You know, we do a lot of reach and education that are
19 actual people on the ground explaining what we're
20 doing as we're rolling out new programs. You know
21 tens of thousands of actual conversations with New
22 Yorkers. In addition, we do some very localized
23 outreach sort of the local paper, you know the Queens
24 Courier or one of those to try and get the message
25 out. We don't have a budget for very expensive

3 things say subway advertising or something like that,
4 but we do—we do get free space and we try and
5 maximize our free space whenever we can. So, you
6 know, I'm always hopeful that we are getting the word
7 out. I—I sort of live and breathe the zero waste
8 stuff everyday. So, I'm always surprised that
9 everyone doesn't know, but, you know, we continue to
10 try and make—be as effective as possible at getting
11 the word—I mean in getting and engaging people.
12 Particularly as we've been in the middle of some of
13 our programs, micro targeting has [background
14 comments] has—well, let me—we'll just do 25 maybe—has
15 been appropriate because in some cases we're not
16 citywide. So, it could be a confusing message if we
17 have services available for some people but not for
18 other people, but, you know, we are hopeful that we
19 are effectively dealing with it through sort of this
20 more micro targeting of—of communities, but you're
21 correct. We do not have a large advertising budget.

22 CHAIRPERSON REYNOSO: Okay, and I just
23 want to—we--we're in a bubble. We—we are trash
24 people--

25 COMMISSIONER GARCIA: We're trash
groupies.

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3 CHAIRPERSON REYNOSO: --or garbage folks.

4 COMMISSIONER GARCIA: We're garbage
5 groupies.

6 CHAIRPERSON REYNOSO: [laughs] We care
7 bout this, but for the general public zero waste is--
8 is--they've never even heard of it, and I--and I--I
9 would challenge just a New Yorker industry to ask
10 them about zero waste and whether or not they have
11 any reference to it. But now Vision Zero because of
12 the commercials they see on TV because of all the
13 actions that are taken, is in the front lines of
14 their minds and of--of an initiative that is being
15 taken seriously. I would even challenge my Council
16 members to be able to tell me whether or not they've
17 felt that our messaging regarding Zero Waste has
18 resonated in their communities, and it hasn't--I don't
19 believe it has in mine, and I think that you're--you
20 do very well with the little you receive, and you're
21 being extremely humble in not requesting for more
22 necessarily but understand its value. But I'm--I'm
23 not going to be that person. I'm going to let you
24 know that you need more money so that we can get this
25 word out, and I'm actually going to be making a
recommendation in the City Council response for a \$10

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2 million for advertising so we could start addressing
3 Zero Waste more seriously. I don't think it's
4 happening right now, and again, I want to call on my
5 colleagues to support me in that, but also I
6 challenge them to—to let me know if they've seen Zero
7 Waste advertising, and—and it would be difficult for
8 them—well, I would assume that it would be difficult
9 to find that they have. So, now we have a couple of
10 slides. Back to—to Zero Waste that I want to go to.
11 The first slide that we see here is the trend, and
12 this is—I want to say this is the goal of Vision
13 Zero—of Zero Waste, right? It's 100% diversion
14 rates.

15 COMMISSIONER GARCIA: Uh-hm.

16 CHAIRPERSON REYNOSO: What we want to get
17 to is no trashing going to landfills by 2030. If you
18 look at the red line, moving forward this is the rate
19 by which we would have to start addressing—diverting
20 trash to get to that goal. The trend is—is actually
21 a—what we would consider a friendly trend angled here
22 that shows that what? We'll reach maybe 40% if we're
23 ambitious at the rate that we're going. This is—this
24 is more to do two things. One, address the issue of
25 how serious the Administration is taking Zero Waste.

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3 We're very concerned that that's not happening, and
4 that you are not getting the support that you need to
5 be able to truly address this issue. The trend is
6 something seems more realistic to us in the Council
7 as opposed to the goal. So, I would just like to ask
8 you to present us what you believe the Department of
9 Sanitation and this Administration is doing to
10 achieve this goal considering what we've seen over
11 the last four years, which is more in line with this
12 trend.

13 COMMISSIONER GARCIA: So, so there are a
14 couple of pieces that are really going to be critical
15 to achieving this. I mean one of them is clearly
16 getting the organics collection citywide, and if we
17 do not—if we do not really push that program, we
18 won't get there. Continuing to push many of our
19 other programs including electronic waste and
20 textiles. There are good programs out there.
21 They're a significant percentage of our waste stream,
22 particularly textiles, but we need to get people
23 participating in them. You know, another piece of it
24 is, and I'll put this back on the Council, you know,
25 where is the plastic bag ban? Where is the Styrofoam
ban? I mean I think that those are, you know, there

3 are pieces of the puzzle that we assumed would no
4 longer be part of the waste stream at this point in
5 time. And so, I would—I would say that that is
6 something that we need to continue to identify where
7 there are products that are just not good solutions
8 for in terms of recycling. And then we really are
9 planning to move towards single stream. We think
10 that that will have a step change in terms of making
11 it easier for New Yorkers. We hope to move forward
12 with trying to figure out a way to give people
13 incentives for recycling more. Also a step change,
14 and so those are some of the big pieces. In
15 addition, we will have to continue to focus on NYCHA.
16 They are a big piece of this as well. We have made
17 some progress in that area. The infrastructure is
18 now available, which had not ever been true, but how
19 to engage with—with that community and figure out how
20 to get material from them. So, there are a lot of
21 pieces that we think can really be step changes in—in
22 how we get there, but we do need make sure that are
23 committed to the programs, and committed to
24 continuing to push this forward. It is not going to
25 be easy, and none of it is necessarily going to be
always the most fun to get done or make you them most

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3 popular. But I do think that it is achievable and
4 hopefully you will continue to be my partner in this.

5 CHAIRPERSON REYNOSO: Yes. So, I am going
6 to be your partner, but I want to be a real partner.
7 I want to—I want to make sure that when we talk about
8 zero waste that we're doing everything we can to—to
9 help achieve that, and at this point I think I'm
10 being unfair to you by not letting you know that we
11 need you to have a lot more money invested into this
12 initiative so we could start making a dent, and truly
13 start changing things, and I will be an advocate
14 fighting against plastic bags and Styrofoam while I'm
15 here as an individual, as the chair. I know other
16 Council members might have different thoughts about
17 it, but I understand the value of having zero waste
18 go to landfills, and I do want to say just for my
19 colleagues as well we spend about 4-over \$400 million
20 every year to send trash or to export trash to
21 landfills. Now, it was—when I first started here I
22 think it was barely \$300 million and in four years
23 we've seen an exponential increase. At that rate,
24 it's going to cost us a billion dollars before 2030
25 to export trash if we don't get to zero waste, and
that billion dollars is going to have to happen

3 because people don't want to see trash in their
4 streets. They're going to—we're going to have to be
5 forced to pay that, and if we ever come into like an
6 economic crisis, that money can't be moved. The
7 exporting of waste is a baseline that can never be
8 touched because we need to get rid of the trash. The
9 money is then going to come from our children's after
10 school programming, our senior centers, our schools,
11 our libraries, and all these other important
12 institutions that make us great and who we are. But
13 that would all go to waste—no pun intended—because we
14 actually have to export it—export it as possibly a
15 billion dollars in the near future at the rate that I
16 see this going. So, I just want to put it in
17 perspective about how much money we spend exporting
18 trash. The faster we get to that goal, the less
19 money we spend on that, and the more money we spend
20 on taking care of our communities. So, the next
21 slide that I—that I want to go to before I'm going to
22 get to questions from my colleagues right after this.
23 This is—this is the Zero Waste Initiative. The Zero
24 Waste Initiative through OneNYC. This is how much we
25 have, which is \$28.6 million that we're spending to
get all this stuff done, and one—again I want to say

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2 \$28.6 million for an entire budget related to
3 achieving and Initiative. This is just twice as much
4 as-as-well, to put it in perspective, this pales in
5 comparison to other initiatives in the city of New
6 York that I believe are taken serious by the Mayor.
7 So--

8 COMMISSIONER GARCIA: [interposing] The
9 only thing that I would like to point out on this is--
10 -

11 CHAIRPERSON REYNOSO: [interposing] Yes.

12 COMMISSIONER GARCIA: --that it does not
13 include the operating costs of the programs. So how
14 much it costs to do the collection for organics for
15 example.

16 CHAIRPERSON REYNOSO: Okay.

17 COMMISSIONER GARCIA: So, that's that--
18 that's the Outreach and Educational and the bins and
19 the--so some of those sort of pieces of the program.

20 CHAIRPERSON REYNOSO: So, you would see
21 this as an incomplete snapshot at the programmatic --

22 COMMISSIONER GARCIA: Right, because
23 it's--

24 CHAIRPERSON REYNOSO: --but not
25 operational?

3 COMMISSIONER GARCIA: Right, the
4 operational side.

5 CHAIRPERSON REYNOSO: Okay, I respect
6 that. So, I'm—I am going to make sure that next time
7 we have a more clear one that speaks to operations as
8 well. So, I seen on this chart, of course, is \$28.3
9 million for the One New York City Initiatives. With
10 respect to Fiscal Year 2019, how much funding is
11 included for these efforts? Do you know the change
12 from 2018 to 2019?

13 COMMISSIONER GARCIA: It's—it's more or
14 less the same. I don't—I don't think that there's
15 anything in there that's significantly different.
16 There are some programs that are a little up and
17 down, but for example, they say as you throw a
18 consultant won't be repeating, but other than that
19 it's—it's pretty much baselined. The only thing is
20 there may be—we're still doing the projections. Once
21 we get through this particular outreach season on
22 organics what our organic then purchases will need to
23 be because obviously one—they're a one-time cost that
24 don't need to happen every year annually.

25 CHAIRPERSON REYNOSO: So, when I see—when
you—you talked about organics, electronic waste and

2 textiles, plastic bags, Styrofoam, single stream, and
3 NYCHA work, I just want to make sure that when we
4 tackle those issues for example the NYCHA recycles is
5 just 20--\$270,00. I think that--that--that amount is
6 extremely low if we really want to make a dent in an
7 area that has traditionally seen almost no recycling
8 because of the lack of infrastructure that we're
9 trying to work on. So, just again I really feel
10 uncomfortable talking--letting the public know or
11 talking to the public about zero waste when we're
12 talking about \$28.6--\$.26 million for a programmatic
13 budget, you know, less than \$2 million for your
14 entire advertising budget not just zero waste. It's
15 just I think we're being a little dishonest if--a bout
16 the seriousness of this initiative if we're not
17 budgeting it the right way. Now, before I go onto my
18 colleagues, this is going to be my last question.
19 So, I'm going to ask you, do you believe with the
20 budge that you have where it would actually be on
21 track to close this 80% gap that we have regarding
22 diversion rates in the city of New York?

23 COMMISSIONER GARCIA: I think that--that
24 given what the programs that we have laid out, some
25 of which will need additional funding in out years

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3 that we can get there, but we are going to need your
4 support on some of the other pieces of it, but I
5 think that this is something we can do, but it will
6 require additional funding likely in the coming
7 fiscal years for—primarily for operations related to
8 related costs.

9 CHAIRPERSON REYNOSO: Okay, and—and I
10 look forward to getting that—that amount of what the
11 operational costs would be because I want to start
12 talking about this in a serious way. The last four
13 years I really felt like we didn't make enough
14 progress. I feel like a lot of the initiatives are
15 falling short, and I just really again did not feel
16 that his Administration is taking this initiative
17 serous. I want to open it up to colleagues. I want
18 to acknowledge them. First, Rafael Espinal from
19 Brooklyn, Paul Vallone from Queens, Fernando Cabrera
20 from the Bronx and again Chaim Deutsch from Brooklyn,
21 and I want to ask Council Member Chaim Deutsch to be
22 the first to ask questions. We'll have a—a five-
23 minute clock. It's a—it's a fake clock. If you need
24 more time we'll just give it to you. We just really
25 want to be concise in attacking a lot of these
issues.

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3 COUNCIL MEMBER DEUTSCH: Thank you.

4 Thank you, Chair. Good afternoon, Commissioner. So,
5 firs I wanted to—first, I want to bring up—you
6 mentioned in your testimony there's \$1.71 billion in
7 operating costs in the budget to keep our streets
8 clean. Do you agree that in order to properly our
9 streets clean 100%, we would need more funding in the
10 budget?

11 COMMISSIONER GARCIA: Well, I would
12 actually turn the question around today if I had
13 citizens who did not litter, I would be in great
14 shape and the challenge, though is always keeping up
15 with what New Yorkers—I've actually seen a national
16 article today about how folks feel about this is we
17 are the only people who keep picking up after you
18 leave and when you mother stops, and so can I keep
19 the streets 100% clean a 100% of the time? No. I
20 don't think there's any amount of money that you
21 could give me that would make it so that I could tell
22 you that that that was true unless I had a citizenry
23 that was a little bit more respectful of the law, and
24 of their fellow citizens.

25 COUNCIL MEMBER DEUTSCH: So, my next
question is that do you feel that you need more money

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3 in the budget for City Sanitation to keep our streets
4 clean, and try its best to keep our streets clean by
5 picking up trash after holidays, picking up corner
6 waste baskets, 7 days a week 100% or to the best to-
7 of your ability?

8 COMMISSIONER GARCIA: So, I mean I do
9 think that it would be helpful to have additional
10 litter basket service primarily just because New York
11 City is booming, and-and that is going to be an
12 ongoing challenge. There are just more and more and
13 more people here, and parts of the city that were
14 never busy are busy and busy all the time. So, I mean
15 I do think that that's something. You know, you and
16 I think disagree about holiday collection, holiday
17 collection I don't think is a significant challenge
18 and this partly personal, and I've been a Monday for
19 21 years now, and have never found it to be
20 significant and that cost is extraordinary. So, I
21 don't think the balance necessarily is there. I
22 think on a litter basket there's always, you know,
23 it's very, very visible. It's, you know, challenging
24 with how quickly the city is changing, and so, you
25 know, we're constantly looking at that to make sure
we're matching our services to where the people are,

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3 and so that is a--that's a constant change all the
4 time.

5 COUNCIL MEMBER DEUTSCH: So, I just want
6 to bring up what I brought--I-I brought up at the
7 last hearing. So, if someone has a collection on a
8 Monday, and the holiday falls on a Monday, then you
9 have to wait for your trash to be picked up several
10 days later, and at times, it not at times, all the
11 time only 70% of that district gets picked up, 30%
12 does not get picked up until the following week. So,
13 you always have the 30% because there's not enough
14 funding, there's not enough manpower, and maybe
15 there's not enough equipment. Secondly, if you have
16 recycling and it falls on a Monday, you have to wait
17 one full week. So, you have that recycling in your
18 house, and many people have no room. So, they place
19 it outside, which leaves recycling trash outside in
20 the front of your home. In addition to that, if
21 there's a holiday that falls on two Mondays in a row,
22 do you have to wait two full recycling pickups to get
23 your recycling picked up, which leaves trash out in
24 the street. In addition to that we don't get pickup.
25 We don't get pickup for corner waste baskets in
commercial districts. We have I don't know how many

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3 commercial districts in our city and those baskets
4 are overflowing because we do not get seven days a
5 week. We need seven days a week, and in some areas
6 we need more than one time a day to be picked up.
7 So, when we set a good example to our—to the
8 residents of the City of New York to say yes we are
9 doing our job, we are keeping our city clean. Now
10 it's your turn to keep your city clean. We're
11 talking about Styrofoam ban, plastic bags—plastic bag
12 charge, organics collection, E-waste programs, \$32
13 million to tackle rodent infestation in our city, but
14 I think what we need to do is, is not go three-
15 quarters of our duty to pick up trash and then to
16 give more work to everyone and to—and to try to ban
17 everything. So, we have to fully fund Sanitation,
18 and once we have that, then we could go to the
19 residents of our city and say okay, we have pickups.
20 We're fully funded, and now this is what we would
21 like to do and work your way down and to see how we
22 can save more money all around. For example, salt.
23 Before a snow emergency, all the BKs have salt. How
24 much salt goes to waste if there's a rain and your
25 salt is sitting outside. It's not in a storage area.
So, we don't know how much salt goes to waste if it

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3 rains [bell] before a snow storm while the salt is
4 sitting outside the garage. Do we have any numbers
5 on that of how much salt goes to waste? Does the
6 salt need a storage area for it to be properly
7 salvaged to make sure everything is there? Do you
8 have a—do you have a cost on how much salt goes to
9 waste?

10 COMMISSIONER GARCIA: [off mic] Well, I'm
11 not really--

12 CHAIRPERSON REYNOSO: I think you mic
13 might be off. Is it?

14 COMMISSIONER GARCIA: [on mic] So, if
15 we're talking about salt when we salt ahead of a
16 storm, we start salting at first flake. Even if
17 there is not snow that is accumulating, we do think
18 that it creates a brine on the street and gives us a
19 little bit more time to reduce the amount of overall
20 accumulations. In many places we have salt that is
21 salt sheds. If not, we have tarp covers that are
22 then opened for the season. We have to make sure
23 that we manage the sites appropriately, but we do not
24 think that there is a significant loss of salt
25 because the site is uncovered during loading
opportunities or when it rains.

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3 COUNCIL MEMBER DEUTSCH: Is there a loss
4 of salt?

5 COMMISSIONER GARCIA: Well, salt
6 dissolves. So, I'm going to say that eventually if
7 you-

8 COUNCIL MEMBER DEUTSCH: [interposing]
9 Definitely.

10 COMMISSIONER GARCIA: --have water, salt
11 will--salt will dissolve.

12 COUNCIL MEMBER DEUTSCH: How much do we
13 pay--how much does the city pay for salt?

14 COMMISSIONER GARCIA: I believe it's
15 about \$71 a ton.

16 COUNCIL MEMBER DEUTSCH: And how many
17 tons do we usually order? Do you know what the
18 numbers are, the total numbers?

19 COMMISSIONER GARCIA: So, the total
20 numbers of what we've used so far this season was a
21 little bit over 300,000 tons about 320 but I don't
22 think that includes the last three storms. The
23 highest year--for--since I've been in this chair, my
24 largest year was 522,000 tons of salt.

25 COUNCIL MEMBER DEUTSCH: That's a lot of
money.

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3 COMMISSIONER GARCIA: That was a lot of
4 money. There were a lot of storms.

5 COUNCIL MEMBER DEUTSCH: Yes, and it was
6 lot of money having the salt sitting outside exposed.

7 COMMISSIONER GARCIA: No, no, that was—
8 that was to use the salt.

9 COUNCIL MEMBER DEUTSCH: Okay.

10 COMMISSIONER GARCIA: That was to use.
11 We spread the salt.

12 COUNCIL MEMBER DEUTSCH: So, we—we do
13 have waste on salt?

14 COMMISSIONER GARCIA: No, I actually
15 would—I would disagree with you. I do not think that
16 our salt operations are wasteful. I think that they
17 are appropriate for what the city needs to do in
18 order to make sure that we are maintaining a safe
19 environment.

20 COUNCIL MEMBER DEUTSCH: Thank you. You
21 also mentioned in your testimony that \$93 million to
22 replace equipment. What does it mean replace
23 equipment? Does this mean adding equipment or just
24 replacing equipment?

25 COMMISSIONER GARCIA: No, this is—this is
primarily replacing equipment and this year it's

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3 primarily mechanical brooms, CFC trucks, broom
4 trucks. We actually did a pre-purchase in this
5 Fiscal Year and bought 250 reloaders and 196 dual
6 bins just because the contract price was going to up
7 and we wanted to save some money. So, this is all
8 just replacement of vehicles at this point in time.
9 We are not planning to increase our fleet size
10 overall at this moment.

11 COUNCIL MEMBER DEUTSCH: Now, speaking
12 about mechanical street sweepers, does--do those
13 street sweepers have the capacity to carry trash?

14 COMMISSIONER GARCIA: I mean, well they
15 sweep up the trash and it's kept inside the--

16 COUNCIL MEMBER DEUTSCH: Is there like an
17 area in that--

18 COMMISSIONER GARCIA: [interposing]
19 There's an area inside. It's like a vacuum cleaner.
20 So, it almost is like as you think of a vacuum
21 cleaner bag. It has that sort of compartment in it.

22 COUNCIL MEMBER DEUTSCH: Because I think
23 years back when the street sweepers drove down the
24 commercial areas they use to take sometimes the
25 corner waste baskets and open that compartment and
throw the trash in there.

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2 COMMISSIONER GARCIA: I don't—I don't
3 have—I've—I've never heard of that, and--

4 COUNCIL MEMBER DEUTSCH: [interposing]
5 Well, maybe we should—if we could look into that to
6 see because if the street sweepers are driving or
7 going down the commercial areas, and they see a truck
8 with a door--

9 COMMISSIONER GARCIA: [interposing] I
10 don't believe—it doesn't open that way. It opens
11 now—at least the way that it opens now is it tips
12 back and then opens. So, no, I don't—I wouldn't see
13 that as something that the—the street sweepers of
14 today are designed to accomplish.

15 COUNCIL MEMBER DEUTSCH: Okay. How many—
16 have 22 districts that you collect organics in the—in
17 the city. Is there—what's the financial gain with
18 regards to organics collection or—or is it an
19 environmental issue?

20 COMMISSIONER GARCIA: It's an
21 environmental issue.

22 COUNCIL MEMBER DEUTSCH: It's an
23 environmental issue. So, who collects—who collects
24 the organics?

25

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2 COMMISSIONER GARCIA: Oh, Sanitation
3 workers are collecting.

4 COUNCIL MEMBER DEUTSCH: And where does
5 it go?

6 COMMISSIONER GARCIA: It depends on where
7 you are located. Yours, which I hope you are
8 participating goes to the Newtown Creek Wastewater
9 Treatment Plant and it is converted into natural gas.

10 COUNCIL MEMBER DEUTSCH: And who takes
11 care of that? Is that a certain waste management?
12 Is that--?

13 COMMISSIONER GARCIA: Well, it goes to
14 Waste Management where we remove the contaminants and
15 then it goes DEP.

16 COUNCIL MEMBER DEUTSCH: And who has the
17 oversight to make sure that that's where it goes?

18 COMMISSIONER GARCIA: You mean that it--

19 COUNCIL MEMBER DEUTSCH: [interposing]
20 That it goes--that organics goes--it's--it's recycled.

21 COMMISSIONER GARCIA: So, we have export
22 supervisors who are responsible for the contracts and
23 who makes sure--who are responsible and make sure that
24 they're doing the right thing, and that we're getting
25 charged appropriately for all of our material.

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2 COUNCIL MEMBER DEUTSCH: So, they do not
3 work for Sanitation?

4 COMMISSIONER GARCIA: Waste Management
5 does not work for Sanitation.

6 COUNCIL MEMBER DEUTSCH: Waste
7 Management.

8 CHAIRPERSON REYNOSO: Listen, can I--

9 COMMISSIONER GARCIA: [interposing] So,
10 yeah, I have one more question.

11 CHAIRPERSON REYNOSO: --just to allow for
12 other Council Members to ask questions.

13 COUNCIL MEMBER DEUTSCH: I just have one
14 more question to finish the organics question and
15 that's it.

16 CHAIRPERSON REYNOSO: Okay. Alright, go
17 ahead.

18 COUNCIL MEMBER DEUTSCH: So, what happens
19 if the organics gets contaminated at the site? Does--
20 what happens to that?

21 COMMISSIONER GARCIA: So, I mean we--they--
22 the--all of our vendors are required, and we actually
23 own for our site on Staten Island pieces of equipment
24 to remove contamination. So, everyone is not
25 perfect, particularly our school children, and so

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3 unfortunately. So, they have a—they have mechanical
4 equipment that removes the plastics out of the—the
5 organics, and so they—they were permitted to choose
6 their technology. So, we have the tiger. American
7 Recycling has the Scott's Turbo, and I believe Waste
8 Management has the Core System, and it more or less
9 is like an auger centrifuge, and the—and the—and I
10 think pieces of it that are not—that are contaminants
11 are pushed out, and then other material is sent
12 either to compost facilities or in this case in
13 Brooklyn to the Newtown Creek Wastewater Treatment
14 Plant.

15 COUNCIL MEMBER DEUTSCH: Do they report
16 to you how much—how much organics gets contaminated?

17 COMMISSIONER GARCIA: They—they have
18 provided some reports. So, I'd have to get back to
19 you. I don't have the information right now.

20 COUNCIL MEMBER DEUTSCH: Okay, thank you.

21 CHAIRPERSON REYNOSO: Thank you, Council
22 Member Deutsch. Council Member Cabrera.

23 COUNCIL MEMBER CABRERA: Mr. Chair. I
24 have no questions. He took all my questions. I'm
25 just kidding. I'm just kidding, just kidding. You
got excited, didn't you?

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2 CHAIRPERSON REYNOSO: I got very excited?

3 [laughter]

4 COMMISSIONER GARCIA: We can go short.

5 I'm fine.

6 COUNCIL MEMBER CABRERA: So, first, Mr.
7 Chair, I want to thank you for the projections that
8 you made regarding zero-zero waste. That as very
9 insightful, and concerning at the same time, and to
10 answer your question that you asked us earlier, no I
11 haven't received in my district any type of
12 information regarding zero waste. It's not being
13 permeated in my district at least I haven't felt it,
14 and Commissioner, welcome. And, first I want to
15 start with a point of clarification, and I know you
16 know this, but just for-for the public at large that
17 when we talked about the plastic bag that we-we did
18 everything possible here. It's now at the state
19 level and I know you know that--

20 COMMISSIONER GARCIA: I know I know that.
21 I was dealing with it.

22 COUNCIL MEMBER CABRERA: --and so, I know
23 it's frustrating, but hopefully we'll get there. I
24 wanted to ask you first about the-the Sanitation

25

2 truck fleet, and I'm asking because I really don't
3 know. What type of fuel do we use for our trucks?

4 COMMISSIONER GARCIA: What fuel do we
5 use? So, our trucks are diesel and then we have a
6 small portion that are C&G.

7 COUNCIL MEMBER CABRERA: And so, do we
8 have technology that will run as same as the MTA
9 buses?

10 COMMISSIONER GARCIA: You mean like
11 electric? So--

12 COUNCIL MEMBER CABRERA: They use--they
13 use natural gas, right?

14 COMMISSIONER GARCIA: There are natural
15 gas trucks. We cannot have a large fleet because the
16 fueling is--takes a long time, and since when we are
17 in snow operations I have about an hour to refuel the
18 entire fleet and get them back out. I just don't
19 have the ability to do that with the C&G fleet. At
20 this point it's challenging. The--the fueling
21 facilities are large, which anyone that has any space
22 for me I will take it, but we are also looking at
23 other technology. Mack is--says they think they're
24 going to have an electric, a full electric at the end
25 of this year. We will see. So, far they've not been

3 terribly successful, I mean the other vendors, but
4 they know there's a lot of pressure in the market to
5 get a fully EV truck. So, we—we will see.

6 COUNCIL MEMBER CABRERA: Can they make
7 them hybrid? So, when you do need the diesel, they
8 could go into diesel?

9 COMMISSIONER GARCIA: So, we use a lot of
10 different things that we—we have some different
11 technologies than a regular hybrid as you think of in
12 the car where it's just sort of like power on demand
13 so that it—when it goes into idle, it goes off,
14 stop/start technology, which is very similar,
15 hydraulic hybrids in the mechanical broom. So, we
16 are using some other technology that we do think has
17 some real value, and has been reducing our diesel
18 consumption. The only thing I would also add is
19 that, you know, as required by Local Law Sanitation
20 is compliant with all of the clean air requirements
21 and so we are 90% cleaner than we were 10 years ago,
22 a little more than 10 years ago at this point in
23 time, and we continue to get cleaner, but if you talk
24 to the big manufacturers, they—they really are
25 feeling like it's going to be less about after
treatment at this point in time, and it's really

3 going to be more about which fuels do you choose, and
4 also how to get the most efficient engines like how
5 to get them most miles per gallon, and--and sort of
6 bend the curve that way as well.

7 COUNCIL MEMBER CABRERA: Have--have you
8 spoken to Tesla? I know they have a truck and it's
9 doing--

10 COMMISSIONER GARCIA: [interposing] I
11 know but they have--they don't have a collection
12 truck. They have a long, long truck.

13 COUNCIL MEMBER CABRERA: [interposing]
14 But can--but can--can they--can they be incentivized--

15 COMMISSIONER GARCIA: [interposing] Well,
16 they--they--

17 COUNCIL MEMBER CABRERA: --to-to-to--

18 COMMISSIONER GARCIA: [interposing] Well,
19 they'll come. They'll be there. I think actually
20 the--the max, the auto car, the claim carrier folks of
21 the world are going to go probably first. There's
22 actually a very large manufacture in China, and I
23 believe that LA has gotten a couple of their trucks,
24 medium in terms of how effective they've been. The
25 one, not--not on the record, comments that I got was
they're not so great on going up hills.

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2 COUNCIL MEMBER CABRERA: Okay.

3 COMMISSIONER GARCIA: We need our trucks
4 to go up and down hills, and be able to—to carry very
5 large weights, but, you know, we're—we're getting
6 there. We're probably getting there faster than one
7 would think.

8 COUNCIL MEMBER CABRERA: So, the Tesla
9 truck what I've been told is actually stronger than a
10 Mack truck. You could take a Tesla truck go up the
11 hill against some diesel truck going down the hill
12 and the Tesla truck will—will

13 COMMISSIONER GARCIA: Right, but--

14 COUNCIL MEMBER CABRERA: -- win that
15 battle.

16 COMMISSIONER GARCIA: --the Tesla is—is-
17 as long, but the only model they have so far is a
18 long haul.

19 COUNCIL MEMBER CABRERA: I see.

20 COMMISSIONER GARCIA: They don't have a
21 refuse truck to my knowledge yet, and not their long
22 haul truck is fascinating. Their long haul truck,
23 and what they—what they're doing here is amazing. I
24 would hope that they get excited about the refuse
25 truck market and, you know, I would love to have

2 more competition in that market. [bell] So, I'm
3 happy to see that you'll—you'll be helping me pursue
4 those goals.

5 COUNCIL MEMBER CABRERA: Okay, I'm going
6 to close with this last question because I want to
7 respect the time here. There are so many good
8 questions here, but in the first four months of
9 Fiscal 2018, the percentage of letters responded
10 within 14 days was 44%, which is 17%—which is a 17%
11 drop from the same time period in the prior year.
12 What factors do you see that you could accrue to the
13 decline, and response rates? Additionally, the
14 percentage of emails responded to and within 14 days
15 was 68%, which is a 4% decrease from the same time
16 period in the prior years. Can you address the view
17 of this email (sic) problem?

18 COMMISSIONER GARCIA: Certainly. So, you
19 know, obviously we try and be as responsive as
20 possible and looking closely to make sure that we can
21 get those numbers up, but some things do require us
22 to go and do investigations. Often what—and—and I
23 do—if it's actually sent to me, I do actually read it
24 all. So, and many of them are often from elected who
25 say the constituent says that his house on this block

2 that there's litter or something else. So, we have
3 to send people out to go and investigate, and then
4 send it back to the do the write-up, and sometimes
5 that does take us more than 14 days.

6 COUNCIL MEMBER CABRERA: Okay, and
7 Commissioner thank you. This year the snow removal
8 in my district was amazing. Thank you so much. Thank
9 you so much, Mr. Chair.

10 CHAIRPERSON REYNOSO: Thank you. I'm—I'm
11 excited about a Tesla garbage truck.

12 COMMISSIONER GARCIA: They haven't done
13 that one yet.

14 CHAIRPERSON REYNOSO: I know.

15 COMMISSIONER GARCIA: They have a really
16 exciting long haul truck.

17 CHAIRPERSON REYNOSO: But I think—I think
18 we just got something going and—and percolating.

19 COMMISSIONER GARCIA: When you call, your
20 call must be--

21 CHAIRPERSON REYNOSO: [interposing] And
22 if these are like garbage trucks in New York City,
23 that's a lot of money.

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3 COMMISSIONER GARCIA: Well, it's very
4 interesting space right now. So, you're going to
5 have to shift his focus.

6 CHAIRPERSON REYNOSO: Space or garbage
7 trucks for the city of New York?

8 COMMISSIONER GARCIA: I don't know which
9 I would choose.

10 CHAIRPERSON REYNOSO: Neither do I. I'm
11 going to call on Council Member Paul Vallone followed
12 by Council Member Espinal and then Council Member
13 Salamanca.

14 COUNCIL MEMBER VALLONE: Thank you,
15 chair, and also since I was not at the first hearing
16 with my kids at the doctor, congratulations on your
17 chair of this committee and Commissioner, it was a
18 pleasure to be with you. I echo the Council
19 Member's—it was a challenging winter. You've done as
20 always an amazing job, and thank you for just working
21 with our community boards and our civic groups when
22 they make a call, you'll do our best to get there,
23 and we appreciate that.

24 COMMISSIONER GARCIA: Thank you.

25 COUNCIL MEMBER VALLONE: With the going
on line of the waste transfer stations, and since we

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3 had one of the first to come online in College Point,
4 if not the first, how-how has the transition been?
5 How have you see the flow of the truck traffic and
6 the regulation of the garbage itself. Can you just
7 give us an update from your perspective?

8 COMMISSIONER GARCIA: Certainly. I mean,
9 you know, there are many things that we have learned
10 at North Shore that we are doing a little bit
11 differently in other places, but we have seen, you
12 know, you've seen a reduction of truck traffic into
13 sort of Queens 12 or other areas where much of that
14 waste is. I think our biggest challenge with North
15 Shore right now is the Van Wyck, is getting all the
16 districts there in a timely fashion up the Van Wyck.
17 So, I'm actually thinking who knew this would be a
18 constraint for me, but that's my biggest issue right
19 at the moment. But it's going very well. We're
20 moving a lot of material and I think that an elected
21 colleague of yours when I was out in a blizzard with
22 them, if you'd like to meet me a blizzard, this is
23 something that I do. I've met with the Chair in the
24 blizzard conditions.

25

2 COUNCIL MEMBER VALLONE: Well, there's
3 one every week now. So, I'm sure we can figure that
4 out.

5 COMMISSIONER GARCIA: Is he asked me when
6 are you going to open that transfer station? I was
7 like it's been open for a year, and I was like, so I
8 think that says like what the impact is to that
9 surrounding community, and I don't think anyone
10 noticed when Hamilton opened. I think they're being
11 very effective. They're really high tech facilities,
12 we're actually--

13 COUNCIL MEMBER VALLONE: [interposing]
14 Well, you know, let me--let me work with you on--on
15 that because within the time constraints. Maybe we
16 can coordinate with the opening of the facilities.
17 There's often capital infrastructure repairs in the
18 surrounding area that need to be done, working with
19 DOT, working with the street maintenance, and
20 probably the majority of the local concerns is the--
21 the size of truck driving it's a wear and tear on the
22 streets--

23 COMMISSIONER GARCIA: Uh-hm.

24 COUNCIL MEMBER VALLONE: --and how and
25 there--there are pre-existing conditions when these

3 stations open that--that sometimes they're exacerbated
4 by the amount of the trucks. I think we should have
5 better coordination with DOT and OMB on the Capital
6 Plan of surrounding street infrastructure, the wear
7 and tear so that they can prepare for the brace of
8 the extra trucks coming and with the Van Wyck it's a
9 perfect example. They have the Willets Point project
10 coming. There's been talk about an extra off-ramp in
11 that are. So, your expertise on that topic may be
12 the difference in whether the off-ramp is build or
13 not? But I think there should be maybe some
14 coordination with what you see of the truck drive-the
15 street conditions that are there, and then the actual
16 repairs of the streets that are happening at that
17 time. There's always this--

18 COMMISSIONER GARCIA: [interposing] No,
19 I-I absolutely I mean I can--I cant certainly talk to
20 DOT and--and we obviously have eyes on practically
21 every street in the city of New York everyday, but
22 the one surrounding and whether or not--I mean clearly
23 as you get towards North Shore, there are some blocks
24 right there that could definitely use a little work.

25 COUNCIL MEMBER VALLONE: [laughs] No,
those are ramps. Those aren't even streets any more.

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2 I think if you—if you look around there between the
3 Police Academy and all that other--

4 COMMISSIONER GARCIA: [interposing] Yeah,
5 there's—three's some--

6 COUNCIL MEMBER VALLONE: [interposing]
7 there's some interesting--

8 COMMISSIONER GARCIA: [interposing] It's
9 just a little bit not smooth.

10 COUNCIL MEMBER VALLONE: Well, we'd love
11 to work with you on making those priorities.

12 COMMISSIONER GARCIA: Yep.

13 COUNCIL MEMBER VALLONE: I think that--
14 that's where I think the communities would--would
15 work. Their voices would be heard a little better if
16 the--

17 COMMISSIONER GARCIA: Absolutely.

18 COUNCIL MEMBER VALLONE: --the
19 combination of city agencies see the same thing, and
20 that should raise the priority of some of the street
21 repairs.

22 COMMISSIONER GARCIA: Okay.

23 COUNCIL MEMBER VALLONE: That much would
24 help. The last thing I wanted to ask is the--the chair
25 has here a whole bunch of facts, which are--which are

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3 wonderful. One of them that was eye-opening to see
4 was the vacant lot cleaning requests, and just in the
5 first four months we went from 53 to almost 1,500,
6 and I know when we get calls in the Council Members'
7 districts, sometimes the hardest thing is finding is
8 who is in control of that lot, and whose
9 responsibility is it to clean the lot, and then by
10 the time we get to actually who's the agency that has
11 to clean the lot, now who is now fighting with who
12 to clean the lot? We have an unhappy constituent.
13 So, what's our plan with the increase on the vacant
14 lots and what can we do going forward?

14 COMMISSIONER GARCIA: So, there are--there
15 are couple of I think categories and what your
16 question is, and-and obviously we can always
17 coordinate more. Any agency that owns property is
18 responsible for their own property. If it is a
19 question of--

20 COUNCIL MEMBER VALLONE: [interposing]
21 That's easier said than done because sometime it's--

22 COMMISSIONER GARCIA: Which is--which--
23 which goes back to I know that you've been around
24 long enough to know that the Levinthal Memo, and
25 there's some who are more responsible owners than

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2 others, and, you know, we certainly can work harder
3 at making sure that we understand what it is for lots
4 that have been identified as city-owned that are--end
5 up falling under our purview. We take care of them
6 pretty quickly. I actually find and--and we do need
7 to work better at [bell] making sure we coordinate
8 with other agencies. Our biggest challenge is
9 actually private lots where we can't get access.
10 That is--and we have to get court orders. That is
11 actually the longest duration time timeframe for me.

12 COUNCIL MEMBER VALLONE: Is there
13 something we can do as a Council to help expedite
14 process whether it's through streamlining the
15 process--

16 COMMISSIONER GARCIA: It's not--it's not--

17 COUNCIL MEMBER VALLONE: --and the
18 inspectors of it?

19 COMMISSIONER GARCIA: --it's not
20 necessarily it's not streamlined. It's sometimes the
21 judges just won't give us access. Like sometimes
22 even when the--because we go--the Health Department
23 does it for us, and says it's a public health issue,
24 and sometimes the judges still say no.

25

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2 CHAIRPERSON REYNOSO: So, can you explain
3 that? Could just go further in that so that folks
4 can understand? We, the Department of Sanitation
5 can't just cut down a fence and go into a vacant lot.
6 They need an authority for—they need authority from a
7 judge to be able to do that. So, well I guess I
8 could sign that.

9 COMMISSIONER GARCIA: Well, you can do
10 it. You can go in there.

11 COUNCIL MEMBER VALLONE: Is there any
12 exceptions? Is there any exception to that like in
13 an emergency situation or--?

14 COMMISSIONER GARCIA: No, there—actually
15 there's not an exception because the—the reason we're
16 going on and are in front of a judge is the Health
17 Department is determined as the, an expert that it is
18 a public health situation, and the judge can still
19 find against you.

20 COUNCIL MEMBER VALLONE: Well, I think
21 there—there you go. The Chair can help you with
22 that. We can put in some—if—if you—if we reach to an
23 emergency situation in a lot, I think the public
24 health situation we should be able to have a
25 temporary situation to get in there that eventually

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3 is reviewed by the judge, but I don't think too many
4 people would be complaining if you're responding to
5 an emergency situation.

6 CHAIRPERSON REYNOSO: I—I think that you
7 are correct on 90% of the population.

8 COUNCIL MEMBER VALLONE: [laughs] That—
9 I'll take those statistics. Thank you, Chair.

10 CHAIRPERSON REYNOSO: We'll—we'll look
11 into that as well because I think it's an interesting
12 case. I actually tried to clean out a private lot in
13 my district. It took like six months to make that
14 happen. It—it's State Court, so we might be
15 preempted from being able to do that, but our legal
16 counsel will look into it, and if there's any way
17 that we can give the authority to the Department of
18 Sanitation to walk in and clean a vacant lot much
19 quicker, we'll definitely be taking advantage of
20 that. So, thank you for those lines of questioning—
21 that line of questioning. Council Member Vallone.
22 I'll call on Council member Espinal now.

23 COUNCIL MEMBER ESPINAL: Thank you, Mr.—
24 thank you, Mr. Chairman. It's a pleasure being part
25 of the committee, and hello, Commissioner. First and
foremost I want to thank you for all the work you're

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3 doing around organics pickup. I represent East New
4 York where we're still not there yet, but I'm-I'm
5 sure that's happening--

6 COMMISSIONER GARCIA: We're coming.

7 COUNCIL MEMBER ESPINAL: --very soon.

8 COMMISSIONER GARCIA: We're coming.

9 COUNCIL MEMBER ESPINAL: So, I'm looking
10 forward to that day, and along those lines of waste
11 and reducing waste, one of the--one of the major
12 concerns I have is around textile waste. We know the
13 fashion industry produces a lot of textiles and
14 hundreds of thousands of tons of--of--of textiles go
15 into our landfills every year--

16 COMMISSIONER GARCIA: Uh-hm.

17 COUNCIL MEMBER ESPINAL: --am I correct?

18 COMMISSIONER GARCIA: It's 6% a day.

19 COUNCIL MEMBER ESPINAL: Six per--six
20 percent a day?

21 COMMISSIONER GARCIA: Percent a day.

22 COUNCIL MEMBER ESPINAL: How much does
23 that--

24 COMMISSIONER GARCIA: 600 tons a day.

25 COUNCIL MEMBER ESPINAL: Wow, how much
does that cost the DSNY?

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2 COMMISSIONER GARCIA: A ton is \$140 a
3 ton. I can't do the math in my head.

4 COUNCIL MEMBER ESPINAL: Yeah, so-so, is-
5 is there cost benefit in-in-in looking for ways to
6 reduce the amount of textiles that go into our
7 landfills here in New York City?

8 COMMISSIONER GARCIA: Well, there's both
9 a-cost benefit and there's also an environmental
10 benefit because the two worst parts of this stream in
11 terms of greenhouse gases is organic food type
12 material, and then organic clothing. So, cotton,
13 wool, all things that can decompose, or things made
14 of polyester. But, so, yes. We think that this is
15 actually really important and not to push on the
16 band, but I find both the refashion program for
17 apartment buildings as well as the e-cycle program
18 for apartment buildings equally convenient for
19 people, but the uptake on the e-cycle for apartment
20 buildings is far greater and the reason for that is
21 that you-we don't pick it up.

22 COUNCIL MEMBER ESPINAL: Right.

23 COMMISSIONER GARCIA: You know, we--

24 COUNCIL MEMBER ESPINAL: Right.

25

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3 COMMISSIONER GARCIA: --you know, we
4 under state law can't pick it up. So, there is the
5 case to be made that should the city of New York
6 really be picking up textiles in with refuse? So, I
7 just put that out there. That's not something I'm
8 asking for right now. I'm not asking for banning
9 that, but-but I think that textiles are-are some of
10 another frontier. I do think that we have a solid
11 way forward on like the organics piece, and we have
12 some good programs on the textile side, and we have
13 done a lot of-or tried to be hip and do outreach with
14 fashion designers. We had a fashion show--

15 COUNCIL MEMBER ESPINAL: Uh-hm.

16 COMMISSIONER GARCIA: --with reused
17 clothing, but which made Vogue by the way. It made
18 Vogue.

19 COUNCIL MEMBER ESPINAL: Right.

20 COMMISSIONER GARCIA: But, you know, this
21 is something where we're still not getting enough
22 even with the Goodwills and the Salvation Armies and
23 our program and Housing Works, we still end up with a
24 tremendous amount of waste going to landfills.
25

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3 COUNCIL MEMBER ESPINAL: So, so with the
4 current programs you have in place, what do you do
5 with the textiles that you receive?

6 COMMISSIONER GARCIA: So, either we—we
7 partner either with Housing Works primarily or with
8 Goodwill.

9 COUNCIL MEMBER ESPINAL: Okay. So, they
10 receive the clothing and they are able to re-
11 distribute that?

12 COMMISSIONER GARCIA: They receive the
13 clothing and they I assume resell them and to support
14 their social mission.

15 COUNCIL MEMBER ESPINAL: Right. Okay,
16 just something for me to think about for talking with
17 the Council. (sic)

18 COMMISSIONER GARCIA: [interposing] Yeah,
19 no, it's—it's—it's a real challenging issue, textiles
20 particularly —I mean I didn't grow up this way, but
21 my children seem to go through a new wardrobe--

22 COUNCIL MEMBER ESPINAL: [interposing]
23 Fast fashion.

24 COMMISSIONER GARCIA: --Fast fashion.
25 Yes, it's very fast, very fast. So, with my daughter

2 away at school I'm receiving quite a few fewer Amazon
3 boxes.

4 COUNCIL MEMBER ESPINAL: Thank you.

5 COMMISSIONER GARCIA: Thank you.

6 CHAIRPERSON REYNOSO: Council Member
7 Espinal didn't talk about a piece of legislation that
8 he's going to be pushing to ban plastic straws.
9 [background comments] Rafael Espinal. I'm sorry.
10 Council Member Espinal. So, I'm excited about that.
11 It's probably going to come through here. Council
12 Member Salamanca, and then we're going to go through
13 a second round of questioning, which we'll give
14 Council Members two minutes and then we'll—can
15 actually see if we can BIC in here early. So that we
16 can all leave earlier as well. So, Council Member
17 Salamanca.

18 COUNCIL MEMBER SALAMANCA:

19 COMMISSIONER GARCIA:

20 COUNCIL MEMBER SALAMANCA:

21 COMMISSIONER GARCIA:

22 COUNCIL MEMBER SALAMANCA:

23 COMMISSIONER GARCIA:

24 COUNCIL MEMBER SALAMANCA:

25 COMMISSIONER GARCIA:

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3 COUNCIL MEMBER SALAMANCA: Thank you,
4 Chair. Good afternoon Commissioner.

5 COMMISSIONER GARCIA: Hi, how are you?

6 COUNCIL MEMBER SALAMANCA: I have
7 questions in terms of enforcement. I'm getting many
8 complaints from my homeowners about the
9 overzealousness of enforcement from your enforcement
10 officers. So, I want to get straight to the
11 questions. Does your-DSNY have a quota system?

12 COMMISSIONER GARCIA: No.

13 COUNCIL MEMBER SALAMANCA: And so, you do
14 not require your enforcement officers to give out a
15 certain amount of summonses on a daily basis?

16 COMMISSIONER GARCIA: No.

17 COUNCIL MEMBER SALAMANCA: Okay. Do you
18 guys have an audit system where you audit the
19 officers that are giving out violations to ensure
20 that they're not giving out bogus violations?

21 COMMISSIONER GARCIA: So, I'm not sure
22 what you mean by an audit system. They have
23 supervision that's supposed to go back and make sure
24 that they are doing things appropriately. I actually
25 think that our summons activity is down this fiscal
year. The instructions that I give to every new

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3 class is this is a tool that we want people to do
4 that right thing, but I would rather have you walk
5 down a street, and see nothing wrong than have to
6 write a ticket.

7 COUNCIL MEMBER SALAMANCA: Alright. So,
8 their-but meaning how often does a supervisor follow
9 and enforcement officer to ensure that he's not just
10 giving a ticket to give a ticket, and in reality that
11 particular homeowner did not really clean their
12 sidewalk?

13 COMMISSIONER GARCIA: In all honestly,
14 their-their supervisors should see them everyday.

15 COUNCIL MEMBER SALAMANCA: Alright, and
16 is there—do you have a reporting mechanism to monitor
17 how many violations each enforcement officer agent--

18 COMMISSIONER GARCIA: [interposing]
19 Writes? Yes.

20 COUNCIL MEMBER SALAMANCA: And so is that
21 available? If so, how—how can we get access to it?

22 COMMISSIONER GARCIA: I think it's—I mean
23 I think it's something on a spreadsheet I can have it
24 sent to you?

25 COUNCIL MEMBER SALAMANCA: Aright. So,
you know, one of my, you know, main reasons for

3 bringing up these questions is I've—I've had
4 homeowners come to my office withy getting certain
5 violations in terms of not cleaning up between the
6 hours of 8:00 and 9:00.

7 COMMISSIONER GARCIA: It should—yeah it's
8 8:00 and 9:00 and then I think 6:00 and 7:00.

9 COUNCIL MEMBER SALAMANCA: And it just
10 seems that these different homeowners the language
11 that's written on their violation is exactly the same
12 language.

13 COMMISSIONER GARCIA: Well, they're
14 taught to use the same language.

15 COUNCIL MEMBER SALAMANCA: Yeah, so,
16 therefore, they're writing: Observed bottles,
17 wrappers, and papers scatted throughout within the 18
18 inches, but if there's no bottles and there are just
19 papers, why are they writing bottles?

20 COMMISSIONER GARCIA: Well, they should
21 be writing what they see.

22 COUNCIL MEMBER SALAMANCA: Yeah, and so I
23 really would like to see more of an investigation
24 from your agency in terms of enforcement.

25 COMMISSIONER GARCIA: Are you talking
about handwritten tickets.

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2 COUNCIL MEMBER SALAMANCA: Handwritten
3 tickets.

4 COMMISSIONER GARCIA: They're not being
5 written by enforcements. They're being written by
6 supervisors. They're not actually being written by
7 enforcement agents. Enforcements agents are--

8 COUNCIL MEMBER SALAMANCA: [interposing]
9 So, who supervises the supervisors?

10 COMMISSIONER GARCIA: The Superintendent
11 supervises the supervisors.

12 COUNCIL MEMBER SALAMANCA: I would really
13 like to a side conversation with on this. I feel
14 that tickets with the same language are given to
15 different homeowners, and they're not being very
16 specific, and so homeowners have two options: Take a
17 day off of work and go fight the summons or pay the
18 \$100 ticket, and the a few months, you get another
19 ticket and it just goes up and up and up. Does
20 Sanitation do enforcement? So, one of the dirtiest
21 sidewalks that I feel that I have my district are
22 NYCHA and schools.

23 COMMISSIONER GARCIA: Uh-hm.
24
25

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3 COUNCIL MEMBER SALAMANCA: Does
4 Sanitation Enforcement do enforcement on NYCHA and
5 school sidewalks?

6 COMMISSIONER GARCIA: No.

7 COUNCIL MEMBER SALAMANCA: Why not?

8 COMMISSIONER GARCIA: Because I can't
9 write the ticket to those properties.

10 COUNCIL MEMBER SALAMANCA: Alright, is
11 that something that we as a legislator as a body can-
12 can help and-and enforce? Because I see here that
13 you have what's called your performance indicators
14 and, you know, you're at 94% of clean streets. When
15 you're going out there and you're doing these
16 performance indicators, does that include NYCHA
17 sidewalks and schools?

18 COMMISSIONER GARCIA: Let me be very
19 clear on the scorecard. I don't actually do the
20 scorecard. So, the scorecard is conducted by the
21 Mayor's Office of Operations. I don't know where
22 they go. They won't tell me where they go. I guess
23 where they go, and spend probably way too much time
24 in my brain trying to figure out where the scorecards
25 raters are, but they have a manual about how they rate
streets. I don't actually know whether or not they

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3 include NYCHA or schools. So that is done outside.

4 It's like getting a report card. I don't—I can't
5 control what the report is.

6 COUNCIL MEMBER SALAMANCA: I just, you
7 know, I just find it disturbing that the, you know,
8 and you're doing exactly what you need to do. You're
9 enforcing cleanliness on homeowners and businesses,
10 but you're not enforcing cleanliness on the city of
11 New York, and it's an issue. The dirt—again the
12 dirtiest sidewalks that I have are schools and are
13 NYCHA developments, and they're just walking away
14 with dirty sidewalks, and it just doesn't look good,
15 and so maybe there's a conversation we could have
16 where you can provide them with violations. It can
17 be reported on. Maybe at the end of the year the
18 city can just, you know, you know, say [bell]
19 alright, you start at a zero balance, but I think
20 that that data would be important for us to see which
21 schools and in which districts [bell] have the
22 dirtiest sidewalks in terms of city-owned property.

23 COMMISSIONER GARCIA: Okay.

24 COUNCIL MEMBER SALAMANCA: Thank you.

25 CHAIRPERSON REYNOSO: Just to--to follow
up with those--with that line of questioning, so

2 there's on real--so you don't track the cleanliness of
3 those sites either, right? So, do you track them?

4 COMMISSIONER GARCIA: Um--

5 CHAIRPERSON REYNOSO: Do you know, what--
6 what is the dirtiest--the dirtiest NYCHA development
7 for example in the city of New York? Do you know
8 what it is?

9 COMMISSIONER GARCIA: So, I don't track
10 things beyond what the Mayor's Office of Operations
11 does in terms of sidewalk cleanliness, and as I said,
12 I don't know whether or not they exclude them. I've
13 never heard that they excluded them. So, I don't
14 honestly know--

15 CHAIRPERSON REYNOSO: Okay.

16 COMMISSIONER GARCIA: --that because I
17 never thought I was getting a pass for their
18 sidewalks. I thought that I was still getting held
19 accountable for them.

20 CHAIRPERSON REYNOSO: Okay.

21 COMMISSIONER GARCIA: And then, you know,
22 on schools we--we don't tend to look at sidewalk
23 cleaning. We can--we sometimes look at other aspects
24 of their waste management.

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3 CHAIRPERSON REYNOSO: So, I don't—I don't
4 think we necessarily want a school to have to pay a
5 fine. I think what we want to do is track how clean
6 they are because then we're talking about an
7 operations of a management issue. It could be that
8 one—one NYCHA development has great groundskeepers
9 and they do their job, and that another maybe they're
10 not doing their job, and we would love to know that
11 so that we can hold them accountable. The same thing
12 applies in schools. Are schools being—are schools,
13 you know, keeping their sidewalks clean in one
14 district, and not in another? And again, we could
15 hold them accountable, but if everyone is just doing
16 whatever they want, and there's not tracking of it,
17 you know, it—it—it ends up being an imagine of the
18 New York of New York City that we're dirty around
19 NYCHA, and—and schools that I don't think we want
20 that perception. So, I—I will have a—I would love to
21 be a part of that discussion to see how we can track
22 and record cleanliness in areas that you might not be
23 able to summons.

24 COMMISSIONER GARCIA: Certainly. I mean
25 I—we could—we could certainly help and work with you
on that particular goal. I'm happy to do so.

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3 CHAIRPERSON REYNOSO: Okay. Thank you.

4 Thank you, and now we have just two more Council
5 member questions. We want to go to Council Cabrera
6 then followed by Council Member Deutsch.

7 COUNCIL MEMBER CABRERA: Thank you so
8 much, Mr. Chair for a second round. Commissioner,
9 real quick, right now we are the—the waste export
10 goes to Alabama and where else?

11 COMMISSIONER GARCIA: Oh, no, no. We
12 don't—we don't go to Alabama.

13 COUNCIL MEMBER CABRERA: Oh, we don't go
14 to Alabama.

15 COMMISSIONER GARCIA: We go to South
16 Carolina.

17 COUNCIL MEMBER CABRERA: [interposing] I
18 thought I saw that in the paper.

19 COMMISSIONER GARCIA: We go to South
20 Carolina but not Alabama.

21 COUNCIL MEMBER CABRERA: So—so which is
22 the—the state that they're complaining that the odors
23 are coming out. It was in the papers the other day.

24 COMMISSIONER GARCIA: Oh, okay. I think
25 that that's a different agency. Apparently that's
the sludge expert contractor.

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2 COUNCIL MEMBER CABRERA: Oh, okay, got
3 you.

4 COMMISSIONER GARCIA: We're not
5 responsible for it.

6 COUNCIL MEMBER CABRERA: Got.

7 COMMISSIONER GARCIA: But we have—I mean
8 we go to Virginia, South Carolina, Upstate New York,
9 New Jersey, Pennsylvania. That's where my waste is
10 going.

11 COUNCIL MEMBER CABRERA: Are those states
12 eager to receive our trash because of the amount of,
13 you know, extra--

14 COMMISSIONER GARCIA: Money.

15 COUNCIL MEMBER CABRERA: Money. About
16 around, how big?

17 COMMISSIONER GARCIA: Some.

18 COUNCIL MEMBER CABRERA: Some. Also, no,
19 no, my fear is that maybe later on down the road
20 states will say hey, you know, we really want this
21 garbage in our states. Our constituents are
22 complaining and, therefore, well, what would happen
23 at that point?

24 COMMISSIONER GARCIA: So, we work very
25 hard to be good neighbors, and work very hard to work

2 with people who don't cause those sorts of issues.

3 They can happen and they have happened. It's
4 actually and so, we—we have long-term contracts,
5 though and the—the vendors would be required to find
6 alternative disposal sites.

7 COUNCIL MEMBER CABRERA: Okay and the
8 other thing because I only have 26 seconds here is
9 did we lose the Link stations that we have through
10 our neighborhoods where we have Internet and, you
11 know, they have--

12 COMMISSIONER GARCIA: Yeah.

13 COUNCIL MEMBER CABRERA: Did—did we use
14 that disseminate any kind of information from
15 Sanitation?

16 COUNCIL MEMBER CABRERA: So, I don't
17 think that we've ever used Link. I think we've
18 mainly gotten bus shelters for free. I think Link we
19 are talking to about getting some of their space for
20 free. [bell]

21 COMMISSIONER GARCIA: I think that would
22 be a great idea if we could do that. I mean to be
23 honest with you I pay attention to it. I look at the
24 weather for the day and so forth. You know, it's—it
25 just captivates people's attentions and it's widely

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3 used in my district. I ran out of time. Thank you
4 so much, Commissioner.

5 COMMISSIONER GARCIA: Thank you.

6 CHAIRPERSON REYNOSO: But I'll—but I'll
7 follow on the—if states don't want our trash, other
8 states charge us more. So, for example and I'll just
9 make it up. You know, if New Jersey finds out that
10 Pennsylvania cut a contract with the city of New York
11 they said we'll take it but for twice and then the
12 waste export cost that we are paying right now, which
13 is half a billion dollars is going to continue to
14 increase, which is why zero waste is extremely
15 important, and why we should all be supporting a
16 zoning system as well. So, we'll have that
17 conversation when the times come, but that's a great
18 question that I will follow up on in that hearing.

19 MALE SPEAKER: Yes.

20 CHAIRPERSON REYNOSO: Is that if we lose
21 a place to throw the trash out, we can't throw it in
22 space. Maybe Tesla can help us throw it to-to--

23 MALE SPEAKER: In space. [laughs]

24 COMMISSIONER GARCIA: I don't think—I
25 don't think that our goal should be to go to space.
I think that we're going to try and make it so that

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2 we can create a closed loop economy where we are not-

3 -

4 CHAIRPERSON REYNOSO: Yes.

5 COMMISSIONER GARCIA: -wasteful.

6 CHAIRPERSON REYNOSO: Yes. I agree. I
7 think it would be very expensive to send it to the
8 sun. So, I think we're going to go--

9 COMMISSIONER GARCIA: Which is incredibly
10 bad.

11 CHAIRPERSON REYNOSO: to Council Member
12 Deutsch.

13 COUNCIL MEMBER DEUTSCH: Thank you. So,
14 my-my questions is, is that how much would it cost to
15 fully fund Sanitation for seven days a week to pick
16 up corner tray-corner waste baskets, as well as
17 picking up our residential trash after a holiday or
18 snow storm?

19 COMMISSIONER GARCIA: I don't think I
20 have the number for picking up seven days a week for
21 all litter baskets with me today, but that is
22 something we can certainly calculate. In terms of-
23 the number is big. This is going to be like it's a
24 shocking number because you're asking me to surge
25 staff for 12 days a year, and so that means I need

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2 2,436 people, which will cost me when they get to
3 full salary, when they're five years in, \$206
4 million, which is why we don't chase.

5 COUNCIL MEMBER DEUTSCH: Okay, well this
6 a-we-this is a budget meeting. So, I would like to
7 know the numbers so this way--

8 COMMISSIONER GARCIA: [interposing]
9 That's the number.

10 COUNCIL MEMBER DEUTSCH: --we could
11 discuss that, okay.

12 COMMISSIONER GARCIA: That's the number.

13 COUNCIL MEMBER DEUTSCH: Okay, and for the
14 corner waste baskets, you don't have that figure?

15 COMMISSIONER GARCIA: I don't have that.
16 I didn't know that you were looking--

17 COUNCIL MEMBER DEUTSCH: [interposing]
18 Yeah, If you could, check that out.

19 COMMISSIONER GARCIA: --for seven day.
20 Yeah, that's not--that's--that's relatively easy for us
21 to calculate.

22 COUNCIL MEMBER DEUTSCH: Yeah, the seven
23 days a week. Okay.

24 COMMISSIONER GARCIA: Yeah, yeah.
25

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2 COUNCIL MEMBER DEUTSCH: On another note,
3 I just want to ask because you mentioned that you
4 have the 40-member Advisory Boards, with 40 members
5 on it.

6 COMMISSIONER GARCIA: Yes, at least four
7 agents--

8 COUNCIL MEMBER DEUTSCH: [interposing]
9 Yes, so what is the--what dose the Advisory Board do,
10 and also who appoints these members?

11 COMMISSIONER GARCIA: So, more or less
12 we've let anyone who wanted to join, join and we
13 reached out to a lot of people and asked them to
14 participate for example REBNY, BOMA, a bunch of the
15 BIDs, anyone we could think of who wanted to be a
16 part of it. And so, basically the consultants have
17 been meeting with larger groups and smaller groups to
18 find out what's important to them. What is really--
19 what would be the most important thing to you? How
20 do you do it now, you know, for some large buildings?
21 Like do you have liability things in your contracts
22 that we would need to replicate in this? [bell] So,
23 they provide us with a lot of information about
24 what's important to their constituents and, you know,
25 what is important to how we could make this

2 successful. I mean the goal is to ensure that should
3 get to an implementation plan. It's going to mean
4 that everybody gives a little bit I think, but it is
5 something that will succeed. We cannot afford to
6 design a system that does not at the end of the day,
7 make sure that commercial waste is effectively a move
8 from the city streets.

9 COUNCIL MEMBER DEUTSCH: Thank you. Who
10 appoints the board members?

11 COMMISSIONER GARCIA: We don't really
12 appoint. I mean if you reach out and ask people to
13 participate.

14 COUNCIL MEMBER DEUTSCH: [interposing]
15 But how do--how does--how does one sign up to become a
16 board member?

17 COMMISSIONER GARCIA: Let me know.

18 COUNCIL MEMBER DEUTSCH: Okay.

19 COMMISSIONER GARCIA: You can be on the
20 board.

21 COUNCIL MEMBER DEUTSCH: So there's
22 nothing--alright, I would love to.

23 COMMISSIONER GARCIA: And it's really
24 like, you know, if you're willing to come--

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2 COUNCIL MEMBER DEUTSCH: [interposing] I
3 have nothing else to do.

4 COMMISSIONER GARCIA: --and spend a
5 morning with us, we'll take you.

6 COUNCIL MEMBER DEUTSCH: Alright, thank
7 you. Thank you Commissioner.

8 CHAIRPERSON REYNOSO: [gavel] That's it.
9 It's the only board that the Mayor has that you don't
10 need to be appointed to. You just show up. That's
11 how much we care about it. We want everyone to
12 participated, and it's actually, just to be clear,
13 this is a board that is doing research on waste
14 zoning, and whether or not that is something that
15 this--

16 COMMISSIONER GARCIA: [interposing] On
17 the commercial.

18 CHAIRPERSON REYNOSO: --that this city
19 can do. We don't know. We're supposed to figure
20 that out through this board, but with the information
21 we have we feel confident that that is the way to go,
22 but you can joint the board and have your--

23 COUNCIL MEMBER DEUTSCH: And having and
24 who is making the decisions for all our--our
25 districts? So--

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3 CHAIRPERSON REYNOSO: Yeah, absolutely.

4 COMMISSIONER GARCIA: [interposing] Oh,
5 no-no-

6 CHAIRPERSON REYNOSO: So, you should
7 definitely be a part of that-

8 COMMISSIONER GARCIA: [interposing] And-
9 and-

10 CHAIRPERSON REYNOSO: --and remember
11 there no way that that happens without it going
12 through us.

13 COMMISSIONER GARCIA: Right. No, so it
14 would be like we-we will eventually based on all of
15 this input we'll give it to the Council and the
16 Council will make the decision about whether or they
17 not they want to move forward, and we will have to do
18 an environmental review and do that-all that regular
19 stuff that we'd have to do. So, we're-we're a ways
20 away from it, but no nothing is going forward that if
21 you don't want to be part of this that you would not
22 actually have at least a second, third or fourth bite
23 at the apple on-later on.

24 COUNCIL MEMBER DEUTSCH: Thank you.

25 CHAIRPERSON REYNOSO: Thank you. So, I
think we're good. I want to say thank you for your

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3 time and again the work you've done snow and just
4 general sanitation work, I want to thank the men and
5 women of Sanitation and thank you for the work that
6 you're doing, and we'll follow up on a lot of these
7 concerns and questions that we have in the future and
8 see you after the Preliminary Budget Response by the
9 City Council.

10 COMMISSIONER GARCIA: And everyone should
11 take their Zero by 30 bags with them.

12 CHAIRPERSON REYNOSO: Yes, we have bags.

13 COMMISSIONER GARCIA: I've given out
14 250,000 of them. So, if you see-

15 CHAIRPERSON REYNOSO: [interposing] Yes.

16 COMMISSIONER GARCIA: --them everywhere.
17 Someone actually I think Instagrammed the picture of
18 it in like Turkey or Malta or something. You know,
19 something crazy where I've never been.

20 CHAIRPERSON REYNOSO: Yeah, but we'll
21 have them. Thank you so much, and I just want to-
22 Council Member Cabrera letting us know that it was
23 the state government that pulled the plastic from
24 under us.

25 COMMISSIONER GARCIA: No, it is true.
You did do the best that you could in terms of the

3 bags, but we may be having to fight the fight again.

4 I was—I mean if the Governor does something I'd be
5 thrilled, but I don't know if that's going to happen
6 in this budget so--

7 CHAIRPERSON REYNOSO: Yeah, I hear you.
8 Thank you again, Commissioner.

9 COMMISSIONER GARCIA: Thank you.

10 CHAIRPERSON REYNOSO: We're just going to
11 take a two-minute recess, two minutes. [pause] Okay.
12 [background comments, pause] [gavel] So, we're back
13 for the round two and getting, and we're seeing
14 testimony from Brownell of the New York City Business
15 Integrity Commission. So, welcome and we're going
16 to—we're going to swear you in before we begin, and
17 then we'll and then we'll move forward for your
18 testimony.

19 LEGAL COUNSEL: Please raise your right
20 hands. Do you affirm to tell the truth, the whole
21 truth and nothing but the truth in your testimony
22 today, and to answer Council Member questions
23 honestly?

24 COMMISSIONER BROWNELL: I do.

25 LEGAL COUNSEL: Thank you.

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3 CHAIRPERSON REYNOSO: Okay. Okay, you
4 guys usually ask other people to do that. [laughs]

5 COMMISSIONER BROWNELL: [off mic] I think
6 it was nothing. (sic)

7 CHAIRPERSON REYNOSO: You don't, you
8 don't. Well, you may begin, Commissioner. Thank
9 you. [pause]

10 COMMISSIONER BROWNELL: I'm Dan Brownell,
11 Commissioner and Chair of the New York City Business
12 Integrity Commission or BIC. Joining me today are
13 Deputy Commissioner of Legal Affairs and General
14 Counsel Noah Genel and Assistant Commissioner of
15 Finance and Administration Cindy Haskins. Seated
16 just behind us are BIC's—is BIC's Director of Policy
17 Salvador Arona. Thank you for inviting us here to
18 testify. For Council Members new to this committee,
19 I'll start by giving you some background information
20 about BIC. Because we are a small agency with a
21 relatively narrow focus, people are often not
22 familiar with us. We are both a law enforcement and
23 a regulatory agency currently with a total of 83
24 employees and one hire in process. Of that total
25 headcount, ten are investigators many of whom are
retired NYPD detectives. We also have a squad of

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3 detectives from the NYPD's Criminal Enterprise
4 Investigations Unit who work on criminal
5 investigations. BIC was originally formed as the
6 Trade Waste Commission created more than 20 years ago
7 to oversee the commercial garbage hauling or trade
8 waste industry, which has been corrupted—which had
9 been corrupted and controlled by organized crime for
10 decades. Soon after, the City Council added
11 oversight of the public wholesale food markets to our
12 duties and our name changed to the Business Integrity
13 Commission. We play a unique role in city government
14 as we work to regulate and improve these once
15 troubled industries. In fact, there is no other
16 agency like BIC anywhere in the country. The main
17 component of BIC's oversight is our comprehensive
18 background check process consisting of thorough
19 investigations into the owners, key employees and
20 financial structures of our applicants. We work to
21 ensure that those companies are not operated by or
22 financially connected to organized crime or other
23 corrupt influences. After over two decades of BIC
24 regulation, these industries are now far better than
25 they were. As a result, we have been able to evolve
beyond our traditional role of eliminating corruption

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3 to address new challenges in the industries we
4 oversee. Collecting and hauling trade waste
5 particularly in New York City is a dangerous and
6 difficult job. The collection trucks are big and
7 heavy, and there are many other vehicles along with
8 cyclists and pedestrians rushing to get around in a
9 limited amount of space. That is why this
10 administration has made safety in the industry and on
11 the streets a priority. Since being appointed
12 Commissioner four years ago, I established a monthly
13 Trade Waste Advisory Board meeting with members of
14 management of several companies, and other industry
15 representatives to discuss important issues relevant
16 to trade waste and BIC's oversight. We have also
17 increased our discussions with other industry
18 stakeholders such as advocates. Communication is key
19 to effective regulation. In 2016, we joined the
20 city's Vision Zero Task Force to help eliminate
21 traffic related deaths in the city. This group is
22 made up of some of the best and brightest from New
23 York City agencies like DOT, the Department of
24 Citywide Administrative Services, the NYPD, TLC, the
25 MTA and others. Our membership on the Task Force has
greatly enhanced our ability to gather key safety

3 related data that we never had in the past. As part
4 of our work on the task force we are establishing a
5 panel to review serious crashes involving trade waste
6 vehicles. The panel will consist of members of
7 agencies on the trade--the zero--Vision Zero Task
8 Force and will allow us to analyze past crashes in an
9 effort to prevent them in the future. We expect this
10 panel to begin work in the near future. Recently, we
11 have focused on how to ensure that all trade waste
12 companies operating in the city have written in comp-
13 have written in comprehensive safety protocols. On
14 February 20th of this year, the Commercial Waste Zone
15 Collection Group headed by BIC and the New York
16 Department of Sanitation released a Trade Waste
17 Safety Manual. We have provided all of you with a
18 copy as part of today's testimony. The manual is a
19 culmination of 15 months of group work generated by
20 Carter's Safety and Environmental Advocates and
21 organized labor, specifically Locals 813 and 108. It
22 is now available on BIC's website, which is located-
23 which is stated in the testimony. The next step for
24 the Safety Group is to produce videos that expand on
25 key topics in the manual, a project already well
underway. The Vision Zero Task Force has been

3 helping us with this process. All carters will be
4 able to use the videos to educate their workers and
5 managers. As an example, there will be a video that
6 takes drivers through the pre-trip inspection of
7 their trucks and other equipment, which they should
8 be conducting at—at the start of every shift. The
9 inspection includes the compilation of the daily
10 Driver Vehicle Inspection Report, a sample of which
11 is included in the manual. There are other safety
12 related concerns that the Commission is seeking to
13 address. Perhaps most importantly we want to address
14 the problems of speeding and other traffic law
15 violations by trade waste trucks. We have found
16 those problems to be rooted in larger management
17 related issues such as overloading collection routes
18 so that drivers and helpers have to rush to finish
19 them in time. We intend to create additional rules
20 and potential legislation to address trade waste
21 safety concerns in the near future, and I hope to
22 work with you, Chair Reynoso, and the rest of the
23 committee on navigating these critical issues. As
24 part of BIC's increased work in trade waste safety,
25 we have increased our communications with trade waste
workers particularly drivers and helpers and

3 organized labor. Teamsters Local 813 and the
4 laborers—and Laborers Union Local 108 have been
5 particularly helpful in our efforts to reach out to
6 workers. Our discussions have reinforced just how
7 difficult the job of being a driver or a helper is.
8 Of course, we knew that the physical work was back
9 breaking, but far worse is that drivers' and helpers'
10 hours are often too long and as a general matter, the
11 workers are not properly compensated. In some cases,
12 the treatment of industry workers is flatly abusive.
13 Poor conditions for drivers and helpers is not only
14 unfair and unhealthy for them, but also results in
15 dangerous conditions for everyone on the city
16 streets. I am committed to continuing to foster our
17 relationship with organized labor and both union and
18 non-union trade waste workers. Understanding their
19 jobs and the challenges they face is an important
20 component to making the industry safer as well as the
21 city as a whole. Turning to other issues at BIC, we
22 are continuing to decrease the time it takes to
23 process both trade waste and public wholesale market
24 applications. We have made additional pro-process
25 adjustments such as prioritizing new applicants,
allowing them to enter the marketplace without undue

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3 delay and the resulting improvements are now evident.

4 In the first four months of the Fiscal—of Fiscal Year
5 2018 compared to the same period of Fiscal Year 2017,

6 BIC has reduced the average time to approve a waste
7 hauling application by 45%, and a market application

8 by 28%. Additionally, during the same periods, the
9 average age of a pending trade waste hauling

10 application declined by 42% and a market application
11 by 25%. When I first appeared before you four years

12 ago, these numbers were poor. I am happy to say that
13 we have turned it around and will be—and will

14 continue to improve. In the process, we have also

15 simplified our application and are now moving toward
16 an online application and submission process. Chair

17 Reynoso and members of the committee when we are

18 ready, I would like you to come to BIC so that we can
19 actually run through an online application so that we

20 can show you the improvements. In the area of BIC

21 enforcement, we are finding a significant decrease in
22 unlicensed carter activity in the city. We have

23 issues 53% fewer of those violations compared to a
24 year ago, which I attribute to higher compliance

25 rates. Be assured that we have not decreased our
attention to such violations. In fact, stopping

3 companies from operating illegally is at the core of
4 what we do. While the number of violations issued in
5 the past year to market businesses has remained
6 constant, I remind the Council that soon after I
7 started with BIC, we focused more on resolving
8 challenges and problems there rather than simply
9 issuing violations. As a result, violations issued
10 in the markets have been relatively low for the past
11 three years. Along with the PMMR data, BIC is
12 working on a number of projects to require data—that
13 require data analysis. One such project involves
14 enforcement of Local Law 145 of 2013, which requires
15 all heavy duty trade waste vehicles to comply with
16 2007 EPA Standards for Engine Emissions by January
17 1st of 2020. To assist in these important data drive
18 projects, we have hired a data analyst to provide
19 routine analytical data support to our various units.
20 This role is crucial as we continue to modernize BIC
21 and recognizes the essential role that data plays in
22 our law enforcement and regulatory functions.
23 Enforcement of the Commercial Recycling Waste
24 Collection Rules began in August—August 1, 2017.
25 Under those rules, it is illegal for private carters
to mix putrescible waste with source separated

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3 recyclable materials in the same truck compartment.

4 BIC is committed to ensuring private carters comply

5 with the law, and we have investigators actively

6 pursuing violations of the Commercial Recycling

7 Rules. To day, BIC has issued 34 violations to 16

8 different companies. These violations come with

9 hefty fines, which is reflective of the seriousness

10 of the violations. Thus far, none of these

11 violations have gone to a hearing, which reflects the

12 strength of the evidence supporting the violations

13 we're issuing. Our own investigators are working

14 hard to catch these violations, but we also strong

15 encourage the public to help our efforts by

16 submitting tips. To this end, BIC has updated the

17 complaint section of our website to make it easier to

18 submit complaints online. Users can now upload

19 pictures and videos as part of our-their complaint.

20 When the public sees a carter breaking the rules or

21 creating unsafe conditions, if they can do so safely,

22 they should take photographs or videos and provide

23 them to us. They can remain anonymous, but if they

24 give us their contact information, we will let them

25 know what develops from their tip. I think that

those who have given us tips already, will agree that

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3 we do a good job in taking actions on the tips and
4 updating those who provided them to us. I now want
5 to touch on an industry that we do not regulate, but
6 that is highly troubled and in need of oversight, the
7 heating oil supply industry in New York City. Since
8 November of 2015, when the Manhattan District
9 Attorney announced the indictments of nine heating
10 oil companies and 44 of their owners and drivers,
11 nothing has been done to curb the fraud in this
12 industry. Heating oil consumers throughout the city
13 including schools, religious institutions, hospitals,
14 police precincts and courthouses to name a few are
15 losing tens of millions of dollars each year to
16 theft. This has been going on for at least the last
17 30 years. As you know, there is a bill pending
18 before the Council now known as Intro 259 after being
19 reintroduced from the last term that would make BIC
20 the regulator for the industry much in the same way
21 we regulate the trade waste industry. We hope to
22 work with the Council to pass this important measure
23 this term. In closing, I want to turn back to safety
24 in the trade waste industry. While out early in the
25 morning walking my dog, I have seen private garbage
trucks operating in an unsafe manner. I am sure many

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3 of you have as well. There is no doubt that driving
4 garbage trucks in the city is difficult and
5 dangerous, but unsafe driving simply must stop, and
6 management must stop overloading collection routes so
7 that they are impossible to complete without rushing.
8 Safety must become the number one priority where
9 everyone in the company has a stake in the outcome.
10 Thank you for your interest in the work that we do
11 and I look forward to answering your questions.

12 CHAIRPERSON REYNOSO: Thank you for your
13 testimony, Commissioner, and I kind of want to start
14 where you ended in relation to safety. At this
15 moment you have a headcount of 88 in your—in your
16 agency in FY2019 Budget. I just want to go—first, I
17 know that while you're walking your dog you're not
18 flagging down a truck, but I kind of want to get into
19 that. What authority do you have in relation let's
20 say to speeding trucks. In my district, just to put
21 in perspective, a truck recently killed a biker, and
22 just want to know who has the authority to take on
23 those type of cases?

24 COMMISSIONER BROWNELL: Well, the—the PD
25 is the main one to have the authority, and one of—and
one of the advantages of being part of Vision Zero is

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3 the PD is a big player in that particular group, and
4 so one of the things that we've done as well as—as
5 other agencies have done with other kinds of vehicles
6 is to inform the PD so that they can mobilize their
7 people in areas where there—there seems to be a lot
8 of speeding. So, where I live in upper Broadway,
9 early in the morning, 5:30, 6:00 there's not a lot of
10 traffic. Columbia University is right there, and so
11 really nobody is out, and so I think the problem is
12 that because drivers don't really see anybody, and
13 Broadway is a three-lane road, they drive, quite
14 frankly like their rear ends are on fire far too
15 often, and so that's the kind of thing that we really
16 tip the PD off so that they can do more enforcement.

17 CHAIRPERSON REYNOSO: Okay, so, you
18 wouldn't need necessarily an expansion of headcount
19 to do the enforcement of let's say a speeding truck?

20 COMMISSIONER BROWNELL: No, as I said
21 that's when you're working collectively with other
22 agencies, and BIC does that in every facet of what we
23 do, then you can really mobilize the sort of best
24 practices of the other agencies that you work with,
25 and clearly traffic violations are—are the most, you
know, really what the PD does.

2 CHAIRPERSON REYNOSO: So, now you also
3 talked about the fact that you recognize that some of
4 these routes and how many businesses are along those
5 routes might be onerous, and have these private waste
6 drivers feeling like they need to speed up. What
7 authority do you have there?

8 COMMISSIONER BROWNELL: We don't have any
9 now. One of—and I—I referred, you know, in the last
10 couple of months really for the first time since I've
11 been Commissioner, working really through teamsters
12 and Local 108, we've been able to get access to some
13 of the workers. We're only at the very start of this
14 conversation with drivers and helpers. I have to say
15 in the two major meetings we had it was pretty
16 startling to hear directly from them what the
17 conditions of their jobs are, and so we are
18 definitely going to be focusing more on that because—
19 and again, I'm not saying this is true across the
20 agency—excuse me—across the industry, but, you know,
21 given what we have done so far it is far too common
22 that the conditions are ridiculous including, you
23 know, drivers and helpers given routes that are just
24 way overloaded with stops.

2 CHAIRPERSON REYNOSO: Okay, so-so you did
3 mention yet that you don't enforce it, or don't have
4 the authority to enforce it.

5 COMMISSIONER BROWNELL: Well, we would
6 need-so we would-and-and Noah can really do this more
7 accurately, although I'm happy to-to start out. We
8 really need an expansion of our legislation to make
9 it clear that we have the authority to oversee and to
10 promulgate rules related directly to safety in the
11 industry. As you know, the Trade Waste Commission,
12 which is kind of where this agency started was really
13 based on rooting out and keeping out corruption. So,
14 it's-and we've been working with the Law Department
15 who are our legal advisors, and so, you know, we're
16 going to be coming with you-to you and the rest of
17 the committee to talk about it. Which I think would
18 be a rather simple expansion of our legislation to
19 make it clear that we have the authority to
20 promulgate-the Commission has the authority to
21 promulgate safety related issues-rules.

22 CHAIRPERSON REYNOSO: So, to put it in
23 perspective right now there's no real way to record
24 or track exactly how many hours a driver is in a
25 truck, for example?

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2 COMMISSIONER BROWNELL: It's not easy. I
3 mean and certainly probably one of the—you know, some
4 of the rules that we're going to be promulgating are
5 going to be requiring companies to keep better
6 records, and one of them would certainly be the hours
7 of drivers and helpers.

8 CHAIRPERSON REYNOSO: So, that's—that's
9 important to know just, you know, there are issues in
10 the private industry that we have limited information
11 about, and it makes it very hard to enforce giving
12 you--

13 COMMISSIONER BROWNELL: [interposing] And
14 that's certainly one of them.

15 CHAIRPERSON REYNOSO: --yeah, giving you
16 some authority on those issues --

17 COMMISSIONER BROWNELL: Right.

18 CHAIRPERSON REYNOSO: --can really start
19 helping us out and bring—bring them in. So, the—the
20 other one is—I—I want to get to—to just the—the PMR—
21 the PMR. In it you have indicators regarding your
22 targets. For example, BIC performance indicators
23 average time to approve waste hauling applications in
24 days, news—and new and renewal. Your targets you
25 just write down. Is there a reason why you don't

3 feel comfortable putting a number that space to
4 progress there? [pause]

5 DEPUTY COMMISSIONER GENEL: Yeah, Council
6 Member Reynoso, Noah Genel. I'm Deputy Commissioner
7 of Legal Affairs. So, that indicator pointing down
8 has been there since I've been there. We are
9 certainly—and we have been I think doing a much
10 better job since the Commissioner has taken over in
11 getting through applications in a timely manner, and
12 we're certainly open to discussing a more definite
13 target in that area.

14 CHAIRPERSON REYNOSO: I'm trying to
15 introduce the new BIC to the City Council, and the
16 new BIC is going to give us numbers. They're not
17 just going to write to bring it down. They're going
18 to let us know exactly what they think they can do,
19 and I have faith that you can achieve those goals,
20 but I really want to make sure that there—there we're
21 holding you accountable to giving us numbers and not
22 just writing down. Because I don't know if going
23 down, you know, one is progress, but in this, it
24 would be. So, I just want to make sure that we get
25 there, and I feel confident that you can do that. I
just want to make sure that I outline it here. The

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3 next thing is the—the Trade Waste Safety Manual.

4 This is great. So, a lot of us have been fighting
5 for these types of things, and this is—is this a
6 mandatory manual that every single private carting
7 company has that they have to give to their drivers
8 and to whoever is working on their trucks. Is this
9 this a mandatory manual?

10 DEPUTY COMMISSIONER GENEL: Not yet.

11 CHAIRPERSON REYNOSO: It is not? Not
12 yet?

13 DEPUTY COMMISSIONER GENEL: So—

14 CHAIRPERSON REYNOSO: So, this is not
15 mandatory?

16 DEPUTY COMMISSIONER GENEL: What it would
17 take to do that would be a rule by the Commission
18 and, again, as you know the Commission isn't just
19 BIC, it's Sanitation, Department of Consumer Affairs,
20 the PD, DOI and Small Business Services, but a rule
21 that would—and—and we're working on it, but it would
22 say something along the lines of that we're going to
23 require every trade waste company to use the manual,
24 and to come up with their own written safety
25 protocols, which are comprehensive, meaning they're
covering every major aspect of what a company should

3 have rules for regarding safety in their company
4 provided to us. And again, we're a small agency. We
5 can't go through it word by word, but we can
6 certainly review it to see whether or not it appears
7 to be a comprehensive effort by that company to come
8 up with written protocols.

9 CHAIRPERSON REYNOSO: Okay. So, you know,
10 I want to allow for my colleagues to ask some
11 questions. So there's going to be—I'm just going to
12 follow up on that. It's concerning that considering
13 what we've seen recently in relation to crashes and
14 deaths and also worker safety that there isn't a
15 universal manual that the city produces to give to
16 these—to these businesses as a—as a foundation, as a
17 basis of safety. And—and I think there's a—an
18 opportunity in the evolution of BIC, that I'm calling
19 the new BIC--

20 DEPUTY COMMISSIONER GENEL: Right.

21 CHAIRPERSON REYNOSO: --that, you know,
22 corruption for example. Corruption could just be
23 that you're not giving your guys hard hats and—and
24 and gloves or teaching them the appropriate way—way
25 to inspect their trucks before they go out. I think
that's an issue that we—we have to look at, and if we

3 don't have enough in that certain agency being able-
4 that can do that now, I would love to expand the
5 authority of BIC to be able to do that type of work,
6 and that we talk about, again, the evolution of BIC
7 and their authority outside of just, you know,
8 corruption, and I definitely see mandating this to be
9 in everyone's, you know, in everyone's training
10 manual-training as something that's positive. And
11 then I think you talked about a video as well.

12 DEPUTY COMMISSIONER GENEL: Right.

13 CHAIRPERSON REYNOSO: When I worked-I
14 worked in Pier 1 Imports. They made me sit down
15 through a 3-hour video about how to move things
16 around.

17 DEPUTY COMMISSIONER GENEL: Yep.

18 CHAIRPERSON REYNOSO: These guys are
19 driving dangerous trucks every single day, and they
20 don't have something that's mandatory and makes sense
21 there. Now, there are some people in the industry,
22 some businesses in the industry that absolutely do
23 have these type of-of videos and manuals, but it's
24 not universal. One company could have an 8-point
25 inspection system for their truck. The other one
could have 20. We don't know.

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2 DEPUTY COMMISSIONER GENEL: Right.

3 CHAIRPERSON REYNOSO: I think finding a
4 baseline there could be very helpful.

5 DEPUTY COMMISSIONER GENEL: Right, so
6 with regard to the manual, you know, obviously
7 Department of Sanitation in a way is like a great big
8 huge carting company, and so they played a major role
9 in--in the creation of that, but I also have to tell
10 you that--that the carting companies themselves
11 especially some of the larger companies, well not
12 just the larger companies, you know, provided
13 significant contribution to all that along with
14 organized labor. And so that's why that manual is as
15 good as it is. We're not the experts in safety. You
16 know, we beg borrowed and steal for the people that
17 actually know what they're doing to put it together.

18 CHAIRPERSON REYNOSO: Yeah, agreed and I
19 know they've been having safety symposiums recently
20 that I think you--

21 COMMISSIONER BROWNELL: [interposing]
22 Right, April 11, you're all invited Bennett Field.

23 CHAIRPERSON REYNOSO: I have to be there,
24 but I think that that's--

25

2 COMMISSIONER BROWNELL: At Floyd Bennett
3 Field.

4 CHAIRPERSON REYNOSO: Yeah, and--and I
5 think that within the industry they're trying to, you
6 know, streamline this and make it so that it's like a
7 universal document that they can have.

8 COMMISSIONER BROWNELL: Right. Well, I
9 think it is. I think we made it--we made a general.
10 It's obviously, you know, it has a lot of detail to
11 it and it's comprehensive, but we made it general
12 enough so that I think basically every section of it
13 complies in one way or another to every size company.

14 CHAIRPERSON REYNOSO: Okay, so that's--
15 it's encouraging to see that. Now, speaking about
16 speeding up these application processes, which is I
17 think the biggest complaint that we get, you know, I
18 got to wait a whole year before, you know, with a
19 pending application or--and so forth. I think that
20 you talked about a process by which we would put them
21 online--

22 COMMISSIONER BROWNELL: Right.

23 CHAIRPERSON REYNOSO: --and that could
24 help really streamline that process. So, I want to
25

3 ask what progress have you made in regards to the
4 online application process?

5 COMMISSIONER BROWNELL: So, where we are
6 and actually Alice and Bonfoy who is sitting back
7 there really led the effort, and so, we have the
8 whole thing put together in terms of what the
9 questions are. Now, it's a matter of translating
10 those questions, you know, through a IT process into
11 an online program, which is something I know, and to
12 me it's like Voodoo or black magic, but that process
13 has been going on for a few months, and hopefully
14 it's going to be done by the end of the year.

15 CHAIRPERSON REYNOSO: Okay, so the
16 content is in--is in. It's just about plugging the
17 content in--

18 COMMISSIONER BROWNELL: Right and by the
19 way in coming--in coming up with the content we're
20 always looking to cut the questions that we ask
21 because we know it's a pain in the neck for companies
22 and individuals--you know, principals to fill this
23 out. So, we're constantly trying to look to ways to
24 scale it back so that it's not--it isn't so annoying.

25 CHAIRPERSON REYNOSO: Enforcement about
like mixing the recycling with general refuse can we

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2 talk about the-the progress you've made compared to
3 last year to this year?

4 COMMISSIONER BROWNELL: So, that's easy.

5 CHAIRPERSON REYNOSO: Huh?

6 COMMISSIONER BROWNELL: That's easy.

7 It's 34 this year and none last year.

8 CHAIRPERSON REYNOSO: So, you've
9 increased by--

10 COMMISSIONER BROWNELL: [interposing]

11 Yes.

12 CHAIRPERSON REYNOSO: --an exponential
13 amount.

14 COMMISSIONER BROWNELL: Well, last year,
15 of course, there wasn't--last year the rules hadn't
16 gone into--the rules had gone into effect--

17 CHAIRPERSON REYNOSO: 2017.

18 COMMISSIONER BROWNELL: --but the
19 enforcement period didn't start until August 1st of
20 '17.

21 CHAIRPERSON REYNOSO: Right, and--and now
22 I think there was some concern regarding the
23 relationship of let's say advocates and BIC and
24 getting information in. So, you can enforce that.
25 Have you seen an increase in--in cooperation?

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2 COMMISSIONER BROWNELL: It-it-it-yes. I
3 mean there has been and again, so, if we-and right
4 now, in fact, we had a meeting with our head of
5 Enforcement this morning. You know, if we don't have
6 tips whether it's what are the "bad companies", bad
7 in quotes mean that we think are recycling property
8 or-or comingling illegally, or particular locations,
9 then we're relegated to going out and following in an
10 unmarked BIC car garbage trucks at night seeing what
11 they're doing at each stop. That's not really a very
12 efficient way to do this. When we have a tip, you
13 know, that allows us to focus then we can set up on a
14 location, which is much more productive and, you
15 know, hopefully assuming that they are violating the
16 rules catch them in the act, and it isn't only for
17 our investigators to see it. It's our ability to
18 take photographs and videos that become the evidence
19 we need at OATH should they challenge the violations.

20 CHAIRPERSON REYNOSO: Okay, so-so back to
21 the budget portion of it. The reason I asked that
22 question is do you need more people? Do you feel
23 that if we increase your-your staff and your
24 enforcement staff that you will see an increase in

25

3 the amount of folks, you know, you know, going after
4 in relation to mixing--

5 COMMISSIONER BROWNELL: [interposing] So
6 this is the thing I would say about that. We have a
7 very good relationship at least since I've been at
8 BIC with OMB. You know, one of the big things we did
9 this year, as I indicated in the testimony is bring
10 on a Data Analyst, which is really important because
11 we have data, and to a large extent, I mean I don't
12 know what to do with it. I mean and how to comply,
13 how to make it accessible. So, as I--so, you know,
14 we'll work that out with OMB, and if there's a
15 problem there. I don't anticipate there will be
16 because as I said for now almost four years, they've
17 really supportive.

18 CHAIRPERSON REYNOSO: Alright. So--so you
19 feel that if there is a need for an increase in
20 capacity, you have only a year?

21 COMMISSIONER BROWNELL: [interposing] And
22 if I'm not getting it, I will--I will let you know.

23 CHAIRPERSON REYNOSO: Please do so
24 because I think that's a big issue that a lot of
25 folks have or some folks have is I know that you're--
you mentioned like for example the heating oil

3 industry, and thinking that there's some corruption
4 there or actually the indictments that have recently
5 come. Thank you for that.

6 COMMISSIONER BROWNELL: The convictions--

7 CHAIRPERSON REYNOSO: Right.

8 COMMISSIONER BROWNELL: -- the
9 convictions now.

10 CHAIRPERSON REYNOSO: Right, but-but the
11 concern we have is-is the enforcement happening in-in
12 the avenues where the authority already exists for
13 BIC, and why expand their authority to-to another a-
14 to another group or industry when we're falling short
15 on-on this one? So, I just want to make sure that
16 you feel that you have the authority and the manpower
17 to handle the enforcement of recycling, you know, and
18 that that's shored up, and that we've--we've crossed
19 out Ts and dotted our Is before we move onto-to
20 figuring out if we could extend a little time
21 somehow.

22 COMMISSIONER BROWNELL: [interposing]

23 Right, well let me make a couple things clear. First
24 of all, there is no way we're taking on heating oil
25 or anything else unless we get more bodies to do that
Because then we're dropping the ball with the

3 industries that we already oversee, and actually with
4 regard to OMB again, we've actually had—I mean not in
5 the last several months because the bill has really
6 been in the Council, but we actually worked out with
7 heating oil sort of all the new personnel we figured
8 we'd need to do that, and it's really just waiting
9 for the Council to—to pass the bill. But my point
10 is, and on something like recycling, I mean it's
11 never going to be handled. That's—it's—you're never
12 going to have a circumstance where everybody is
13 abiding by the rules. And so, there's always—there
14 always need to be vigilance out here, but as I've
15 said, you know, there's nothing, you know, it's like
16 the PD with potential terrorist activity in the city.
17 You know, we need everybody to—I mean obviously, you
18 know, violating the recycling rules isn't as bad or
19 as dangerous as a potential terrorist incident, but
20 the point is we need the eyes and ears of the public
21 and especially those that are very much focused and
22 interested on having these rules be abided by to let
23 us know when there are problems because it helps us
24 do our job better.

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3 CHAIRPERSON REYNOSO: Okay. So, how-how
4 have you promoted like the hotline and the tipline I
5 guess.

6 COMMISSIONER BROWNELL: It's, you know,
7 it's--every place we go, you know, where there's
8 potential people. Like we went to a community board
9 meeting I don't know--a month ago. So, one of the
10 things we talked about with them was and, of course,
11 you know, it was in the East Side is when you see
12 things let us know, and we told them exactly how to
13 do it.

14 CHAIRPERSON REYNOSO: Can--can I just
15 request that as part of the--the information that you
16 give to communities, that you go to North Brooklyn or
17 Community Board 1--

18 COMMISSIONER BROWNELL: [interposing] I'd
19 be happy to do it.

20 CHAIRPERSON REYNOSO: --or North/South
21 Bronx--

22 COMMISSIONER BROWNELL: I would be happy
23 to do it.

24 CHAIRPERSON REYNOSO: --and Southeast
25 Queens. So, I want to give you the three districts
that have the most--the most waste transfer--or the

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3 most transfer stations so that it just—it just
4 wouldn't make sense because they would see the most
5 folks coming in and out now. I know they're not the
6 businesses where you would catch them because they're
7 out and about in other parts of the city, but just
8 that hotline being available to them I think would
9 be—would be helpful because they're very astute to
10 say the least--

11 COMMISSIONER BROWNELL: [interposing]

12 Right.

13 CHAIRPERSON REYNOSO: --and--and paying
14 attention to this issue.

15 COMMISSIONER BROWNELL: Right. So, what
16 I'll do is I'll have Aarsal get ahold of, I guess
17 Asher from your office, and set those things up.

18 CHAIRPERSON REYNOSO: Yeah, that would--
19 that would be great. I appreciate that. I have a--I
20 think maybe one or two more questions. The Waste
21 Harlem applications pending. We've seen—we see that
22 their target is 300, the four-month actual is 494
23 for—or it's 400. That seems like an—an increase, and
24 that you're missing your target. Is it because the
25 applications come in early on, and that in the first
four months you're seeing the applications come in

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3 and that eventually they tail down, but I just want
4 to know why the applications take so—that long or I
5 mean why you're not meeting your target at this
6 moment?

7 DEPUTY COMMISSIONER GENEL: It's a two—we
8 have a two-year renewal cycle, and so our renewal
9 applications are somewhat cyclical so—and this year,
10 we have more pending than we did last year. So, that
11 is the reason that the number has gone up, but one
12 thing that I do want to note, and I've—I've mentioned
13 this before is that although we are—we issue licenses
14 and registrations, we're different than an agency
15 like the DMV where if you pass your road test and
16 your written test, you get your license and it's kind
17 of, you know, they—you go on your way. It's more
18 complicated in this industry, and so we are never
19 going to have for example zero applications pending
20 because there are always going to be legitimate
21 reasons for it to take longer. And so, there are
22 some applications that take much longer than others
23 that do tend to skew our numbers, but I can tell you
24 that I'm top of this every single day and there are
25 several other supervisors in the agency. I can tell
you that is nobody who is working towards these

2 numbers that oh, I've got 300 days, so I'm going to
3 put this off for 100 days. Everybody is working
4 frankly very hard on each of these applications, but
5 there are complications that come up. We also have
6 to wait for documents to come in. We issue
7 subpoenas. We take depositions. It takes a long
8 time. So that--those are some of the contributing
9 factors to--to the length of these applications.

10 CHAIRPERSON REYNOSO: Well, that's--that's
11 good to know. Maybe like an asterisk that lets us
12 know that this is like a two-year pending--a two-year
13 process and so one year is going to be high. The
14 other year is low, and that we're trying to just
15 average them out. It makes it a lot clearer because
16 right now it doesn't look that--it doesn't look that
17 way. We don't know. You're just, you know, John
18 Smith coming from outside who just doesn't know that.
19 So, just wanted to make sure that there's some
20 clarity there. So, I had one more question and that
21 is--that is alluding me, and I apologize. Oh, well,
22 that's it. If I forget--if I have everyone reading
23 here while I remember, but I do want to say,
24 Commissioner, I think that--I'm glad to see that the
25 zero to 34 because of, you know, the fact that it was

3 implemented last year, and that we're going to see
4 some--some changes. I think people really want to see
5 that enforcement. I am a supporter of your
6 authority--expanding your authority both for
7 increasing safety and the heating oil industry. I
8 think it--it makes sense. I really want to see that
9 happen. I think it's about the continual evolution
10 of BIC that I want to--I think I want people to move
11 to. I know the members of my committee are not here
12 right now, but when we do have those hearings, I want
13 to continue to educate them on the work that you do,
14 and that you could do so that we can--so that we can
15 see progress. But outside of that, I think we're
16 good on our end. So, I really appreciate your time
17 that you've had here and see you soon.

18 COMMISSIONER BROWNELL: And we'll see you
19 in North Brooklyn.

20 CHAIRPERSON REYNOSO: Yes, North
21 Brooklyn. I'm going to--my Community Board they'll
22 have a lot of questions, so, I don't want to hype it
23 up too much. Because [laughter] then they don't ask
24 you any questions. It's like I'm telling you this is
25 nothing. So, I want to hold out, but again, thank
you for your time. I appreciate it, and I just--I

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3 want to thank the folks that have sat through both of
4 these testimonies and questions by Council Members
5 and by the agency. The folks that we're probably
6 going to hear from I'm looking at these names are
7 like on the frontlines of this type of work. So,
8 we're going to set them all together, because there
9 is no pro or against because we all care about trash.
10 So, Brendan Sexton if you could come up; Cecil
11 Corbin, Mark Silva, Kendall Christensen, and Louis
12 Bailey. You guys can all come in. [background
13 comments] Yeah, we'll get you some chairs, guys.
14 [background comments, pause] Can we get some--yeah,
15 we're going to get some chairs for you right now.
16 Oh, there you go. That's for you. So, do we have
17 Brendan, Cecil, Phil, Kendall and Louis? [background
18 comments] So, we only three of those folks here.
19 Okay, sorry, and we're just seeing if anyone was
20 missing. We want to--we want to--[pause] So, there's
21 going to be no clock. You know, you guys have waited
22 all this time. We want to give you an opportunity to
23 at least speak your mind and say--

24 BRENDAN SEXTON: [interposing] Thank you.

25 CHAIRPERSON REYNOSO: --what you want. As
the Former Sanitation Commissioner, we're actually

3 going to give you the start. So, we'll go from my
4 right to—to left. So, Mr. Sexton.

5 BRENDAN SEXTON: Thank you. I appreciate
6 it.

7 CHAIRPERSON REYNOSO: Thank you.

8 BRENDAN SEXTON: I love to come down to
9 City Hall and hear the word Commissioner again.

10 [laughter] Nobody calls me that at home, but thank
11 you very much. I'm actually her today as Board

12 Member of Energy Vision. Bill Bronson is here who's

13 is of Energy Vision. He works there, and my issue is
14 a singular one, which is to get diesel trucks out our

15 neighborhoods. I hope you got copies of my

16 testimony. It says simply that when I was

17 Commissioner in the '80s, I thought we did a great

18 job, but I was shocked one day crossing this park on

19 the way to City Hall to run into a demonstration of

20 people who were protesting our trucks in their

21 neighborhood, and never ever thought that we were

22 polluters and I was horrified to find out about it.

23 So, I started looking into it and, in fact, asthma,

24 as you probably know has a vague causality. No one

25 is quite sure what causes it, but one of the only

certified evidence—evidential—evidentially supported

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3 causes or triggers of asthma are particulates from
4 diesel emissions. So, I was horrified as
5 Commissioner to think we were cleaning people's
6 streets and filthyng up the air at the same time,
7 and you know, our trucks don't just pass through,
8 they idle outside people's bedroom windows. They
9 idle outside the schools. I was horrified. Anyway,
10 so, what could we do? I asked the guys, very
11 talented Department of Sanitation engineers and
12 vehicle folks among the most talented and
13 sophisticated in the world, and they said well
14 there's a possibility we could use natural gas in the
15 trucks. It works almost the same as diesel. Let's
16 fin out about it. So, we tried to buy some. We did
17 buy some actually. They were not good. It didn't
18 work well and it didn't have the torque to plow this
19 know surface (sic). So we experimented—we
20 experimented, et cetera and now the Sanitation
21 Department and others have been working on diesel
22 referenced trucks for long enough that at this point
23 they're almost industry standard. More than 50% of
24 New York refuse trucks ordered in America today by-by
25 private commercial haulers and municipalities are
powered by natural gas. Sweepers also can be powered

3 by natural gas. Not only are they cleaner, they're
4 much quieter, and I think since we work right outside
5 people's windows, and they start in the morning and
6 work until late at night sometimes, that's seemed
7 like a really important consideration. Cleaner,
8 quieter and frankly over most of the 10 years that
9 I've been looking at this, cheaper. The fuel has
10 been cheaper. So, the trucks cost a little more.
11 They do. They're more expensive than diesel, but you
12 save that over the life of the truck in diesel costs.
13 So, I have been more and more active over the last
14 couple of years in trying to see if I can encourage
15 the city of New York to switch to a diesel fleet, and
16 I've come to the conclusion that there's no longer
17 any excuse for a municipality, a public sector
18 organization, to be buying heavy duty diesel engines
19 to send them to people's neighborhoods. There was a
20 time when the technology wasn't there. There was a
21 time before federal subsidies especially when it
22 seemed hardly expensive. There was a time when they
23 weren't available readily. That's no longer true.
24 There are several manufacturers. The prices are
25 comparable to diesel and a little more. Natural gas
costs a little more per truck, but they're available

3 off the shelf now. You can buy trucks now since
4 you're not going to replace the whole fleet in one
5 purchase, but you could meet this city's and the
6 private sector's purchase orders now with the off-
7 the-shelf technology that's available today. And
8 given that, it would strike that if I were still in
9 the same position and a public servant, I would not
10 think I'm entirely responsible to be buying diesel
11 trucks to send down the streets and our people's
12 neighborhoods. And that's actually my only major
13 point there. There are lots of questions about
14 refueling and can we do it, and how many vendors are
15 there. We can get into that, but my main point is I
16 believe as a policy matter, the government of the
17 city of New York should not be in the business of
18 buying or defining heavy duty trucks especially those
19 that were once and are still out there, the ones that
20 sit in front of residents and schools and our schools
21 and I know where they work. Thank you.

22 CHAIRPERSON REYNOSO: Thank you for your
23 testimony, and we are going to be looking into seeing
24 if maybe the Department of Sanitation or the
25 Administration is willing to look into a study of
some sort that looks into our reliance on diesel

2 trucks for-for Sanitation, and if we-I think we're-
3 and I don't want to get quoted on this, but I will.
4 So, I want to say that I might be incorrect, but I
5 think the Department of Sanitation is actually the
6 most-has the most pollutant vehicles I guess in the
7 city of New York. I think we have the most-we cause
8 the most pollution to vehicular traffic in the city
9 of New York. So, I'm going to-I'm going to look into
10 that, but if we're serious about-about addressing
11 issues of-of-of carbon footprint, and-and being the
12 city of the future, we have to look into it. I know
13 we have obstacles. I know that we don't have a lot
14 of locations where we can fill up natural gas tanks.
15 The electric vehicles that the commissioner has done
16 research on that I've talked to hear about she says
17 don't-don't have the power to-to move trash the way
18 she would want. So, there's a lot of-a lot of
19 issues, but I think we should look into-to it a
20 little bit deeper.

21 BRENDAN SEXTON: Thank you. I could
22 speak to a couple of those.

23 CHAIRPERSON REYNOSO: Yes.

24 BRENDAN SEXTON: It is true that you have
25 to have more refueling stations in New York, but the

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3 major operators and with your clean energy, and truly
4 I'm anxious to do so. They not only went into
5 effect, I think the energy is opening a new refueling
6 station in the Bronx, this week, next month or
7 something like that. They would like nothing more
8 than to meet the city's needs. Believe me, and the
9 new trucks absolutely meet the torque and power
10 requirements of the Department of Sanitation. Since
11 I'm speaking, I'll also say that the department has
12 been great in terms of experimenting with low
13 pollution vehicles, et cetera. These guys are good.
14 They are the world leaders in vehicle technology, et
15 cetera. So, this one hasn't caught their attention
16 the way I would hope it does. So, I do things like
17 this today to try to help raise it, but it is really
18 the cleanest technology. I don't want to insult
19 anybody by saying one can be fooled by the biodiesel
20 alternative, but we can be. The biodiesel that is
21 being put in trucks now is B20, which means it's 80%
22 diesel. It is effectively filling the truck with
23 diesel. If it's a 50-gallon tank, you're putting 40
24 gallons of diesel into it eventually. The electric
25 vehicle, they're lovely. I've seen them. They are
years away. I mean maybe next you get a dozen. I

2 don't know. Maybe the year after that you get two
3 dozen, but the natural gas vehicles that are
4 available now, they're—they are 50% of the market in
5 America. We should be using them. I don't work for
6 any manufacturer.

7 CHAIRPERSON REYNOSO: I hear that. I
8 don't know, but we have the whole if you build it
9 they will come situation. It's almost—I talked to
10 the Commissioner and she said, look, if we had 50
11 fueling stations around the city of New York during
12 like a winter snow storm, I'd feel more comfortable
13 having actual gas trucks, but I don't have time to -
14 to go only to the Bronx and then all the way to New
15 Jersey to fuel my trucks during like a winter storm
16 so--

17 BRENDAN SEXTON: Absolutely. I've had
18 that conversation with her, by the way.

19 CHAIRPERSON REYNOSO: Alright, so, but it
20 doesn't mean that we—we-know it completely. I think
21 that there's an opportunity to have a conversation
22 about what the future looks like because eventually

23 BRENDAN SEXTON: [interposing] Yes.
24
25

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3 CHAIRPERSON REYNOSO: --someone is going
4 to figure this out, and why not start it now? So,
5 we're--

6 BRENDAN SEXTON: [interposing] Yes, and
7 one other detail I mentioned.

8 CHAIRPERSON REYNOSO: Yes.

9 BRENDAN SEXTON: Why spend between \$50
10 and \$100 million a year building stations or then
11 rebuilding, and most of the trucks in New York are
12 refueled at home and at the station they're refueled
13 because diesel pumps are put in and tanks are put in
14 with every rebuild, every new station. Natural
15 fuel can be--fuel lean capacity could be put in.
16 That's a lot of millions, dozens of millions of
17 dollars a year to build or upgrade state truck
18 depots. Thank you.

19 CHAIRPERSON REYNOSO: Thank you. Thank
20 you for your testimony.

21 BRENDAN SEXTON: Thank you, Chair.

22 [background comments]

23 BRENDAN SEXTON: You were actually the
24 first name called.

25 MALE SPEAKER: Go first. Don't feel bad.
I'll go last. It's okay.

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3 BILL BRONSON: I'm—I'm going to echo a
4 lot of what Brendan just said. Thank you to the
5 committee for giving me this chance to testify. I'm
6 speaking on behalf of Energy Vision a 501 (c) (3)
7 environmental group that is a recognized expert on
8 alternative vehicle fuels. When you mentioned that
9 you suspected the Department of Sanitation was the
10 most polluting of the agencies. According to New
11 York City's 2015 Clean Fleet Report, you are correct
12 on all scores greenhouse gas emissions or GHGs,
13 particulate matter, nitrogen oxides they lead the
14 way. That report called climate change an
15 existential threat, and set a goal of reducing
16 greenhouse gas emissions or GHGs from city fleets 80%
17 by 2035. If you do an analysis of that—analysis of
18 that plan, it becomes clear that achieving that
19 target requires a major shift away from diesel fuel
20 by the city fleets. City diesel vehicles consumer 60%
21 of all the fuel, and emits 63% of the GHGs. The
22 Department of Sanitation has the largest number of
23 heavy vehicles. And uses the most fuel. While
24 they're are recognized leader in testing new truck
25 technologies and use biodiesel blends and have a
modest number of compressed natural gas trucks, they

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3 still use more than 10 million of diesel fuel a year
4 making them the biggest emitter of greenhouse gases,
5 NOX and particulate matter. Natural gas has been
6 mentioned as a cost-effective and environmentally
7 advantageous fueling option for refuse trucks, and
8 the fast-fill CNG technology is common, by the way.
9 Over 50% of new refuse trucks in the country use
10 natural gas. The greenhouse gas emissions are 22%
11 lower. By expanding its use of CNG trucks and
12 infrastructure, DSNY would open the door for two
13 other ultra clean technologies, Biomethane fuel and
14 near zero emission engines. Biomethane is made by
15 refining bio-gases from decomposing organic waste.
16 It's also called renewable natural gas, and it can be
17 used in any natural gas vehicle. In heavy duty
18 vehicles it has GHG emissions 70% or more lower than
19 diesel fuel and 40% or more lower than fossil gas.
20 When it's made from food waste, it can actually be
21 net carbon negative meaning that it's production
22 prevents more greenhouse gas emissions than it
23 releases when it's combusted. It's being used refuse
24 haulers like for public services and waste
25 management. Private haulers in California use the
waste they collect to produce fuel for their trucks

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3 and the cities of Vancouver, Toronto, Los Angeles and
4 Portland are developing the similar closed loop
5 projects for fueling their municipal fleets. The
6 organic waste streams that DSNY works so hard to
7 collect could be converted to Biomethane. Our
8 residential and commercial food waste combined could
9 produce enough Biomethane to displace all the—all of
10 the diesel used by New York City's fleets again
11 creating closed loop. Heavy vehicles that can use
12 Biomethane can also be fitted with readily available
13 off-the-shelf EPA certified near zero engines, which
14 cut health damaging nitrogen oxides and particulate
15 matter 90% below EPA requirements, and this would
16 particularly benefit the often poorer neighborhoods
17 that house many DSNY garages. The combination of
18 Biomethane and near zero engines is a clean fuel
19 solution that's available today. We encourage the
20 committee to urge DSNY to pursue available zero and
21 near zero emission technologies including Biomethane
22 and near zero engines. Without a major shift in
23 vehicle and fuel procurement by DSNY the city is
24 going to be hard placed—hard pressed to meet its
25 sustainability and 80x35 goals.

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3 CHAIRPERSON REYNOSO: Thank you for that
4 information for sure. So, I appreciate it. Kendall.

5 KENDALL CHRISTENSEN: Council Member,
6 nice to see you again today. I hope your mother
7 enjoyed seeing you baby last week.

8 CHAIRPERSON REYNOSO: Yeah, she did. It
9 was great.

10 KENDALL CHRISTENSEN: So, my name is
11 Kendall Christensen. I'm Executive Director of New
12 Yorkers for Responsible Waste Management. You have a
13 written statement from me that I will briefly
14 summarize. The first of it was two points that
15 essentially affirm and applaud the new BIC. The
16 industry has been enthusiastic in working
17 aggressively and actively with BIC leadership over
18 the last would of years, to the current Wastewater
19 Advisory Board, the emphasis on safety, variety
20 initiatives coming out of that, and also as
21 Commissioner Brownell suggested, it's time to update
22 and modernize the 20-year-old collection of
23 regulations that BIC has developed over time that no
24 longer really serve the same purpose that they may
25 have other than 10 or 15 or 20 years ago, and there's
a lot more that could be done if BIC had the

3 resources to do that. So, the related part of my
4 budget—the budget part of my testimony on that calls
5 for BIC to get another million dollars. You know, I
6 picked that number out of the air just to give you
7 something to anchor on, and that could be used for
8 industry initiatives. It could be used for better
9 analysis of all the data that BIC collects that it
10 currently does not have the staff capacity to do
11 anything with. They are an enormous consumer of data
12 from the industry, but we get very little of it back
13 in terms of useful information particularly on a
14 timely basis that will help us make data driven
15 decisions on a going forward basis. The second part
16 of my testimony is about where that million dollars
17 might come from, and let me just say simply that that
18 ought to come from the \$8 million contract that
19 DSNY's consultants are using to—to plan their
20 commercial waste zone system. And the reason you
21 don't need to spend all that money is because you
22 have a real world laboratory to look at in Los
23 Angeles this is as of last July implementing a
24 similar scheme to what has been proposed for new
25 York, and if you've seen any of the headlines, any of
the editorials, I was at—about a month ago for a 6-

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3 hour City Council meeting with about 300 participants
4 who were not happy. It's been an unmitigated
5 disaster with tens of thousands of service
6 disruptions over the last six months of
7 implementation. The business community thought that
8 prices might go up modestly 30 or 40%, and when they
9 started getting bills in July and August during the
10 transition period, those were doubling, tripling and
11 quadrupling and more. Lots of extra service charges
12 for special services that used to be included in the
13 prices, and now the City Council and Administration
14 in L.A. are trying hard to figure out how to clean up
15 that mess, and in some cases even trying to figure
16 out how to unwind that system. So, my testimony
17 speaks a little more to that issue, and I'm sure
18 we'll have a robust discussion about that. And I
19 guess the other point I would make about that is that
20 the—you know, Commissioner Garcia made the point
21 about wanting a system that is high performing and
22 low cost, and that's pretty much what its consultants
23 found in their 2016 report that New York has a very
24 competitive and effective commercial waste management
25 system that isn't broken that provides a high level
of customer satisfaction at a competitively low

2 price, and that's at risk of being disrupted for not
3 really any good reason. I appreciate the discussion
4 about VMTs, but to that point, Mr. Chairperson,
5 DSNY's consultants have decided to go back to the
6 drawing board and take in fresh data rather than
7 using stale data—stale and inaccurate and incomplete
8 data from 2014 that's already ancient history. So,
9 just a little--yes we speak. The industry has been
10 asked to provide fresh data about routing and
11 collections and materials and tonnages and the like
12 to be used to inform the—the advisory process, but
13 that's seven months into the—the work that they
14 began—that they did last summer, and so we're almost
15 back to square one and looking at whether or not
16 there are really the—the VMT reduction efficiencies
17 that the consultants have—in other words sort of
18 claimed that there are, or whether the industry is
19 already operating quite efficiently. Not—it's not
20 perfect, and it will never be perfect in a city like
21 New York, but as the Commissioner Garcia noted,
22 you've really got 20 companies that provide 80 to 85%
23 of the service at present. So, it's already a highly
24 consolidated industry, a lot of professionalism. You
25 know, the—those companies and those the—primarily the

3 ones that I work with and represent, again, are the
4 active participants in the process that Commissioner
5 Brownell outlined, and we look forward to working
6 with BIC in particular as they enter that—that new
7 BIC phase that we—we talked about earlier. Thank
8 you.

9 CHAIRPERSON REYNOSO: Thank you. I'm
10 going to limit our—my—my comments and my back and
11 forth because I know we're going to have a hearing on
12 all this information in the future, and we could talk
13 there. But I do believe, you know, I disagree with
14 many statements that you made especially like what's
15 the need of considering, you know, the wages and the
16 safety concerns that we have in the city of New York
17 related to the commercial waste industry. I don't
18 think that's not any reason. Also the vehicle miles
19 traveled, you know, I'll be hard pressed to see a
20 number that will be—that—that will show a level of
21 efficiency from the 2014 numbers even though that
22 that data, as you claimed, as you stated is either
23 incomplete or—or—or different now. We're talking
24 about 50 or 60%. He said 50% conservatively. Let's
25 say it's even 30%, which is what I thought it was
going to be when I—when the study first came out, and

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3 I thought it was going to be like 25%, and then I saw
4 50 and 60 and all these numbers, but regardless, the-
5 I think that you should also hold judgment regarding
6 what the study is going to bring out regarding the
7 vehicles miles traveled, and not claim that a system
8 is efficient when a prior study that has okay,
9 incomplete information has stated that it's been
10 extremely inefficient. We've also had huge, huge
11 stories in the New York Times and other articles and
12 other publications here in the city of New York
13 regarding how workers are treated in-in this
14 industry, and the race to the bottom that the
15 commercial waste industry had-is known for let's. So,
16 I just-I just think that, you know, the way you frame
17 it kind of just glosses over the inefficiencies of
18 this industry that you think works so perfectly
19 well. You just should stand on Metropolitan and
20 Manhattan Ave in my district, and-and tell me that
21 these trucks are perfectly fine. We also know that
22 these trucks are running in 10, 15, 20 years old in
23 some cases, and we do have a piece of legislation
24 that is going to come, that is going to deal with
25 that issue, but we're talking about needing to
legislate responsible purchasing of trucks and-and

3 not using them beyond their half life. So, I just
4 don't want you to completely dismiss the concerns we
5 have in the commercial waste industry and—and just—I
6 just really think your—it's way too glossy, the way—
7 the way that you're presenting it, and I don't think
8 it's fair.

9 KENDALL CHRISTIANSON: Well, I'm—I'm glad
10 to have that discussion with you on all those issues.
11 I guess I would say simply that our view is that the
12 goals of the city are worth achieving with the
13 collaboration and partnership of the industry that
14 can be achieved sooner, better and cheaper than
15 waiting five years for a zone and franchising system
16 to be implemented that may or may not work here. So,
17 there's lots that's already being done, lots more
18 that could be done. I'll skip on the theme of the—
19 the clean trucks. I sent Commissioner Brownell a
20 letter a couple weeks ago saying that we've had an
21 industry working group discussion on electric trucks,
22 and have a number of companies that are prepared to
23 pull the trigger on testing electric trucks in the
24 city on the commercial waste side, but won't do it
25 because they don't know if their companies are going
to be in existence three to five years from now.

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3 They're not willing to make that investment now given
4 the uncertainties that's being created around
5 franchising, and that's just one example of the kinds
6 of investments in capital and in both human and
7 physical capital that are not being made in the
8 industry now because of the uncertainties associated
9 with the—of the threat of rezoning and franchising.

10 CHAIRPERSON REYNOSO: That—that excuse
11 about not wanting—not willing to invest because of—of
12 legislation or regulation has been used for—even
13 before I was here when Council Member Diana Reyna was
14 here. It's always their excuse. We don't want it—we
15 can't do it because we don't know. We can't do it
16 because we don't know. Well, guess what, if all your
17 trucks met guidelines let's say the way the
18 Department of Sanitation guidelines are regarding
19 like emissions, then we wouldn't need to pass the
20 legislation that was passed during Council Member
21 Reyna's time that gave you guys ten years to get
22 trucks in 2017.

23 KENDALL CHRISTIANSON: [interposing] No
24 because it's just like the end of next year as
25 Commissioner Brownell said. So, that's already
happening.

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2 CHAIRPERSON REYNOSO: But it's happening
3 because you legislated it, not because you take the
4 initiative.

5 KENDALL CHRISTIANSON: [interposing] Yes,
6 but many of the companies are already making those
7 investments for new trucks--

8 CHAIRPERSON REYNOSO: [interposing] Your
9 industry--

10 KENDALL CHRISTIANSON: --and they will
11 have the trucks. (sic)

12 CHAIRPERSON REYNOSO: I would say your
13 industry has never taken on any task to advance
14 itself on my issues ever in its history without us
15 threatening with legislation or some type of reform.
16 It always come from the City Council and then you
17 guys show up. The safety issue that didn't happen
18 until now you have a symposium. Thank you very much.
19 We've been asking for that for decades or not even
20 decades. Let's say four years since I've been here
21 only. I hold myself accountable and not previous
22 administrations, but more than four years ago, we
23 were talking about safety concerns, and now you see
24 that there might be some authority given to BIC or
25 there might be a--you know, people are dying and--and

2 we're paying attention to it. Now you have a safety
3 manual or symposium that you're putting together.
4 Your trucks are terrible. We pass—we say we're going
5 to pass legislation. You actually convinced Council
6 Members back then to give you ten years to get trucks
7 to be at a 2009 level I think it is. Right, not
8 trucks. We're not talking about you getting trucks
9 that will be like 2017 trucks, 2018 trucks. You're
10 talking about getting 2007 trucks because you got
11 1980 trucks, the products that exist in your streets.
12 I pushed it there, but the point that I'm making is,
13 if it doesn't come from us, if we are not threatening
14 you with legislation or introducing reform, you
15 never, ever step up. So, we have to help you step
16 up. I just want to say that.

17 KENDALL CHRISTIANSON: I can—I can share
18 stuff with you.

19 CHAIRPERSON REYNOSO: [interposing] This
20 whole theory about—about not knowing, and the
21 regulation holding you back, I—I call—I call BS on
22 that. I really do, and—and Kendall, it—it's happened
23 constantly. Every time that I ask you guys to do
24 something, it takes legislation for you guys to take
25 it seriously.

2 KENDALL CHRISTIANSON: Well, my point was
3 about the--the looking ahead to innovation in the
4 field and there a variety of companies that are
5 interested in--

6 CHAIRPERSON REYNOSO: [interposing]
7 Companies? Why not use truck innovation before that
8 legislation?

9 KENDALL CHRISTIANSON: --supporting the
10 innovation and willing to make that investment.

11 CHAIRPERSON REYNOSO: But I just say,
12 sir, regarding the emissions that that you're
13 supposed to--

14 KENDALL CHRISTIANSON: Yes.

15 CHAIRPERSON REYNOSO: --I think applies
16 in 2019.

17 KENDALL CHRISTIANSON: And they're--and
18 they're 2019.

19 CHAIRPERSON REYNOSO: There was
20 opportunities for you to take on innovation during
21 that time. We've also had conversations about
22 voluntary decrease in capacity by--for the industry,
23 and that they were going to take that on. They never
24 took it on. So, we have--we're pushing it into a 495.
25 It's another example of that. There's always been

3 opportunities for you to step up and do the right
4 thing so that we don't need to regulate you, and it
5 never happens, ever. That's all I'm saying. So,
6 yes, you have your concerns, and we want to help you
7 address them as best as possible, but it's been—it's
8 been almost exclusively City Council legislation and
9 regulation that has brought you to the new—to the new
10 era, and I just—I just wish that one time that
11 wouldn't be the case, and it's never happened.

12 KENDALL CHRISTIANSON: Again, I don't
13 share that perspective, but we have a lot to talk
14 about. Thank you.

15 CHAIRPERSON REYNOSO: Thank you, Kendall.

16 CECIL CORBIN-MARK: Good afternoon,
17 Chairman Reynoso. I continue to be impressed by your
18 leadership, and I thank you for raising the issue of
19 the ways of the waste industry. I would just at the
20 risk of correcting you on one point. I would just
21 add that it's not just the Council, but it's the
22 communities on the front lines of the waste
23 industry's facilities and infrastructure that really
24 pushed the Council to address the dangerous and
25 hazardous and life threatening conditions under which
they exist, but that said, I'm not going to take my

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3 time to sort of reiterate many of the things that you
4 said. I would just make that one little eensy
5 weensy correction, and then you would be completely
6 fabulous in my eyes, and I would have nothing else to
7 say. No, I'm Cecil Corbin-Mark. I'm the Deputy
8 Director of WE ACT for Environmental Justice, and WE
9 ACT's mission is to be build healthy communities by
10 ensuring that people of color and lower-income
11 community and lower-income residents participate
12 meaningfully in the creation of found and fair
13 environmental health and practice --protection
14 policies and practices. Sorry. We organize
15 residents across four community boards, 9, 10, 11 and
16 12 in Northern Manhattan, and we are a membership
17 organization with almost 700 members who live and
18 work and vote uptown. Today, I'm here—we have a long
19 history. I've given you a written testimony. I'm
20 going to forego one of these paragraphs here, but we
21 have a long history of releasing no more diesel in
22 our communities. We've been fighting diesel around
23 the diesel buses and bus depots in communities of
24 West Central, East Harlem along with Washington
25 Heights and for many, many years because we were home
to more than one-third of the nation's largest diesel

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3 fleets. Along the way, WE ACT with several other
4 organizations some of whom are here today, and others
5 not. Can be really proud of the efforts to clean up
6 the bus fleet and while it's not prefect and there's
7 way more to be done and there is sometimes
8 backsliding, we can all look to the fact that in
9 Northern Manhattan there ultra low sulfur electric
10 hybrid diesel buses running on the streets. We
11 fought for government regulation at the federal level
12 for ultra low sulfur diesel. We worked on getting
13 bus depots on the Mother Clara Hale Bus Depot
14 converted to one of the greenest bus depots in the
15 nation, and so that's our track record and working on
16 these issues. Today I wanted to focus more about
17 some of the other city fleets and to offer two
18 reasons that we need to phase out the procurement of
19 vehicles that use diesel for the Sanitation's medium
20 and heavy duty fleets. We believe that this step is
21 needed to get Northern Manhattan neighborhoods and
22 other Environmental Justice communities like your
23 community across the city to have better air quality,
24 mitigate the contributions to the climate crisis and
25 improve health outcomes. In Northern Manhattan,
several of our Sanitation truck depots the East

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2 Harlem, CB 11, and the Washington Heights Inwood CB
3 12 Depots play host to vehicles that service the
4 Upper East Side and our supposed—and these vehicles
5 are supposed to be in those neighborhoods under the
6 city's regulations. Of course, that's one of the
7 wealthiest neighborhoods in the entire nation, and we
8 have no doubt about why it is that those vehicles
9 ended up in our neck of the woods in El Barrio and
10 Washington Heights Inwood in particular. WE ACT
11 believes that the proximity of these diesel vehicles
12 to the places where children, seniors, and those with
13 medically diagnosed respiratory illnesses only
14 further exacerbate negative health outcomes in our
15 communities, and WE ACT has worked with the residents
16 of Northern Manhattan to get these depots moved
17 and/or improved and to ensure that vehicles for the
18 Upper East Side are placed in those neighborhoods and
19 not dumped in ours. The reason that we've been so
20 keen about this is because co-pollutants that come
21 along with the burning of diesel like PM 2.5
22 particulate matter of the 2.5 microns, Polyaromatic
23 Hydrocarbons, PAHs, those things not only impact
24 health in a negative way, they can actually rob
25 people of their lives, and longevity. This is based

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3 on research that WE ACT has been engaged in with the
4 Columbia University's Children's Center at the
5 Mailman School of Public Health. We've had a
6 partnership with the for more than two decades and
7 have produced a number of research studies that
8 indicate that PAHs and PM 2.5 can reduce the
9 circumference size of a child's head thus leading
10 later on in life to learning disabilities and other
11 kinds of neurological impacts. We've also know that
12 PM 2.5 triggers asthma, and as well as other
13 respiratory illnesses. We urge this committee to
14 address those siting issues that provide a
15 disproportionate burden on some communities that play
16 host to diesel heavy duty-medium and heavy duty
17 fleets like street sweepers and trucks, and at the
18 same time we need to eliminate or significantly
19 reduce the dirty emissions from the city's diesel
20 fleets to improve the air that those New Yorkers that
21 live closest to those depots breathe. We think our
22 path to cleaning up those fleets is to commit as a
23 city to saying no more diesel. There are reliable
24 alternatives to diesel that are no-fossil fuel based,
25 and we the communities on the front line of the
climate crisis and the asthma epidemic and other

2 negative health outcomes need that change now.

3 Second, the city has set ambitious greenhouse gas
4 reduction goals, and clean air goals, and we've been

5 a part of the process of helping them arrive at some

6 of those goals. We've sat on the task forces or

7 sustainability work advisory groups, et cetera, and

8 we support them in moving forward in this endeavor.

9 It's sad to say, however, that despite some of this

10 goal setting and these aims, the idea of cutting

11 greenhouse gas by 80% in the city's fleets by 2035

12 from 2005 levels, is not something that we are

13 actually on a good glide path to achieve. Similarly

14 being the largest city with the big—the best air, or

15 major city in the U.S. by 2050 is also seemingly not

16 on a good glide path as well. But if they continue

17 to buy medium and heavy duty trucks powered by diesel

18 fuel—biodiesel fuel, we don't think that that is

19 going to get any better. In fact, we think that's

20 going in the wrong direction, and if we're serious

21 about protecting vulnerable communities from the

22 ravages of another Super Storm Sandy or worse, if

23 we're really committed to leading on the

24 sustainability goals, and if we're serious about

25 protecting the health and life expectancy of these

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3 communities, then we need to start by phasing out the
4 procurements of diesel Sanitation vehicles. We can
5 certainly talk for much longer about these issues.
6 I'm happy to be here along with people like Brendan
7 who served the city well, and is in private practice
8 now for a very long time, and my other colleagues at
9 this table Kenneth and Mr. Phil Blass who I am
10 meeting I think for the first time. So, thanks, and
11 thanks for your leadership.

12 CHAIRPERSON REYNOSO: Yes. Thank you and
13 just-Uh-huh?

14 BRENDAN SEXTON: What he said.

15 CHAIRPERSON REYNOSO: You paid him to say
16 that. I know you did.

17 BRENDAN SEXTON: Uh-huh. [laughter]
18 You're impugning my reputation on our public record?

19 CHAIRPERSON REYNOSO: Yeah, and I
20 apologize for that, but I do want to-I do want to
21 address--

22 BRENDAN SEXTON: [interposing] What about
23 the rumors that I have money to give away. [laughter]

24 CHAIRPERSON REYNOSO: I do want to say
25 that all-all the-the progress that we've made as a
city, as the City Council, those ideas and those-the

3 ideas and changes that we've seen does come from
4 advocacy from communities. It wasn't born though
5 Council Members. The ideas always come to us from
6 somewhere else, and it's usually folks on the ground.
7 So, I agree 100%.

8 CECIL CORBIN-MARK: Thank you.

9 CHAIRPERSON REYNOSO: It's just we—we
10 simply have the authority to make those ideas law,
11 and—and that we've implemented it that way. So, I do
12 agree with you. Trust me. I—

13 CECIL CORBIN-MARK: [interposing] I
14 appreciate that.

15 CHAIRPERSON REYNOSO: Uno and Outrage and
16 Anopi and the Transform the Trash Coalition, WE ACT,
17 all these organizations have -have come together to
18 fight a lot of these environmental concerns and
19 issues, and it is because of them that we've seen a
20 lot of these changes. So, you are correct. This—
21 this diesel—this diesel conversation I guess it's—
22 it's—I'm hearing. Like the—the chorus is growing and
23 I want to see if I can have a serious conversation
24 with the—the administration, right? Not the
25 Department of Sanitation. I think the Administration
really needs to pay attention to this to see if we

3 could have that conversation more seriously. But
4 right now there is a lot of pushback not only from
5 the Administration and the agency, but from the City
6 Council and members that don't necessarily see the
7 value, right, value added. They're not all
8 environmentalists. Trust me and so--

9 CECIL CORBIN-MARK: [interposing] I
10 figured that out.

11 CHAIRPERSON REYNOSO: So, I want to--I
12 want to see what that looks moving forward maybe
13 paying more attention to it this year. I remember
14 this has been something that's brought to me every
15 single year, and I--I just respect the experience and
16 the knowledge and the expertise of the Commissioner
17 that if she--that she can't do this because--when she
18 says she can't do it, it's because she can't do it.
19 But I think that at this point we--we just have to be
20 more creative. We have to be--we have to be stronger.

21 CECIL CORBIN-MARK: I would say--just in
22 response to that, I would say that I truly--I mean we
23 have a wonderful relationship with Commissioner
24 Kathryn Garcia, and have worked with her on a number
25 of different issues, not the least of which are on
this, but I think that sometimes when it comes to

3 these issues, yes, we understand sort of operational
4 necessities. No one wants to be, you know, in a
5 community where, you know, a snow plow can't get
6 through in the aftermath of, you know, one of these
7 Nor'easters, right, but at the same time, I think
8 leadership does have to come from the Council.
9 Leadership does have to come from the Administration,
10 and so I applaud you for wanting to reach out to them
11 and figuring out if there's a way in which we can set
12 that sort of moonshot, right, which even at this
13 point is not that much of a moonshot any more, but
14 that's the way I think government works best in terms
15 of moving sort of the--the various sort of parts that
16 governments achieve loftier more important goals for
17 the benefit of all of us, and I think that's what
18 needs to happen here.

18 CHAIRPERSON REYNOSO: Alright.

19 BRENDAN SEXTON: If I may, I'd just also
20 like to note that in its 2015 Clean Fleet RFI, DCAS
21 spoke of spending \$6 billion on improving fleet
22 sustainability. So that, you know, that has been put
23 out there.

24 CHAIRPERSON REYNOSO: But--but when you
25 look at the--the--the PMMR in regards to the--the

3 purchasing of-of vehicles for Sanitation, I think
4 it's almost exclusively diesel trucks, and-and we're
5 talking about a handful or natural gas vehicles, and-
6 and the-the increase from year to year as to how many
7 natural gas trucks we expanded within the fleet, it
8 either stays the same or actually goes down. There's
9 not been like a-like a-

10 BRENDAN SEXTON: I think it's actually
11 shrunk slightly.

12 CHAIRPERSON REYNOSO: Yeah, exactly. So,
13 I think that we're definitely not taking the natural
14 gas movement seriously and we're just reverting back
15 to-to what we know, what we're comfortable with, and
16 as Sanitation Chair for the last four years, the one
17 thing that the Department of Sanitation is, is a
18 creature of habit, and-and it does not want to change
19 and it hates to change, and-and this is an example of
20 that, and it's been very-it's like turning a very
21 large ship here in the work that I think actually
22 Kathryn Garcia and myself are trying to do, right? I
23 think that we're both trying to change the future of
24 Sanitation, but because we're talking about bolts
25 that are like-they're like rusted in at the moment
and then just trying to remove them or replace them

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3 is not easy. So, it's a level of patience that needs
4 to happen to see change, but you're right, there's
5 been no serious I don't think effort to modify this
6 diesel crisis I guess.

7 BRENDAN SEXTON: If I can speak again for
8 a minute I just for the second time wish I were
9 saying what Cecil was saying because he's perfect on
10 these. I mean his organization is great, WE ACT is
11 great, and they have been for a long time and it
12 shows this stuff is real. I also want to sympathize
13 with Kathryn. I mean that's a tough job, and she has
14 a lot on her plate and she has many, many issues to
15 cope with. It's possible—because you are the
16 committee that's interested in diesel trucks, you
17 have heard a lot about this so, therefore, she's
18 heard a lot about. Maybe the city should summon—the
19 Administration should take it, and the Department of
20 Transportation runs a lot of very big equipment. The
21 Department of Parks has its own trucks, collection
22 and Sanitation vehicles as well as other. Maybe we
23 have find—DDC the Department of Design and
24 Construction what are their specs for their
25 contractors who come in and build city property?
26 What kind of heavy duty exhaust are those guys are

3 smelting. Maybe you have to find a way to run the
4 conversation so that the Department of Sanitation,
5 which includes some of the most supremely talented
6 vehicle engineers, and by the way, environmentally
7 oriented, the vehicle operators and purchasers.

8 Maybe if we can take some of the heat off or make it
9 more general, and make it a city issue or more of a
10 city issue would help a little because she's
11 obviously a brilliant and dedicated commissioner.

12 She just is, and her staff is amazing. So, we've got
13 to figure out a way to make it easier to move this
14 issue.

15 CHAIRPERSON REYNOSO: I hear you. You
16 should go to the state and fight the MTA and all
17 their diesel buses because they actually have
18 electric buses that actually, and instead, they just
19 flood the streets and reissue contracts for diesel
20 buses, which makes no sense when they know that can
21 happen, but I want to thank everyone for today. This
22 was a good hearing hopefully--

23 BRENDAN SEXTON: Yes.

24 CHAIRPERSON REYNOSO: --for you. You'll
25 be the ones that make--that assess that, but I thank

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2 you so much, and this meeting is now adjourned.

3 [gavel]

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C E R T I F I C A T E

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



Date April 10, 2018