

COMMITTEE ON SANITATION AND SOLID WASTE MANAGMENT  
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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June 19, 2018  
Start: 1:15 p.m.  
Recess: 3:59 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Antonio Reynoso  
Chairperson

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

A P P E A R A N C E S

COMMITTEE ON SANITATION AND SOLID WASTE MANAGMENT

Kathryn Garcia  
Commissioner for the New York City Department of  
Sanitation

Council Member Levin

Chen Bow-Tene[SP?]  
Resident at 609 Metropolitan Avenue

Melissa Ushan  
Senior Staff Attorney in the Environmental Justice  
Program at New York Lawyers for the Public Interest -  
NYLPI

Leslie Velasquez  
Manages Environmental Justice Programs at El Puente

Teg[SP?]  
Clean Up North Brooklyn

Jen Johnshanpsia[SP?]  
Native New Yorker originally from Long Island City

Council Member Lander

Carla Cruz  
Labor Management Front of the Mason Tenders' District  
Council - New York Lecet

Miquel Martinez  
New Yorker- Member of Laborers Local 108

Kendall Christiansen  
Executive Director of New Yorkers who are responsible  
for waste management

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

COMMITTEE ON SANITATION AND SOLID WASTE MANAGMENT

Steve Changaris

New York City Chapter Director for the National Waste  
and Recycling Association

Justin Wood

Director of Organizing a Strategic Research at New  
York Lawyers for the Public Interest

James Curbeam

Teamsters Union Local 813

Dior Doward

Founder of GreenFeen

Reverend Rodriguez

Greater Allen A.M.E. Cathedral in Jamaica Queens

Cappy Collins

Pediatrician in East Harlem

Rolando Guzman

Deputy Director for Community Preservation of St  
Nicks Alliance

Stefanie Wenzel

Resident of East Williamsburg Brooklyn

Omar Freilla

Founder and Coordinator of Green Worker Cooperatives

Danny Peralta

POINT Community Development Corporation out of Hunts  
Point

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

COMMITTEE ON SANITATION AND SOLID WASTE MANAGMENT

Priya Mogalker

New York City Environmental Justice Alliance - NYCEJA

Eric Goldstein

National Resources Defense Council- NRDC

Janelle Qualis[SP?]

Legislative Campaigns Manager for New York Working Families

Eric Bruzaitis

Member of the Outrage Steering Committee, Chair of the Committee Board One Brooklyn Community Board One Transportation Committee

Michael Heimbinder

Board Chair of the Newtown Creek Alliance

COMMITTEE ON SANITATION AND SOLID WASTE MANAGMENT

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

2 CHAIRPERSON REYNOSO: Gavel. Thank you  
3 all for attending today's Sanitation and Solid Waste  
4 Committee hearing on INTRO 157. My name is Antonio  
5 Reynoso and I chair this committee. I want to take a  
6 moment before we begin to speak about history and  
7 justice. For decades my community, a low-income  
8 community of color has suffered from a long list of  
9 environmental injustices. Including the bakery being  
10 built right through the middle of our neighborhood.  
11 Operation of toxic industrial uses and the reason we  
12 are here today. The siting of twelve waste transfer  
13 stations in my district. My district has 38% of the  
14 city's waste capacity and we deal with consequences  
15 on a daily basis. Everyday thousands of trucks fly  
16 through our neighborhood, creating hazardous  
17 conditions for pedestrians and bikers while spreading  
18 polluting toxins into our air. My district suffers  
19 from some of the highest asthma rates in the city.  
20 With Woodhull Hospital taking in the most emergency  
21 asthma cases of any health and hospitals facility in  
22 the city of New York. As a representative for this  
23 district I cannot stand idly by while my folks  
24 suffer. I cannot stand by while the rest of the city

25

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 uses Williamsburg, the south Bronx and southeast  
3 Queens as a dumping ground. Council member Levin and  
4 I introduce this bill. The last session was the goal  
5 of elevating the burden of these communities. After  
6 introducing this bill, we met the fierce opposition  
7 from the industry which is not surprising considering  
8 the track record of these companies. Private  
9 sanitation is one of the least regulated sectors in  
10 the entire city. There trucks are old and polluting.  
11 Safety standards are almost nonexistent. Wage theft  
12 is coming and trucks traveling in the most  
13 inefficient way creating unsafe conditions on our  
14 roads and poisoning our air. Not even two weeks ago,  
15 a private sanitation truck being operated by a drunk  
16 driver plowed through nine cars in Borough Park. A  
17 crash like this is not an unusual event in the  
18 private sanitation industry. I want to be clear as  
19 we work through this bill, I met with the industry  
20 more than I met with the advocates. I hope they  
21 would recognize the negative impacts that they were  
22 having on local residents and work with me on  
23 addressing this issue. Instead what we got was a  
24 full core plus from the industry to undermine our  
25 efforts to bring about basic fairness to our

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 constituents. I was repeatedly threatened by the  
3 industry that they would not improve conditions until  
4 I withdrew my legislation and now almost five years  
5 into this, these companies have done nothing to clean  
6 up their act. In fact, things have gotten worse. As  
7 traffic fatalities in the city decreased overall, we  
8 have seen crashes among the top twenty carters nearly  
9 double since 2014. There has also been no  
10 improvement in recycling rates. Even as the city has  
11 expanded recycling requirements for commercial  
12 businesses. This is true even amongst the folks that  
13 we consider to be the good players. Such as, Action  
14 Carting, whose recycling rates at the Bronx facility  
15 decreased 23% between 2016 and 2017. The industry  
16 has acted in bad faith through this entire process  
17 and I am pleased that we are moving forward with  
18 legislation that will finally curtail some of the  
19 injustices our communities have been subjected to.  
20 Justice is what we are talking about here. No  
21 community wants a transfer facility in their  
22 neighborhood, but nobody wants to stop producing  
23 trash either. How can someone look at a system where  
24 three low-income communities of color show that  
25 burden of two-thirds of the cities waste processing



1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 capacity and say that its fair? Make no mistake,  
3 when folks say they don't support this bill, what  
4 they are saying is they have issue with dumping their  
5 trash on poor Black and Brown people. We cannot call  
6 ourselves a progressive city and continue to allow a  
7 system like this to exist. This bill is about people  
8 over profits. Industry interests and lobbying will  
9 play no role in the legislative process for this  
10 bill. I will not allow commercial sanitation  
11 companies to get rich by sacrificing the health and  
12 safety of minority communities in the city of New  
13 York. I want to take a moment now to talk about what  
14 this bill does and does not do. I think education is  
15 extremely important and considering that the majority  
16 of the people in this room are people of color.  
17 There has been a lot of miss information associated  
18 with this legislation, so please pay attention to the  
19 facts as I walk through them. Alright, I hope  
20 everybody can see it. INTRO, second slide. Thank  
21 you very much. As I mentioned, three communities,  
22 north Brooklyn, south Bronx, southeast Queens posses  
23 approximately two-thirds of the cities waste  
24 capacity. Thousands of trucks rode through our  
25 neighborhoods on a daily basis where folks have to

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 deal with dangerous pedestrian conditions as well as  
3 high levels of noise and air pollution. Next slide,  
4 current concentrations of private waste city wide.  
5 As you can see between north Brooklyn, south Bronx,  
6 and southeast Queens, the majority of the trash is  
7 run through three community districts. Out of 51,  
8 three community districts handle all that trash. The  
9 rest of the city of New York handles that portion of  
10 it, next slide please. Here we can see how  
11 businesses all across the city send their waste to  
12 north Brooklyn. Where we have 38% of the city's  
13 waste capacity. Studies have shown that air quality  
14 in my community is 300 times worse on days when  
15 transfer stations are open, 300 times worse. The  
16 Bronx is not much better. With 22% of the city's  
17 waste capacity and trash coming from all five  
18 boroughs leading to asthma rates that are eight times  
19 the national average. That means eight times more  
20 children, mostly of color from the Bronx, have asthma  
21 related to pollution in these districts. Slide 6,  
22 southeast Queens is also overburdened, 104% of the  
23 city's waste from four different boroughs. Slide 7,  
24 this bill will begin to provide some relief to  
25 overburdened communities. Cutting transfer station

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 capacity in overburdened districts by 50% in north  
3 Brooklyn and 33% in the south Bronx and southeast  
4 Queens. We also brought incentives into the bill to  
5 encourage recycling and exporting waste by rail,  
6 which would take additional trucks off the street.  
7 Finally, this bill would ensure that no other  
8 neighborhood becomes the next Williamsburg by placing  
9 10% waste capacity caps on all districts in the city.  
10 Which means no district in the city of New York will  
11 ever see more than 10% of the cities trash in their  
12 neighborhood after this bill is passed. I want to  
13 take a moment to put the 10% cap in perspective. In  
14 2017, our community would have needed to have a  
15 little over five dozen tons of capacity to hit the  
16 cap. In 2017, my community had 20,000 tons of  
17 capacity. Nearly four times the amount that would be  
18 allowable. So, worsening, no community would take on  
19 5,000 tons. Even though my community at this moment,  
20 takes on 20,000 tons of trash. There have also been  
21 accusations that this bill will push trash to other  
22 communities. This is simply not true. The city has  
23 approximately 46,000 tons of waste processing  
24 capacity. Of which about only 20,000 tons are used.  
25 Which means less than half of the cities capacity is

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 actually used. So, there are permits for 46,000  
3 tons. Of that 46,000 tons which the city allows for  
4 us to use, we only use 20,000 tons. Which means that  
5 the trash would not be pushed to other neighborhoods.  
6 We will simply be capping the ability for trash to  
7 come into our neighborhoods. My district will still  
8 have an access of about 4,000 tons of capacity after  
9 this bill is passed. Which means even after that  
10 happens, we will still be taking on 4,000 more tons  
11 of trash. The south Bronx will still have 2,000 tons  
12 of excess. So, we're saying 6,000 tons of trash that  
13 goes unused will still exist in the Bronx and in  
14 Queens. To be clear, Williamsburg will be processing  
15 a disproportion to share the city's waste for the  
16 foreseeable future. We are simply asking for no more  
17 than we have now. Slide 8, through the provisions  
18 outlined in this bill, we will also be able to  
19 promote quality facilities. We will be able to  
20 promote quality facilities. These facilities often  
21 have terrible working conditions and are poorly run.  
22 Just this past March, a five-alarm fire broke out  
23 facility in Queens which shut down the Long Island  
24 Rail Road and required nearly 200 firefighters and 24  
25 hours to get under control. This legislation will

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 provide opportunities for those transfer stations  
3 that recycle and use sustainable waste export  
4 methods. We want the good transfer stations to stay  
5 open. We want the good transfer stations to continue  
6 to provide jobs. The bad ones need to go. Slide 9,  
7 one of the most important aspects of the city SWMP  
8 plan, or solid waste management plan, SWMP is short,  
9 SWMP, Solid Waste Management Plan was the commitment  
10 to open four marine transfer stations across the  
11 city. By doing so, the city could relieve some of  
12 the burden in these communities like mine, while also  
13 producing modern, up-to-date facilities that export  
14 waste by barge, which is less impactful on  
15 communities that long-haul trucks use by most  
16 transfer stations. However, the city has already  
17 opened two of these MTS's and we are still receiving  
18 the same amount of waste as we did prior to the  
19 opening of Queens 12. There has actually been a  
20 slight uptake in this throughput. While I fully  
21 support the MTS's, without them the overburdened  
22 districts would be receiving even more waste. It is  
23 important to acknowledge that they will not fully  
24 accomplish the equity goals set forth in the SWMP.  
25 INTRO 157 is a long overdo step to bring environment

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 to justice to the front-line communities. I look  
3 forward to hearing the testimony today from the  
4 administration, community advocates, and the industry  
5 and I thank you for that time. Now we're going to  
6 call on the Department of Sanitation for their  
7 testimony. Captain Garcia, the Commissioner of  
8 Sanitation. Oh, and I'm sorry, I was going to say,  
9 we've been joined by Council Member Chaim Deutsch and  
10 Council Member Stephen Levin. Council Member Stephen  
11 Levin is a prime sponsor of the bill, so I want to  
12 allow him a few moments to speak on the bill, thank  
13 you.

14 COUNCIL MEMBER LEVIN: Thank you very  
15 much. Thank you, Commissioner, for the curtesy. I  
16 want to thank our Chair of Sanitation Council Member  
17 Antonio Reynosa for convening today's hearing to  
18 discuss this much needed and long overdue piece of  
19 legislation. I also want to thank him for his  
20 tireless commitment to waste equity in New York City  
21 and his tireless commitment to this piece of  
22 legislation. INTRO 157-B would bring clerical relief  
23 to communities impacted by the over concentration of  
24 waste transfer stations. As the chair said, transfer  
25 stations in north Brooklyn, south Bronx, and

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2 southeast Queens, take on 64% of the cities entire  
3 waste processing capacity. In north Brooklyn alone,  
4 more than 200 diesel trucks travel through the  
5 streets every hour and only 10% of the trucks meet  
6 the 2007 EPA Mission Standards as of 2016. Without  
7 new limits, north Brooklyn's capacity could go even  
8 higher and allow for 2000 more trucks per day on our  
9 streets. As our Chair mentioned, the environmental  
10 impact of over concentration this has had on our  
11 communities is truly devastating. Air quality in  
12 north Brooklyn is over 300% worse on days when  
13 transfer stations are open disproportionately  
14 impacting marginalized communities. Rates of asthma  
15 are highest among Latino and Black children in New  
16 York City at 9.8% and 6.9% respectively. This is not  
17 a coincidence, this is decades of environmental  
18 injustice that need to be corrected. It is also not  
19 just our public health that is suffering, its our  
20 neighborhood safety to. The private sanitation  
21 industry is very unregulated. Employees often work  
22 18 hours shifts for unfair wages in unsafe working  
23 conditions. As has been widely reported in the last  
24 eight years alone, at least 43 people have died in  
25 crashes related to private sanitation operations and

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2 if we compare that to our fleet of DSNY trucks, where  
3 there has not been a fatality since I believe 2014,  
4 that comparison is truly stark. In my district,  
5 north Brooklyn we still remember the tragic death of  
6 Neftaly Ramirez killed on his way back home from work  
7 at Paulie Gee's in Greenpoint. We have to do better.  
8 Trucks routinely fail federal safety checks.  
9 Hundreds of thousands of dollars in wages go unpaid  
10 and safety concerns persist. We need reforms, which  
11 is what brings us to Intro 157. This bill would help  
12 relieve overburdened communities by cutting  
13 transportation capacity in the over concentrated  
14 districts in north Brooklyn by 50% and 33% in south  
15 Bronx and southeast Queens. These changes would also  
16 protect other communities from shouldering more of  
17 [inaudible 18:50] by placing a 10% city wide waste  
18 capacity cap and other districts to prevent them from  
19 becoming overburdened. I really want to thank our  
20 chair Antonio Reynoso again for his tireless  
21 commitment and I also want to acknowledge community  
22 groups outraged who is here. I see my friend Allison  
23 Cordero who is here and all the outraged folks in  
24 north Brooklyn for keeping our feet to the fire as  
25 your elected representatives. I just want to thank



1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 [inaudible 19:14] for public interest and [inaudible  
3 19:19] from environmental justice who have really  
4 made this a priority bringing environmental justice  
5 to our communities across New York City and with that  
6 I'll turn it back over to Chair, thank you.

7 CHAIRPERSON REYNOSO: Thank you Council  
8 Member Stephen Levin. Commissioner? We're going to  
9 swear you in.

10 CLERK: Do you affirm to tell the truth,  
11 the whole truth and nothing but the truth in your  
12 testimony before this committee today?

13 COMMISSIONER GARCIA: I do.

14 CLERK: Thank you.

15 COMMISSIONER GARCIA: Good afternoon  
16 Chair Reynoso and members of the City Council  
17 Committee on Sanitation and Solid Waste Management.  
18 I am Kathryn Garcia, Commissioner for the New York  
19 City Department of Sanitation. With me today is  
20 Robert Orlin, Deputy Commissioner for Bureau of Legal  
21 Affairs and Gregory Anderson, Chief of Staff for the  
22 Department. Thank you for this opportunity to  
23 testify on INTRO 157-B which would reduce permitted  
24 capacity for private transfer stations in  
25 neighborhoods historically overburdened by waste

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 transfer infrastructure. In 2006, the New York City  
3 Council adopted, and the New York State Department of  
4 Environmental Conservation approved the city solid  
5 waste management plan, the plan. I don't like the  
6 acronym the SWMP. This is a fair five borough plan  
7 to sustainably manage New York City's waste and offer  
8 flexibility and resiliency in the case of a natural  
9 disaster or other emergency. The plan provides New  
10 York City with new world class infrastructure and  
11 mandates a shift from waste export by long-haul truck  
12 to a system of marine and rail transfer stations  
13 spread throughout the five boroughs. In total, the  
14 plan will reduce truck traffic associated with waste  
15 export by more than 60 million miles per year,  
16 including more than 5 million miles in and around New  
17 York City. It will slash green house gas missions by  
18 34,000 tons annually. After the closure of the Fresh  
19 Kills Landfill, almost all New York City waste was  
20 exported by long-haul truck from privately operated  
21 transfer stations. Because of zoning and siting  
22 restrictions, these stations were and still are today  
23 predominantly located in three neighborhoods. In  
24 north Brooklyn, southeast Queens, and the south  
25 Bronx. The plan is based on the concept of borough

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 equity, that no borough should be responsible for  
3 managing another's garbage and it will dramatically  
4 reduce truck traffic associated with waste collection  
5 and hauling in these historically overburden, poor,  
6 and minority communities. The plan called for the  
7 creation of eight rail or barge-based transfer  
8 stations along with the use of an existing energy  
9 from waste facility in New Jersey. Together, these  
10 nine facilities make up a resilient and reliable  
11 network for the export of waste. They also create  
12 new waste transfer capacity that allows the city to  
13 permanently reduce permitted capacity in transfer  
14 stations in these overburdened communities. Today,  
15 seven of the nine long term facilities outlined in  
16 the plan are operating and construction of the  
17 southwest Brooklyn marine transfer station and the  
18 east 91<sup>st</sup> marine transfer station will be completed  
19 over the coming year. Completion of these facilities  
20 is the final step toward implementing the cities long  
21 term waste management program under the plan and will  
22 realize our goal of creating a fair five borough  
23 waste management system. The plan also recognizes  
24 that private solid waste transfer stations are an  
25 integral part of New York City solid waste management

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 system handling more than 20,000 tons of residential  
3 and commercial waste and commercial and demolition  
4 debris every day. These transfer stations perform a  
5 vital service for New York City everyday and as we no  
6 longer have any disposal capacity of our own, they  
7 ensure the reliable and expeditious export of our  
8 waste to disposal facilities elsewhere New York state  
9 and across the east coast. These transfer stations  
10 fall into three categories. First are the  
11 putrescible waste transfer stations which handle  
12 refuse and may also receive organics and recyclables.  
13 Second, are construction demolition waste transfer  
14 stations which handle waste materials from  
15 construction and demolition projects for recycling or  
16 disposal. Third are fill material transfer stations  
17 which handle dirt and other fill material. This  
18 category is not covered by INTRO 157-B and they are  
19 not included in my testimony today. Local Law 40 of  
20 1990 granted the department regulatory permitting and  
21 enforcement authority over waste transfer facilities.  
22 After that law was adopted, we enacted a stringent  
23 and comprehensive set of operating rules governing  
24 the use, conduct, and operation of putrescible and  
25 non-putrescible transfer stations. We also adopted

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2 strict siting rules which restrict both the siting of  
3 any new transfer stations and the ability of existing  
4 transfer stations to increase their daily permitted  
5 capacity. The department adopted its rules after an  
6 extensive and transparent public review process and  
7 careful consideration of the need to balance the  
8 cities commercial waste management needs, with a  
9 concern to the communities where many of these  
10 facilities are located. As a result of these  
11 regulations, there have been no additional transfer  
12 station permit capacity added in Brooklyn one or in  
13 Queens twelve in more than a decade. Additionally,  
14 the departments permit, and inspection unit  
15 aggressively regulates the activities of all private  
16 transfer stations operating throughout the city by  
17 making unannounced visits to conduct thorough  
18 inspections of every putrescible and CND transfer  
19 station on average once per week. The vigorous  
20 inspection and enforcement efforts by the department  
21 have contributed to an overall reduction in the  
22 number of transfer station permits in the city by  
23 nearly 2/3 since Local Law 40 was enacted in 1990 to  
24 just 38 putrescible and CND transfer stations  
25 operating today. Every year New Yorkers generate

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 more than 3 million tons of residential waste in  
3 recyclables and another 3 million tons of commercial  
4 waste in recyclables. While the departments primary  
5 focus on the collection and disposal of residual  
6 waste, a number of our plans and policies address the  
7 commercial waste system. Under one New York the plan  
8 for a strong industry, Mayor de Blasio laid out an  
9 ambitious goal of sending zero waste to landfills by  
10 2030. Through a combination of new policies and  
11 programs, legislative reforms, and partnerships with  
12 a private sector, we are making great strides towards  
13 this goal on both the residential and commercial  
14 waste streams. In December 2016, the department  
15 promulgated new commercial recycling rules to make  
16 recycling easier and more understandable for  
17 businesses to follow. In the past, the departments  
18 rules designated recycled material for source  
19 separation based on different business sectors of our  
20 city. The current rules that we began enforcing last  
21 summer now make recycling easier and more consistent  
22 for businesses. Today, New Yorkers are required to  
23 recycle the same things at work and in commercial  
24 establishments as they do at home. We also require  
25 certain food service establishments to separate the

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 food waste they generate for separate collection.  
3 Local Law 146 of 2013 requires that select food waste  
4 generating businesses separate out their organic  
5 material to ensure its diversion from landfills. The  
6 law provides a phased in approach intended to foster  
7 the expansion of organics processing capacity needed  
8 to make organics diversion viable over the long term.  
9 Last year the department designated the second phase  
10 in of food generating businesses required to source  
11 separate their organic waste. As processing capacity  
12 in the region continues to evolve and grow, we will  
13 expand this requirement to more food service  
14 establishment. One New York City also calls for  
15 dramatic improvements to air quality in New York  
16 City. Including by reducing admissions from heavy  
17 duty truck fleets. Local Law 145 of 2013 requires  
18 that all private waste collection trucks be equipped  
19 with an EPA certified 2007 or later engine or best  
20 available retro fit technology by January 1, 2020.  
21 Combined with new federal admissions requirements  
22 this regulation will dramatically reduce submissions  
23 of harmful particulate matter and other air  
24 pollutants by the private hauling industry. In  
25 addition, we are working towards the implementation

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 of commercial waste zones in New York City. This  
3 initiative represents a dramatic overhaul of the  
4 private waste hauling industry that will create a  
5 safe and efficient system that offers low cost, high  
6 quality service while achieving our zero waste goals.  
7 In 2016 the department in close partnership with the  
8 business integrity commission began working to  
9 develop an implementation plan for commercial waste  
10 zones. Over the last year our team has held 150  
11 meetings with more than 100 different stakeholders,  
12 including private carters, industry associations,  
13 business groups, labor organizations, environmental  
14 justice advocates, and elected officials. The  
15 concept is simple, instead of up to 50 haulers  
16 operating in a single neighborhood on a nightly  
17 basis, there will be just a hand full. These  
18 companies will be selected through a competitive  
19 bidding process that will identify the haulers that  
20 can provide the best service at the lowest price for  
21 each area. The resulting contracts will include  
22 standards for customer service, safety and labor  
23 conditions to raise the bar for the hauling industry  
24 and ensure all players operate on a level playing  
25 field. With fewer trucks on the streets and shorter



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2 routes, zone collection will also mean less unsafe  
3 driving behavior and worker fatigue and improve  
4 traffic and air quality. A zone system will also  
5 dramatically reduce truck traffic associated with  
6 this industry by 60% or more while maintaining high  
7 quality and low-cost service to New York City  
8 businesses. It will also be safer, fairer, and more  
9 sustainable than the system that rains today. This  
10 initiative will improve the quality of life for New  
11 Yorkers living and working across the city, but these  
12 benefits will be particularly felt in the  
13 neighborhoods with the highest concentration of  
14 transfer stations. The exact communities we are  
15 discussing today. We are on track to release the  
16 implementation and plan this summer. I will now turn  
17 to the legislation that is the subject of today's  
18 hearing. INTRO 157-B which would reduce permitted  
19 capacity, a private waste transfer station in four  
20 designated districts. The bill would reduce  
21 permitted capacity at transfer stations in Brooklyn  
22 Community District 1 by 50%. It would reduce  
23 capacity in Queens Community District 12 and Bronx  
24 Community District 1 and 2 by 33%. The anticipated  
25 reductions would take place after October 1, 2019 and

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 would be implemented at the time a transfer stations  
3 permit is renewed. The bill also allows for certain  
4 limited exemptions to the reductions in permitted  
5 capacity for activities consistent with the cities  
6 goals. It would allow these limited exemptions for  
7 processing recyclables and organic waste and for  
8 diverting construction and demolition debris to  
9 beneficial use. The bill would also fully exempt  
10 facilities that export waste by rail and have onsite  
11 rail infrastructure. In addition, the bill would  
12 allow facilities to increase their permits by up to  
13 20% in the future to accommodate additional  
14 processing equipment for recyclables or organic  
15 waste. These exemptions reward facilities that make  
16 investments to help us achieve our zero waste goals  
17 and create a more sustainable waste management  
18 system. Last August, the mayor announced the  
19 administrations support for this bill and I am proud  
20 to stand with the sponsors in support of this  
21 important legislation. INTRO 157-B represents the  
22 final step envisioned under the solid waste  
23 management plan and it will bring much needed relief  
24 to these communities that have born the burden of our  
25 waste management infrastructure for far too long. In

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 closing, I want to thank the sponsors of this  
3 legislation for their relentless efforts to bring  
4 relief to these overburdened communities. Moreover,  
5 I want to thank the activists and organizers, many of  
6 whom are here today, for their work over the last  
7 several decades to fight for equity and justice. My  
8 predecessors and I have testified before this  
9 committee several times over the last three decades  
10 on this topic and I know this relief cannot come soon  
11 enough. I am now happy to answer your questions.

12 CHAIRPERSON REYNOSO: Thank You  
13 Commissioner. I want to start with asking so at  
14 least I guess I fact checking on my part. What is  
15 the total citywide capacity for the city currently?

16 COMMISSIONER GARCIA: Uh, in terms of CND  
17 and putrescible at private it is 46,461 tons.

18 CHAIRPERSON REYNOSO: So about 46,000 -  
19 what is the average daily throughput in these private  
20 facilities.

21 COMMISSIONER GARCIA: 20,603 tons.

22 CHAIRPERSON REYNOSO: Okay, so less than  
23 have of the permitted capacity is being used in the  
24 city of New York.

25 COMMISSIONER GARCIA: Correct.

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2 CHAIRPERSON REYNOSO: Okay, uhm how much  
3 excess capacity currently exists in the system? The  
4 exact number is 26,000 tons, I guess, I can answer  
5 that question. I did the math.

6 COMMISSIONER GARCIA: If you did the math  
7 for me, that's fine.

8 CHAIRPERSON REYNOSO: Yes. In the last  
9 five years, what has been the highest daily  
10 throughput? So, this is one in the last five years,  
11 how much has the city – what is the highest the city  
12 has ever [inaudible 32:37] in private industry?

13 COMMISSIONER GARCIA: I don't know, but I  
14 would say its going to be at some point after a snow  
15 storm.

16 CHAIRPERSON REYNOSO: After a snow storm.

17 COMMISSIONER GARCIA: Yeah.

18 CHAIRPERSON REYNOSO: Okay so let's say  
19 outside of those emergencies, have we gone – now that  
20 we're doing about 20,000 tons –

21 COMMISSIONER GARCIA: So, on a regular  
22 week the average daily throughput is pretty steady.

23 CHAIRPERSON REYNOSO: It very rarely goes  
24 extremely high unless its like an emergency, like a  
25 snow storm –

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2 COMMISSIONER GARGIA: If they don't  
3 collect for a few days, private sector often will  
4 miss collection, so then you end up collecting  
5 everything on the same day.

6 CHAIRPERSON REYNOSO: Okay, how many  
7 waste transfer stations are there citywide?

8 COMMISSIONER GARCIA: Uh, there are 38  
9 putrescible and CND citywide.

10 CHAIRPERSON REYNOSO: In the districts  
11 that we talked about, southeast Queens, the south  
12 Bronx, and north Brooklyn, how many waste transfer  
13 stations are in those communities?

14 COMMISSIONER GARCIA: 26.

15 CHAIRPERSON REYNOSO: Okay, can you tell  
16 us the approximate citywide capacity and citywide  
17 throughput in these districts?

18 COMMISSIONER GARCIA: So, in terms of the  
19 amount of overall throughput in these - uh the  
20 permitted capacities about 33,000 tons and your  
21 throughput is about 14-15,000 tons.

22 CHAIRPERSON REYNOSO: So, out of the  
23 46,000 tons citywide, 33,000 are coming from just  
24 these three communities or in these three  
25 communities.

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2 COMMISSIONER GARCIA: Yeah, a little bit,  
3 I'm probably rounding down but yes.

4 CHAIRPERSON REYNOSO: Okay, can you  
5 briefly explain the cities regulations as they relate  
6 to transfer stations?

7 COMMISSIONER GARCIA: Certainly. Do you  
8 want me to talk about the siting rules or about the  
9 operation and maintenance portion of it?

10 CHAIRPERSON REYNOSO: The siting rules  
11 first.

12 COMMISSIONER GARCIA: So, we restrict the  
13 siting of transfer stations and there are very  
14 specific rules in terms of what may or may not be put  
15 in particularly, there actually by these districts.  
16 The buffer distance for example in Brooklyn one would  
17 be 700 feet. The distance between transfer stations  
18 would be 400 feet and then for districts - that's the  
19 top. Then the bottom of the range is there's a 400-  
20 foot standard on both of those and then there is the  
21 requirement that for any new transfer station in  
22 Brooklyn one it would only be in an M2 or an M3.  
23 While if its in a district outside of the ones in the  
24 legislation and rules, it could be in an M1. Though

25

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2 this really hasn't happened. We've seen a continued  
3 decline in the number of permits in the city.

4 CHAIRPERSON REYNOSO: Okay, so a lot of  
5 these I just want to put into perspective.

6 Industrial business zones or industrial areas in the  
7 city, many poor communities abide or abut a lot of  
8 these transfer stations because there are places  
9 where no one wanted to live in the past. So, it took  
10 upon poor people from the Bronx and from Brooklyn to  
11 have to live next to industrial parks, so they can  
12 get affordable rent. So, I want to make sure that we  
13 put like a historical context in perspective as to  
14 why near industrial business zones in the city of New  
15 York, there's so many poor people or at least Black  
16 and Brown people. So, I just want to talk about a  
17 little bit of history there for us. Uhm, what are  
18 typical types of violations for these transfer  
19 stations?

20 COMMISSIONER GARCIA: The most typical  
21 violation is going to be around parking and about  
22 around having trucks sort of three-hour storage,  
23 detached trailer, parked on a sidewalk, double parked  
24 vehicle, that's by far the majority of the  
25 violations. Uhm, but you know, they could also take

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2 unacceptable material. Uhm, [inaudible 36:09]  
3 issues, drainage issues, but those are much less  
4 likely. The biggest ones are around parking issues  
5 and then the second largest one would be sort of  
6 noxious liquids, tracking, spillage, those sorts of  
7 violations.

8 CHAIRPERSON REYNOSO: So, when it comes  
9 to these violations, is there a difference between  
10 what I call the bad players and the good players.  
11 Let's say the company that gets the least amount of  
12 violations versus the company that gets the most  
13 violations, is there a disparity? Does that exist?

14 COMMISSIONER GARCIA: There really isn't.  
15 I mean its - uhm, what we see is that particularly in  
16 many of the - for the transfer stations that are in  
17 Brooklyn north and in the south Bronx that are in M3  
18 zones, [inaudible 36:58] in Queens 12 are on larger  
19 properties and therefore its easier for them to  
20 comply. They have much more land. They have  
21 adequate queuing space, there operations are away  
22 from their property boundaries. Thus, you have much  
23 more limited nuisance conditions. So, if your front  
24 door is on a sidewalk, its very different than if  
25 your front door is 500 feet away from the street, but



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2 most of these facilities have been operating for a  
3 long time and they are subject to very frequent  
4 inspections, so we don't see a great disparity  
5 between any of the transfer stations in terms of the  
6 number of violations.

7 CHAIRPERSON REYNOSO: Okay, so its pretty  
8 even across the board whether we would consider them  
9 a small or a large -

10 COMMISSIONER GARCIA: Yeah, no I mean I  
11 do think that like you know, one of the things is  
12 this much regulation over this long of period of  
13 time. The really, really bad players have actually  
14 gotten pushed out of the system.

15 CHAIRPERSON REYNOSO: Alright, then has  
16 there been any reduction in the amount of throughput  
17 in the overburdened districts since the MTS has  
18 opened?

19 COMMISSIONER GARCIA: I don't know the  
20 answer to that. No.

21 CHAIRPERSON REYNOSO: Okay, so two MTS's  
22 opened and there hasn't been a significant amount of  
23 throughput that has moved around even though the  
24 foundation of the MTS's or the Marine Transfer  
25

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2 Stations and the SWMP plan was to figure out a way to  
3 relieve these communities.

4 COMMISSIONER GARCIA: Right, so there is  
5 a lot less residential material from DSNY going  
6 through these communities but that has been  
7 supplanted by new private material moving from other  
8 places into those facilities.

9 CHAIRPERSON REYNOSO: Alright, so what  
10 happens is trash from the residential side gets moved  
11 to these MTS's but then these private companies pick  
12 up some other type of trash, so it ends up being a  
13 wash in these communities of color, so we don't  
14 necessarily see a relief related to MTS's and Marine  
15 transfer stations so -

16 COMMISSIONER GARCIA: That has not been  
17 the experience so far.

18 CHAIRPERSON REYNOSO: That is what?

19 COMMISSIONER GARCIA: That has not been  
20 the experience so far.

21 CHAIRPERSON REYNOSO: So, you just said  
22 that the MTS's have allowed for you to move trash,  
23 cities trash, to the MTS's which relieve some  
24 capacity, but then it has been supplanted that  
25

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2 capacity by other methods of trash by the private  
3 companies.

4 COMMISSIONER GARCIA: Yes.

5 CHAIRPERSON REYNOSO: Okay, alright.

6 COMMISSIONER GARCIA: I'm saying the goal  
7 that you are premising is not been the experience  
8 we've had.

9 CHAIRPERSON REYNOSO: Right, exactly. I  
10 appreciate that. Uhm, so can DSNY discuss the  
11 expansion of recycling requirements on commercial  
12 businesses that have been implemented in the last few  
13 years?

14 COMMISSIONER GARCIA: Uhm, so absolutely.  
15 So, as we've talked about, we changed the rules for  
16 commercial businesses to just simplify them and so we  
17 have worked very hard to begin doing enforcement of  
18 those businesses to make sure that people are source  
19 separating, they're recycling and I know that also,  
20 this has been in somewhat in partnership with the  
21 business integrity commission who has brought cases  
22 against private charters around mixing and so we will  
23 continue to do that but we are pleased to see this go  
24 into effect and we are working towards getting  
25 broader compliance from the commercial sector.

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2 CHAIRPERSON REYNOSO: And I know we asked  
3 about – previously asked the question related to  
4 violations in these stations. What about 311  
5 complaints. Do you keep track of how many facilities  
6 receive 311 complaints?

7 COMMISSIONER GARCIA: We do, I don't have  
8 those numbers with me though.

9 CHAIRPERSON REYNOSO: Alright, but do you  
10 –

11 COMMISSIONER GARCIA: And we do respond  
12 to all of them.

13 CHAIRPERSON REYNOSO: Okay, so if there  
14 is a 311 – you'll get me that information?

15 COMMISSIONER GARCIA: Yeah.

16 CHAIRPERSON REYNOSO: But uhm, off the  
17 top of your head, do you feel that there is a  
18 disparity there or is it even the same way the  
19 violations that you issue are. Are there facilities  
20 receiving more 311 violations than others?

21 COMMISSIONER GARCIA: I don't know the  
22 answer to that, so I don't want to speculate on what  
23 the complaint data might say, but we do respond to  
24 all 311 complaints.

25

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2 CHAIRPERSON REYNOSO: And since the  
3 recycling requirements have changed in commercial  
4 businesses, have you seen any change in the  
5 commercial diversion rates?

6 COMMISSIONER GARCIA: We are still seeing  
7 minimal diversion rates, but we also are starting to  
8 look at some of the other places where material maybe  
9 going in terms of pure recycling facility that are  
10 not transfer stations.

11 CHAIRPERSON REYNOSO: So, even as we  
12 implement the law to increase diversion rates, asking  
13 these private carters I guess to do more, asking  
14 these businesses to do more, we've seen very little  
15 change when it comes to diversion rates in the city  
16 of New York related to the requirements, the  
17 recycling requirements that you ask to be implemented  
18 recently?

19 COMMISSIONER GARCIA: So, one of the  
20 challenges is that our baseline diversion rate was  
21 always just a modeled number because we until very  
22 recently did not have any regulatory authority over  
23 any paper processors or anyone who was a pure  
24 recycling facility. So, I didn't have any idea what  
25 tonnage was going through there. That will get

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2 better, but I don't think that we can definitively  
3 say, oh this has been really phenomenal or really  
4 terrible yet, I think we need a little bit more time.

5 CHAIRPERSON REYNOSO: Is it because we  
6 don't have the information?

7 COMMISSIONER GARCIA: Yeah, I didn't have  
8 a baseline. I mean I had the baseline that we had  
9 was a model, not an actual tonnage count.

10 CHAIRPERSON REYNOSO: So, some private -  
11 your going to hear the private haulers here. There  
12 going to say that their over regulated. Their  
13 regulated by the state, by the city, by the federal  
14 government, but there's no information or very little  
15 information related to the work that we're doing  
16 related to like diversion rates and recycling in the  
17 past?

18 COMMISSIONER GARCIA: Well, I mean they  
19 might have taken recycling to facility that I didn't  
20 know a tonnage was moving through there. So, no and  
21 I honestly don't think they are over regulated. I  
22 think that considering what we know about the private  
23 industry today and some of the challenges that they  
24 seem to face in operating safely in the city of New  
25

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2 York, that we really need to make some very  
3 significant reforms to this industry.

4 CHAIRPERSON REYNOSO: Are you familiar  
5 with Sanitation Salvage?

6 COMMISSIONER GARCIA: Not directly, we  
7 don't have any direct involvement, so I am only  
8 familiar with what I have read in the paper.

9 CHAIRPERSON REYNOSO: Okay, do you  
10 regulate in any way shape or form, like the workers  
11 safety?

12 COMMISSIONER GARCIA: No.

13 CHAIRPERSON REYNOSO: Who - what agency -

14 COMMISSIONER GARCIA: So, for most of the  
15 workers safety related to operating a vehicle is  
16 actually regulated by the State Department of  
17 Transportation. There are some things that I know  
18 that they do that are basically illegal all the time.  
19 You are not supposed to ride a step on a private  
20 sanitation vehicle, its illegal.

21 CHAIRPERSON REYNOSO: It's illegal to do  
22 what?

23 COMMISSIONER GARCIA: To ride the back of  
24 a truck.

25 CHAIRPERSON REYNOSO: At all?

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2 COMMISSIONER GARCIA: At all.

3 CHAIRPERSON REYNOSO: So, you know that  
4 in a lot of these cases, the private sanitation  
5 workers have an enormous amount of stops that they  
6 got to get through and through that riding step or  
7 the back of these vehicles is the only way they're  
8 going to get that job done in a reasonable amount of  
9 time.

10 COMMISSIONER GARCIA: So, one of the  
11 things that I think is inherently true about what  
12 happened in the private carting industry is because  
13 the way the competition is designed and because of  
14 the way that we have allowed it to be regulated, you  
15 almost are creating - there's almost no way for a  
16 private sanitation worker to complete the job every  
17 night without violating traffic standards. Without  
18 speeding, without blowing a light, without going the  
19 wrong way, without riding on the back, because  
20 otherwise their currently what is it like, sometimes  
21 their working in 16, 18-hour shift, which is actually  
22 also a violation of federal law under the CDL. Uhm,  
23 would be 20 hours I mean like it isn't actually  
24 conceivable to get the work done.

25



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2 CHAIRPERSON REYNOSO: Right, exactly.

3 There's no way in 12 hours they get a thousand stops  
4 done without having two workers in the back of a  
5 truck and a driver and those are what I consider the  
6 bad players Commissioner. The ones that make it so  
7 that these workers have to do more hours. That these  
8 workers have to hire people off the books, that these  
9 workers on unsafe trucks, unsafe facilities, and I'm  
10 trying to address that issue and what I want to do is  
11 try to figure out a way to get the best players to  
12 get the most work and get these bad players, that I  
13 consider bad players that are doing the cities  
14 workers out of the market completely. When we talk  
15 about that and the fact that you, as the Department  
16 of Sanitation are not responsible for that and that  
17 there is no city agency necessarily that's  
18 responsible for overseeing that outside of the state,  
19 is concerning because again, there's a narrative out  
20 there that the industry is over regulated but the  
21 city does not regulate them when it comes to these  
22 issues especially that seeing a supervisor from  
23 Department of Sanitation sees a truck with two people  
24 on the back of it. There not going to stop that  
25 truck.

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2 COMMISSIONER GARCIA: No, no. I think  
3 that we need to have like for first to address all  
4 those issues, it will be a broader reform that will  
5 have to take place that I think has to take place  
6 through zoning. It will be the only way to actually  
7 achieve the goals that you are talking about.

8 CHAIRPERSON REYNOSO: How many so, if you  
9 don't mind me, how many hours a day does a sanitation  
10 worker from the city of New York - uh, how many hours  
11 do they work?

12 COMMISSIONER GARCIA: Their regular shift  
13 is 8 hours. Uhm, during snow operations, we are in  
14 split, which are 12-hour shifts. Uhm, occasionally  
15 someone will work a 13, just because of the way it  
16 ends up coming in and getting like - if they are  
17 getting back to a garage but that's really the limit.  
18 Uhm, and we try and make sure we're not ever - you  
19 know, one of my biggest challenges during the winter  
20 season is making sure I keep my nights, nights and my  
21 days, days and I'm not flipping people back and forth  
22 and making so that their inherently sleep deprived.

23 CHAIRPERSON REYNOSO: Right, and your  
24 trucks, what is the oldest truck let's say right now?

25

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2 COMMISSIONER GARCIA: I can't say, like  
3 most of our truck - all of our trucks are compliant  
4 with either 2007 standard or Bart[SP?] Technology.  
5 Most of my, the vast majority of my trucks are post  
6 2007.

7 CHAIRPERSON REYNOSO: But would you say  
8 most of your trucks are younger than seven-years-old?

9 COMMISSIONER GARCIA: Uh, no my average  
10 age is - we are getting to a replacement cycle of  
11 eight-years but we're not there yet. So, my average  
12 age is probably more like five years, six years.

13 CHAIRPERSON REYNOSO: Five or six years -

14 COMMISSIONER GARCIA: Is my average, like  
15 I've got some like brand new and -

16 CHAIRPERSON REYNOSO: So, must of your  
17 trucks on average are about five years old?

18 COMMISSIONER GARCIA: I mean I'd have to  
19 get back to you but that's probably in the right  
20 range.

21 CHAIRPERSON REYNOSO: Okay, do you know  
22 the average age of a private sanitation truck?

23 COMMISSIONER GARCIA: No, but we did - I  
24 know that the business integrity committee did just  
25 ask the industry for the information to see if

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2 they're coming into compliance with the Local Law  
3 regarding air quality because you know, one of the  
4 things that they will start looking at when they are  
5 doing their permits is whether or not they have a  
6 plan to meet those standards.

7 CHAIRPERSON REYNOSO: So, through a  
8 commercial waste zone system, who would be able to  
9 regulate that? Who would be able to tell a company,  
10 hey we don't want your trucks to be older than ten  
11 years old.

12 COMMISSIONER GARCIA: You are not going  
13 to get the contract unless x, y, and z happens.

14 CHAIRPERSON REYNOSO: So, you won't get a  
15 contract unless you have high safety standards, you  
16 got good trucks, you're recycling at a high rate,  
17 your facility is up to par.

18 COMMISSIONER GARCIA: Yes.

19 CHAIRPERSON REYNOSO: We can't do that  
20 right now? We can't ask carting companies to uh to  
21 have new trucks or newer trucks?

22 COMMISSIONER GARCIA: Uh, I don't have  
23 that authority.

24 CHAIRPERSON REYNOSO: You don't have that  
25 authority?

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2 COMMISSIONER GARCIA: And I don't believe  
3 the business integrity commission has that authority  
4 either.

5 CHAIRPERSON REYNOSO: Alright, but if we  
6 have commercial refranchising we would be able to ask  
7 them to have newer trucks which is better for the  
8 workers when they have new trucks? Or we're assuming  
9 that its better for the workers to have a newer  
10 truck, I guess.

11 COMMISSIONER GARCIA: Well, you know,  
12 they like cup holders too.

13 CHAIRPERSON REYNOSO: So, again part of  
14 my legislation what I'm really trying to do here  
15 Commissioner is cap the amount of trash that can go  
16 through these communities. There's always going to  
17 be a new type of trash that might need to get  
18 recycled, that might need to be diverted and these  
19 traditionally, that new trash or these new methods  
20 always come through our community. What I'm trying  
21 to do is say you know what, if your doing organics  
22 now, we're going to do straws later on. Whatever it  
23 is that we're going to pick up -

24 COMMISSIONER GARCIA: We're not picking  
25 up straw separately.

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2 CHAIRPERSON REYNOSO: Yeah, okay.

3 There's not going to be a truck just for straws?

4 COMMISSIONER GARCIA: No, no truck just  
5 for straws.

6 CHAIRPERSON REYNOSO: The point being is  
7 that what we want to say is all the initiatives that  
8 you want to bring forward like organics, we want to  
9 encourage that, but we want to stop sending it to the  
10 same three communities. Let's stop spreading the  
11 love of trash to other places and the only way that  
12 we're going to do that is if we cap it. Uhm, and in  
13 capping it, there are some facilities that will lose  
14 capacity and in loosing that capacity, they are  
15 either going to sell it or some of them might shut  
16 down, or some of them will be able to work through  
17 that.

18 COMMISSIONER GARCIA: Within that, yea.

19 CHAIRPERSON REYNOSO: But the point here  
20 is that we want to make sure that we bring about  
21 environmental justice to these communities. I want  
22 to talk about another community that got  
23 environmental justice. It was Staten Island had  
24 something, it was called the Fresh Kills Landfill.  
25 There were stories, which now I know are not true,

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2 that you could actually see the landfill from space.  
3 Uhm, that's not true now, but they shut down the  
4 landfill in Statin Island are building an amazing  
5 park, a beautiful park, a huge park and in turn, that  
6 community got environmental justice appropriately so  
7 by shutting down the Fresh Kills Landfill and making  
8 it into a park, and in doing so all that trash moved  
9 to three communities of color. Uhm, the Statin  
10 Island district that the Fresh Kills Landfill was  
11 shut down for, that is a predominately White  
12 district. Would you agree with that statement? That  
13 south Statin Island is mostly White?

14 COMMISSIONER GARCIA: It is definitely  
15 whiter than the north side of Statin Island.

16 CHAIRPERSON REYNOSO: Yes, south Statin  
17 Island is whiter than the north shore of Statin  
18 Island. Alright, so I want to pass it over to  
19 Council Member Stephen Levin. I just want to  
20 acknowledge the fact that we have also been joined by  
21 Council Member Cabrera from the Bronx.

22 COUNCIL MEMBER LEVIN: Thank you very much  
23 Mr. Chair. Thank you, Commissioner. I just have a  
24 few questions and I know that the Chair covered a lot  
25 of the important ground. In foreseeing the impact of

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2 this bill and as it relates to the MTS's, do you  
3 foresee uh, any new waste transfer stations coming  
4 online aside from MTS's but like any new private  
5 waste transfer stations coming online either in  
6 overburdened communities or in other communities  
7 throughout New York City you know, to the best of  
8 your knowledge?

9 COMMISSIONER GARCIA: To the best of my  
10 knowledge besides there's one transfer station up in  
11 northern Bronx that may open, its on the border, but  
12 other than that, I do not know of any additional  
13 capacity. Uhm, I do know there has been some selling  
14 of permits, like Cooper Tank built a very big  
15 facility, but it didn't increase overall capacity in  
16 the community district. I don't know of any pure,  
17 new transfer capacity that's being contemplated.

18 COUNCIL MEMBER LEVIN: Hmm, hmm. Uhm, do  
19 you see the - do you see that there is going to be a  
20 need for new capacity or significantly new throughput  
21 to accommodate growth within the city?

22 COMMISSIONER GARCIA: You know based on  
23 what we've seen so far, the answer to that would be  
24 no, based on the legislation and what we're building  
25 and what has been sort of produced, even sort of this



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2 height of the building boom. Uhm, I do think that  
3 there could be some impacts that are unanticipated by  
4 the new part 360 rules that are coming out of the  
5 state. Uhm, but at this point, I don't see that  
6 there's been a real peak in the numbers compared to  
7 what your looking at in terms of the reductions.

8 COUNCIL MEMBER LEVIN: And then on the  
9 MTS's, whats the total capacity of MTS's aggregate?

10 COMMISSIONER GARCIA: Well, the MTS's at  
11 Statin Island, which is also our facility is 10,706  
12 tons.

13 COUNCIL MEMBER LEVIN: Okay, and that's  
14 all putrescible?

15 COMMISSIONER GARCIA: That's all  
16 putrescible.

17 COUNCIL MEMBER LEVIN: Now in response to  
18 the Chairs question. You said that you're not seeing  
19 a reduction in throughput from the private sanitation  
20 transfer station because -

21 COMMISSIONER GARCIA: In your districts.

22 COUNCIL MEMBER LEVIN: In our districts,  
23 due to the MTS's, so if residential capacity is  
24 moving to the MTS's, what is that being back filled?  
25 Just new commercial -

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2 COMMISSIONER GARCIA: New commercial  
3 accounts and their as competitive -

4 COUNCIL MEMBER LEVIN: Where were they  
5 before?

6 COMMISSIONER GARCIA: Well, it's just a  
7 question of like the MTS's, I mean the transfer  
8 stations are competitive. So, you know, when they  
9 lost the business from the department, I think they  
10 went out and tried to find carters who would come and  
11 tip at their facilities.

12 COUNCIL MEMBER LEVIN: These would be  
13 carters from - all the carters within the five  
14 boroughs?

15 COMMISSIONER GARCIA: You can have any  
16 carter, it could be from a different state. I mean  
17 as long as you can come, and you pay them, that is  
18 how it works.

19 COUNCIL MEMBER LEVIN: Okay, so its not  
20 necessarily capacity that's even coming from or  
21 throughput that's coming from the five boroughs?

22 COMMISSIONER GARCIA: Its likely  
23 throughput that's coming from the five boroughs but  
24 I'm saying there's nothing inherently - if you know,  
25 Long Island's putrescible station was charging

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2 \$1,000.00 a ton and Brooklyn's charging \$40, maybe it  
3 makes sense to make the drive. So, its just straight  
4 market dynamics at that point. They go out and  
5 market to the private carters that were the best,  
6 where you should come in tip in our facility.

7 COUNCIL MEMBER LEVIN: And the MTS's, will  
8 they be taking any private carters or -

9 COMMISSIONER GARCIA: It is presumed that  
10 we will eventually get to private carting. Right  
11 now, my main goal is to get them open and operating  
12 and figure out how to do that well.

13 COUNCIL MEMBER LEVIN: Okay, uhm so in  
14 your estimation and having conducted a thorough  
15 analysis of this, you see that the reductions  
16 envisioned by this legislation would not put the city  
17 at a disadvantage when it comes to being able to  
18 handle day to day putrescible and also deal with  
19 building cycles with booms and busts on the CND?

20 COMMISSIONER GARCIA: From what we have  
21 seen based on what we're projecting in terms of what  
22 this current bill says. Uhm, is we believe that the  
23 city would be able to handle its growth as well as  
24 its building industry. That there would be a place  
25

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2 for someone to go and transfer waste and make sure  
3 that it was moved out of the city.

4 COUNCIL MEMBER LEVIN: And I'm going to  
5 just ask you whether you believe this is true. That  
6 with the current version of the bill, there will be  
7 some waste transfer stations that will likely cut  
8 into the - the capacity reduction will likely cut  
9 into throughput.

10 COMMISSIONER GARCIA: Yes.

11 COUNCIL MEMBER LEVIN: There will be many  
12 where the capacity reductions won't even get to  
13 current average throughput.

14 COMMISSIONER GARCIA: Correct.

15 COUNCIL MEMBER LEVIN: And no waste  
16 transfer station is going to be seeing you know, an  
17 actual reduction of anywhere close to 50% of there  
18 actual throughput because even in Brooklyn a 50%  
19 reduction, there's nobody that's actually hitting  
20 their capacity without any of the rail or recycling  
21 exemptions.

22 COMMISSIONER GARCIA: Uhm, there are a  
23 few that are close that are like 49.9%.

24 COUNCIL MEMBER LEVIN: Okay.

25

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2 COMMISSIONER GARCIA: 44.9%, 48%, So,  
3 there are a few that are close.

4 COUNCIL MEMBER LEVIN: Hmm, hmm, okay.  
5 Uhm, can you explain a little bit more about why the  
6 administration supports a rail and recycling  
7 exemption? I think its fairly obvious on its face,  
8 but -

9 COMMISSIONER GARCIA: Certainly, so I  
10 mean for a rail, obviously most - the back-end part  
11 of this, so its not just the private carters or  
12 sanitation that comes in the front door. There's a  
13 big back door and the back door is usually a tractor  
14 trailer. So, we want the back door to be a rail line  
15 rather than a diesel tractor trailer or be in part  
16 because it requires so many tractor trailers to  
17 actually move the waste compared to one rail line  
18 that might go out in a given night.

19 COUNCIL MEMBER LEVIN: Hmm, hmm. Well,  
20 what about recycling?

21 COMMISSIONER GARCIA: And then recycling  
22 is like we want to make sure that materials are being  
23 beneficially reused. We think that's important just  
24 in general to not be landfilling all of the cities  
25 waste and so, we wanted to try and incentivize the

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2 transfer stations to do the right thing and sometimes  
3 that requires them to make investments in equipment,  
4 both on the CND side as well as the commercial side  
5 but we think that it's the right place to be.

6 COUNCIL MEMBER LEVIN: And how about  
7 organics?

8 COMMISSIONER GARCIA: Well, you know that  
9 is my favorite, but we do want folks to be – that is  
10 the most greenhouse gas intensive portion of our  
11 waste stream and we do want to make sure that we are  
12 really ensuring that that is getting beneficially  
13 reused either as an energy source or as a soil as  
14 part of composting.

15 COUNCIL MEMBER LEVIN: Uhm, and so there  
16 is some interrelation then between what this bill  
17 would do and the efforts of DSNY over the last four  
18 years, four and a half years around organics right?

19 COMMISSIONER GARCIA: Right, no certainly  
20 like you know, we are looking through a prism of  
21 making sure that we can really drive the city to its  
22 zero waste goals and we don't cut those off.

23 COUNCIL MEMBER LEVIN: Okay, uhm, I  
24 obviously very much appreciate uhm, DSNY working with  
25 us for over a very extended period of time on trying

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2 to find the right balance with this legislation.  
3 Uhm, and you know we think that this bill achieves  
4 that balance and so we just want to – I just want to  
5 acknowledge our great appreciation for the amount of  
6 staff time that your staff put into this and working  
7 with the Chair and myself to find that right balance.

8 COMMISSIONER GARCIA: I mean we think  
9 that this is a really balanced bill. Uhm, that takes  
10 into account a lot of both the cities overall goal of  
11 ensuring that we have a resilient system. The  
12 business communities concern about big changes for  
13 them and then you know, these communities that have  
14 suffered with an undo burden of pretty much the  
15 history of where did we put manufacturing zones and  
16 where did we allow people to live.

17 COUNCIL MEMBER LEVIN: Well, thank you  
18 very much Commissioner.

19 COMMISSIONER GARCIA: Thank you.

20 COUNCIL MEMBER LEVIN: Thank you Chair.

21 CHAIRPERSON REYNOSO: I want to thank you  
22 for your time Commissioner. I appreciate you coming  
23 here and supporting the bill and for your testimony.  
24 I hope a couple of your folks can stay here to listen  
25

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 to the rest of the testimony from all sides. Thank  
3 you for your time again.

4 COMMISSIONER GARCIA: Thank you.

5 CHAIRPERSON REYNOSO: Teg Sente[SP?] or  
6 Setne[SP?] – I can't read it. Leslie Velasquez, Jen  
7 from north Brooklyn, I'm not even going to try that  
8 one, sorry. Chen Bow-Tene[SP?]and Melissa  
9 Ushan[SP?]. So, we have seven panels that are going  
10 to be speaking today. So, in an effort to not be  
11 here till six, we're going to have a two-minute time  
12 limit on your testimony. So, try to do your best to  
13 stay within that time and we're going to start from  
14 this side, moving from my left, moving right. So,  
15 Chen Bow [SP?] you can start yes.

16 CHEN BOW-TENE[SP?]: Hello everyone, my  
17 name is Chen Bow-Tene, sorry I only speak Chinese,  
18 Cantonese. So, Ms. Fall will be translating for me.  
19 I'm a resident at 609 Metropolitan Avenue where I  
20 have lived for ten years. While I have lived there,  
21 there are constantly trucks whether it be dump  
22 trucks, garbage trucks, that always pass by my  
23 residence. It is very noisy, a lot of pollution in  
24 the air. Of the ten years that my husband and I have  
25 lived at 609 Metropolitan, after five of those years,



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2 my husband has developed symptoms of coughing. For  
3 me, I have had a nose allergy. I'm constantly  
4 sneezing, I can't breathe very well. The two of us,  
5 we live on the first floor of 609 Metropolitan  
6 whenever the trucks pass by, we always hear them and  
7 there is a lot of dust that comes into our apartment.

8 CHAIRPERSON REYNOSO: I'll give you like  
9 one more minute just because it's translated. So, I  
10 just want to make sure she gets her time, so  
11 continue.

12 CHEN BOW-TENE: So, my final ask is to  
13 the City Council. I hope that you can reduce the  
14 number of dump trucks as well as waste transfer  
15 stations in our neighborhood. Can you do that for me  
16 and the residence at 609 Metropolitan Avenue? Right,  
17 so I'm a senior at 609 Metropolitan, having to  
18 breathe in this dust everyday it isn't right. It  
19 isn't fair and its very hard to live like this as an  
20 older person.

21 CHAIRPERSON REYNOSO: Well, thank you for  
22 your testimony and that's exactly what we're trying  
23 to do here in passing INTRO 157. I really appreciate  
24 you taking the time to come to city hall and putting  
25 forth your testimony. Living on Metropolitan, which

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2 is a truck route, where I know a lot of trucks pass  
3 by, going and coming to these transfer stations, so  
4 thank you.

5 CHEN BOW-TENE: Thank you.

6 CHAIRPERSON REYNOSO: You can stay there  
7 until the next panel comes on. Melissa, you want to  
8 go next?

9 MELISSA USHAN: Thank you. Okay, good  
10 afternoon. My name is Melissa Ushan and I'm a Senior  
11 Staff Attorney in the Environmental Justice Program  
12 at New York Lawyers for the Public Interest. NYLPI  
13 has advocated and litigated for environmental justice  
14 in New York City for more than two decades. NYLPI's  
15 environmental justice program has focused on the  
16 topic of today's hearing trying to bring equity into  
17 our cities waste system throughout the history of  
18 this issue moving through the council and I have  
19 worked in the area of waste regulation myself for  
20 more than four years. I would like to thank Chair  
21 Reynoso and the sponsor of this important  
22 legislation, Council Member Levin, as well as the  
23 other members of the sanitation committee for the  
24 opportunity to discuss the troubling problem of the  
25 inequity in our cities waste system and for

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 continuing to support and advanced waste equity  
3 legislation. This bill represents the first step  
4 towards much needed and longer waited relief for the  
5 communities in our city that have born the brunt of  
6 our garbage for too long. I would also like to thank  
7 Commissioner Garcia and DSNY for their efforts to  
8 find a way to work together to bring more equity into  
9 our cities waste processing system and their support  
10 of INTRO 157. The fact is that waste is one of the  
11 most unequally distributed environmental burdens in  
12 our city and one, the council has the obligation to  
13 finally address by passing INTRO 157. The journey  
14 leading us to this hearing where the council is once  
15 again considering a proposal to address these  
16 inequities has been a long one. As the Commissioner  
17 said, the solid waste management plan approved in  
18 2006 specifically calls for reduction in private  
19 transfer station capacity in four city districts.  
20 Mostly comprised of communities of color and Council  
21 Members are presenting these overburdened communities  
22 have been trying to pass a waste equity bill since at  
23 least 2011. Here we are twelve years after SWMP was  
24 ratified and three years after the last hearing on a  
25 previous version of this bill and the neighborhoods

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2 that were specifically targeted for relief by that  
3 plan continue to play host more than 75% of private  
4 transfer station capacity and handle about 2/3 of our  
5 entire cities waste. As you have heard and will  
6 hear, residents in these communities face dangerous  
7 streets, due to speeding garbage trucks, have higher  
8 rates of asthma and respiratory and health problems.

9 CHAIRPERSON REYNOSO: Hold your breathe.  
10 I'm going to add another minute. I'm going to make  
11 it three minutes because its obviously ridiculous. I  
12 don't want everyone speeding through their testimony.  
13 I want to be able to hear people. So, we're going to  
14 do three minutes. So, you got another minute.

15 MELISSA USHAN: So, slow down?

16 CHAIRPERSON REYNOSO: So, make your  
17 statement and then we'll give everyone moving forward  
18 three minutes in every panel. I apologize for that.  
19 I didn't think two minutes went that quickly.

20 MELISSA USHAN: Time flies when your  
21 having fun. Okay, uhm, so I was listing the noxious  
22 effects of living in these communities, which include  
23 asthma and respiratory health problems due to idling  
24 diesel burning trucks congregating around the  
25 transfer stations, foul odors, toxic leachate and

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 vermin that these garbage facilities so notoriously  
3 produce. By reducing permitted capacity in north  
4 Brooklyn, southeast Queens and the south Bronx, INTRO  
5 157 shows these communities that they have not been  
6 forgotten. This legislation follows through on the  
7 cities commitment to finally cap the amount of waste  
8 it sends to these neighborhoods and it is a first  
9 step to actually bringing them some relief from their  
10 decades long barrage of garbage. The bill also helps  
11 the city accomplish its zero waste goals. INTRO 157  
12 includes incentives for facilities to increase  
13 recycling and organics processing capacity that can  
14 nudge New York City's abysmal recycling and diversion  
15 rates a bit higher and closer to those of leading  
16 cities. Finally, incentivizing expansion and  
17 investments in the use of rail and barge to export  
18 our waste will not only reduce the cities greenhouse  
19 gas submissions but may also start to improve our  
20 notably poor air quality and reduce the especially  
21 high rate of particulate matter pollution that is the  
22 norm in these communities. INTRO 157 delivers overdo  
23 protections to communities that have been waiting for  
24 decades for some sort of action. With the passage of  
25 INTRO 157 as a first step, we look forward to

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2 continuing our work with the Council and DSNY in  
3 implementing system wider forms for our waste system  
4 through the upcoming zoning system, which we believe  
5 will pick up where this important legislation leaves  
6 off and move us towards true waste equity in the  
7 city. Thank you very much.

8 CHAIRPERSON REYNOSO: Thank you Melissa,  
9 thank you.

10 LESLIE VELASQUEZ: Hello everyone. My  
11 name is Leslie Velasquez and I manage Environmental  
12 Justice Programs at El Puente. El Puente is a  
13 community-based organization in focus on building  
14 leadership for peace and justice in Williamsburg  
15 southside in Bushwick. Since 1982 El Puente has  
16 provided holistic programing centered on leadership  
17 development for young people and their families  
18 involving health, education, the arts, and activism.  
19 We've also led several successful campaigns for  
20 environmental justice and we have specifically worked  
21 to address air quality and waste equity. As a long-  
22 standing community organization and a champion of  
23 environmental justice, we are happy to discuss  
24 policies like INTRO 157, that will improve  
25 environmental conditions for [inaudible 1:11:18].

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 North Brooklyn is disproportionally the most waste  
3 burden community in New York City handling nearly 40%  
4 of the cities total waste. This burden is made even  
5 worse in our community by the clustering of other  
6 truck intensive infrastructure, like highways and the  
7 bus depot. Consequently, our neighborhood suffers  
8 from extremely poor air quality. Last year, El  
9 Puente led an air quality study, which involved  
10 community volunteers to monitor PM 2.5 levels in four  
11 parks in Williamsburg southside. Each park had peak  
12 PM 2.5 levels four to six time higher than the  
13 maximum levels recommend by National air quality  
14 standards. The study also involved counting the  
15 number of trucks around each park and in one park,  
16 our volunteers counted an average of 218 trucks per  
17 hour. As a result of this pollution, compared to the  
18 rest of the city, our community has higher rates of  
19 emergency room visits for asthma and some of the  
20 highest rates of asthma in children. In our survey  
21 of park users, the air quality study, 23% of park  
22 users surveyed reported having asthma. In some, the  
23 uneven distribution of waste facilities has  
24 predictably led to disproportionality poor air in  
25 communities like ours and in turn, severe health

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2 disparities. It is imperative that the city remedy  
3 this injustice for the wellbeing of current and  
4 future generations. INTRO 157 is a step in this  
5 direction. We applaud Council Member Reynoso's  
6 leadership on this issue and for being a tireless  
7 advocate for waste equity, thank you.

8 CHAIRPERSON REYNOSO: Thank you Leslie.

9 TEG: Hi my name is Teg and I'm with  
10 Clean Up North Brooklyn. Thank you for letting me  
11 speak today and thank you for having me and hearing  
12 me. Thirty years ago, a waste transfer station was  
13 sited within a block from hundreds of families and  
14 businesses. Three times this community organized and  
15 fought to no avail, ignored by two different  
16 administrations and ten years ago, the station was  
17 taken over by the worst of the worst of operators and  
18 the community has suffered the consequences. For the  
19 first time in decades, change is stirring in our  
20 neighborhood due to the help of hundreds of local  
21 families and businesses that make up Clean Up North  
22 Brooklyn. Community members who have been in the  
23 neighborhood anywhere from one to fifty-three years  
24 and due to partners like Align, TDT, NYLPI and  
25 [INAUDIBLE 1:13:39] and our Council Member Antonio



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2 Reynoso and Commissioner Kathryn Garcia. Thank you  
3 all. This bill acknowledges a reality that our  
4 community has known for a long time. Waste is  
5 unfairly concentrated in southeast Queens, the south  
6 Bronx, and north Brooklyn with 40% coming through  
7 north Brooklyn. It is not easy to live in these  
8 neighborhoods. That means if you're walking on the  
9 street, you need to be extra cautious to avoid a  
10 truck jumping the curb on a tight turn, running a  
11 stop sign, or driving the wrong way down the street  
12 to speed up their route. It means your car gets hit  
13 regularly and no one takes responsibility. It means  
14 old trucks spilling toxic leachate onto the streets  
15 and spraying diesel fumes into the air. The stink is  
16 so strong that you can't open your windows and kids  
17 can't play outside. The young and elderly get sick  
18 more often and have significantly higher instances of  
19 asthma than other neighborhoods. 157-B is a step  
20 forward to what's recognizing that the burden placed  
21 on these neighborhoods like ours is unjust and that  
22 no other neighborhood should have to experience it.  
23 It is a step forward in the fight to preserve equal  
24 access to a healthy environment, no matter how rich  
25 or poor you are or what color your skin is, and this

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2 is just the beginning. We need to overhaul the  
3 private waste haulers. Employees and pedestrians are  
4 dying on the streets with absolutely no consequences  
5 due to a lack of training and reckless driving  
6 encouraged by company management. Private haulers  
7 create fake unions and still money from their  
8 employees. Meanwhile, their owners live lavish  
9 lifestyles. These companies break the law and hurt  
10 people with impunity. In 2016, we released a report,  
11 profits before safety, which documented 1200  
12 violations of permit conditions city and state law in  
13 a single week, and not a single fine was issued.  
14 Once we have a cap, we need to establish a new way of  
15 keeping these bad actors accountable. We  
16 wholeheartedly support this bill and urge you all.  
17 Let's not stop here. Until we can stop the abuses of  
18 the private car hauling industry, no neighborhood  
19 will be safe.

20 CHAIRPERSON REYNOSO: Thank you Teg.  
21 Thank you. Jen?

22 JEN JOHNSHANPSIA [SP?]: Good afternoon.  
23 I want to thank you for allowing me to be here today  
24 and I want to thank my districts Council Member  
25 Antonio Reynoso for continuing to be an advocate for

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 environmental justice and waste equity for our  
3 community. My name is Jen Johnshanpesia[SP?]. I'm a  
4 native New Yorker originally from Long Island City.  
5 I moved to North Brooklyn when I was 19-years-old and  
6 have been living and working in north Brooklyn for  
7 the past ten years. I'm here to represent my  
8 community which handles nearly 40% of New York City's  
9 waste. It's no doubt that capping the amount of  
10 waste for overburdened neighborhoods, such as mine  
11 will significantly improve the severe environmental  
12 harms that we've been experiencing for so long. With  
13 the high number of waste transfer stations as  
14 neighbors comes the high number of trucks coming  
15 through our community an increased number of risks  
16 and dangers my neighbors and I experience on a daily  
17 basis. My community and I compiled a short video to  
18 show you the violations and issues that we face on a  
19 daily basis. So, I'm going to play that as part of  
20 my testimony. So, these are the doors that Brooklyn  
21 transfer. This means that kids living nearby can't  
22 go outside and play because it smells so bad. This  
23 means that families can't open their windows. It's a  
24 problem that the community has been dealing with for  
25 over 20 years. This is a perfect example where the

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2 driver has left the truck unattended. Often the  
3 drivers will step out to grab some lunch and not  
4 return for 30 minutes. Trucks blow through stop  
5 signs. They ride onto the sidewalks, they intimidate  
6 bikers and pedestrians when their rolling up into the  
7 station. Drive the wrong way down the one-way  
8 street. See all our parking signs, so that way  
9 presidents and workers can't park where they're  
10 allowed to park, and it really feels like they have a  
11 hold on our streets. They control our streets. Like  
12 they're lawless in our streets. Like, they can do  
13 whatever they want and like, the health and safety of  
14 the people in our community come last. So, thank you  
15 for watching. I hope that helped clarify.

16 CHAIRPERSON REYNOSO: Thank you and I  
17 just want to acknowledge the fact that we've also  
18 been joined by Council Member Rafael Espinal and  
19 Council Member Brad Lander. I just want to say that  
20 five-star carting, two employees - two union  
21 employees from the Teamsters came and testified here  
22 one day. The next day, they got fired.

23 JEN JOHNSHANPSIA: Yes.

24

25

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2 CHAIRPERSON REYNOSO: For testifying  
3 about the conditions that they were working under in  
4 five star.

5 JEN JOHNSHANPSIA: I think that's how we  
6 found out that the station was privately owned as  
7 opposed to owned by the city and that's what  
8 motivated a lot of community members to get involved  
9 and start to educate themselves surround them.

10 CHAIRPERSON REYNOSO: Yeah, and I just  
11 want to say that we had a rally, we had a rally to  
12 fight for union jobs two days later and they were  
13 reinstated into their jobs. So, it just shows that  
14 one, if your going to testify here we're always going  
15 to have your back. Especially, if your talking about  
16 safety conditions and what you think is a problem,  
17 but it is also like I show that we continue to fight  
18 for high quality jobs in this industry and that we  
19 don't allow for employees to scare or use scare  
20 tactics or threaten employees when they come here to  
21 testify about their working conditions. So, I want  
22 to thank Clean Up Brooklyn for everything that you've  
23 done in organizing and bringing attention to this  
24 issue and [inaudible 1:20:48], thank you so much as  
25 well and of course for your legal representation

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2 always for NYLPI. So, thank you for this panel and I  
3 think Council Member Brad Lander wants to say a few  
4 words.

5 COUNCIL MEMBER LANDER: Thanks very much  
6 Chair Reynoso. I won't go on to long, but I just  
7 wanted to come and express my solidarity with you and  
8 Council Member Levin and your constituents in your  
9 community with the advocates from north Brooklyn,  
10 with the workers in the private sanitation industry.  
11 I'm proud to be a co-sponsor of 157-B and it is time  
12 for this council to do everything we can to move  
13 forward. Obviously, the inequities that communities  
14 in New York City face. A total unfairness and where  
15 we process our waste and what that means for people's  
16 health and quality of life is really unacceptable.  
17 It violates the idea of the cities fair share siting  
18 system established in 1989, and we haven't done  
19 anything meaningful about it. This 157-B will be a  
20 strong step forward and I also hope that we will  
21 continue to push forward hard toward the district  
22 model to make sure that we can reduce unnecessary  
23 truck trips. Really achieve environmental and  
24 sustainability goals and protect workers. Obviously,  
25 what we have been seeing through public reporting and

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT  
2 other worker organizing in recent days. It's just  
3 appalling. So, thank you guys for pushing us to do  
4 better. I hope we will be able to move forward  
5 quickly with this bill and then continue to make  
6 progress in cleaning up the commercial waste  
7 industry, thank you.

8 CHAIRPERSON REYNOSO: Thank you Council  
9 Member Lander and I think you made reference here to  
10 a worker that was run over by a truck and the truck  
11 driver and the helper, because this is a third person  
12 on the truck, said that he was a homeless man that  
13 jumped in front of the truck when he was actually  
14 being employed off the books by Sanitation Salvage.  
15 One of the stations that would be affected, they have  
16 something that we call fake unions, that go in there  
17 to take opportunities away from real unions, like the  
18 teamsters and the laborers that have been doing this  
19 for years. That actually represent their workers.  
20 They have a fake union, they don't care about safety,  
21 they're willing to lie about off the books worker.  
22 Those are the type of people we are targeting. We  
23 are going after those folks. I want to make sure  
24 that I'm clear that I'm going after locations like  
25 that, that put profits over their workers. Like, we

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2 won't allow that to happen in the City Council and  
3 this legislation would help start address that on top  
4 of commercial waste franchising. So, I know that you  
5 want more, and I'm focused on that and I just want to  
6 make one last reference to the video, this is not a  
7 waste transfer station in an M3 zone that's like  
8 really deep because if the truck was doing that, if  
9 the truck was doing that in an M3 zone, where there  
10 are other trucks and there's space and things like  
11 that, it would be more justified. This is across the  
12 street from their home. They live in 120 Themes and  
13 whats the address of that? 115 Themes because  
14 literally two houses away, or two houses numbers away  
15 from them and they're not the ones on the corner, so  
16 I want to mindful of that. The waste transfer  
17 station that you see there is across the street from  
18 their home or right next to their home. This is not  
19 one in the middle of you know, the middle of nowhere  
20 where it makes sense where you would have trucks  
21 doing what they have to do. This is right next to a  
22 residential home. We're trying to change that in  
23 north Brooklyn, south Bronx, and southeast Queens.  
24 So, I want to thank you for your testimony and your  
25 time.



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2 JEN JOHNSHANPSIA: Thank you.

3 CHAIRPERSON REYNOSO: Thank you. Our  
4 next panel is Kendall Christiansen, Miguel Martinez,  
5 Carla Cruz, Steve Changaris. So, we're going to  
6 start now from my right moving left. So, Carla do  
7 you want to start?

8 CARLA CRUZ: Good afternoon. My name is  
9 Carla Cruz and I am testifying on behalf of greater  
10 New York Lecet. We are the labor management front of  
11 the Mason Tenders' District Council and we represent  
12 over 1000 hardworking members of laborers Local Law  
13 108. I want to start by thanking Chair Antonio  
14 Reynoso for the opportunity to testify today and to  
15 voice our concerns regarding INTRO 157. Over the  
16 last several years, our organization has worked  
17 closely with you and the council over this issue and  
18 we look forward to continuing this work to come to a  
19 solution where we can both reach the waste equity  
20 INTRO 157 seeks, while also protecting the quality  
21 jobs that organized labor has collectively bargained  
22 for in the private waste industry. Our members  
23 including those from our sister locals, Local 78 and  
24 79, work, lift and support families in the five  
25 boroughs. Our membership is made up predominately of

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2 people of color. Many of whom are residents on the  
3 identified overburdened districts. They to are  
4 affected by pollution and will benefit from clean air  
5 and waste equity. Our opposition has never been to  
6 fair distribution of the cities waste or to the  
7 relief of the communities that are most effected by  
8 the consequences of unequal distribution. Or  
9 opposition has always been and continues to be the  
10 short side of plan that Council has proposed for  
11 possible displaced workers. Especially those who  
12 work for employers who provide careers, rather than  
13 low wage jobs from New York residents. Creating  
14 waste equity and fair distribution does not need to  
15 cost job opportunities for hard working New Yorkers.  
16 Local 108 has made incredible strides in the industry  
17 when it comes to wages, benefits, and standards.  
18 More importantly, union shops provide the training  
19 and safety measure needed to work in such toxic and  
20 dangerous environments. This bill does not protect  
21 the crucial gains meaning one of the most dangerous  
22 occupations in this country. This bill penalizes  
23 workers for the absence of real reform to the  
24 industry. We believe we can do both. We can bring  
25

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2 justice to overburdened communities, and protect hard  
3 for middle class jobs, thank you.

4 CHAIRPERSON REYNOSO: Go ahead.

5 MIGUEL MARTINEZ: Good afternoon Mr.  
6 Chairman and members of the committee. Thank you for  
7 holding this hearing and for allowing me the  
8 opportunity to testify before you today. My name is  
9 Miguel Martinez. I am a proud New Yorker and a  
10 member of the Laborers Local 108. Over 21-years-ago  
11 before I joined Laborers Local 108, I decided  
12 [inaudible 1:27:36] in my area in the Bronx. I was  
13 unemployed, collecting welfare. Then I got a break  
14 that let me off welfare into the middle class. I got  
15 a job at waste management and became a member of  
16 Laborers Local 108. When I started with the Union  
17 twenty-one years ago, I was making five dollars an  
18 hour. Today, I am making twenty-three dollars an  
19 hour, with benefits that provide my family and I  
20 healthcare of a time of security. Thanks for my  
21 union job, I was able to buy my first home in the  
22 [inaudible 1:28:13] section of the Bronx. I used my  
23 Union annuity fund to put down the deposit for the  
24 new home, which the Chairman and members of the  
25 committee, I know what income inequity is. We must

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2 protect middle class jobs especially now when the  
3 city continues to create low wage sector jobs. I am  
4 confident the city council can achieve both waste  
5 equity and protect good quality jobs, like the one  
6 that I have. Thank you for your time.

7 CHAIRPERSON REYNOSO: Thank you for your  
8 testimony.

9 KENDALL CHRISTIANSEN: Good afternoon  
10 Chair Reynoso and members of the committee. My name  
11 is Kendall Christiansen. I'm here as Executive  
12 Director of New Yorkers who are responsible for waste  
13 management. Which is an organization locally owned  
14 and operated waste service companies that provide  
15 comprehensive collection, processing, and disposal  
16 services for the waste, recyclables, and organics  
17 generated by New York cities businesses. I have two  
18 statements to submit, one is on behalf of High-tech  
19 Resource Recovery, which is a transfer station and  
20 recycling facility in north Brooklyn and the second  
21 is on behalf of New Yorkers for response of waste  
22 management. My testimony is organized as series of  
23 questions. Much like those that you can Council  
24 Member Levin asked of the Commissioner. The only  
25 point I would make is I encourage you to look at

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2 those questions for the committee to consider is that  
3 the Department of Sanitation should be required by  
4 the committee to do a full blown environmental impact  
5 statement of the impact of INTRO 157. We are aware  
6 that they have done a partial environmental  
7 assessment review, but we think that should be turned  
8 into a full blown EIS including the opportunity for  
9 public comment, [inaudible 1:30:02] comment, similar  
10 to what would be required if this was an update to  
11 the cities solid waste management plan. Thank you  
12 very much for the opportunity to testify.

13 CHAIRPERSON REYNOSO: Thank you Kendall.

14 STEVE CHANGARIS: Mr. Chairman, Steve  
15 Changaris. I'm the New York City Chapter Director  
16 for the National Waste and Recycling Association. A  
17 50-year-old trade group for Americas private Waste  
18 and Recycling industry. We represent - we have many  
19 members who own these facilities who collect the  
20 trash with the subject of the hearing today. I've  
21 submitted the testimony that for the record, making  
22 sure we cover all the points, but I just want to go  
23 over some of the bigger talking points and issues  
24 that are in that testimony for your review. We're  
25 here because of you know, we own these facilities and

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2 the carters use these facilities and they're - you  
3 know service their communities. They do this for  
4 their families, they do this for their businesses and  
5 their companies and its important work and day in and  
6 day out. We believe that the 157-B is not the best  
7 or appropriate way to address transfer station  
8 capacity reduction that was envisioned in the solid  
9 waste management plan. Its outside the scope of the  
10 environmental assessment and the state regulatory and  
11 planning process with [inaudible 1:31:25] and the  
12 city solid waste for you rather a facility planning  
13 review and I think if you listen to the line of  
14 questioning that the community today, there was sense  
15 that you're asking the department and the  
16 Commissioner and your talking amongst yourselves that  
17 well, this isn't going to hurt. This is going to  
18 work out. These are going to accommodate all these  
19 various needs that the planning process anticipates,  
20 and I would submit that it doesn't, and I know its  
21 well meaning and I know it's the intent of the  
22 legislature to move this bill but the proper way to  
23 address this issue is through the planning process  
24 and to make sure that the environmental assessment  
25 and the environmental impact statements are done.

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2 The other issues in here let's see, we know that  
3 process is delineated in the July, and its in the  
4 record. We submitted it as an attachment. In the  
5 July letter from INTRO 495 from last year. It's a  
6 thorough analysis of why we believe there's a full  
7 blown environmental assessment needed that leads to  
8 the environmental impact statement and in addition to  
9 that, we have foiled the environmental assessment and  
10 we've gotten - its not available, its not ready. One  
11 of the other things that we submit in the testimony  
12 is that, if those reviews were done. The very kinds  
13 of questions that you asked the Commissioner, all  
14 that would be modeled and understood. All those  
15 impacts would be understood. One of the big  
16 questions in the testimony is that, you say, well  
17 because we're only reducing it a little bit and we're  
18 doing this and no one's going to more, we're under  
19 capacity. The bottom line is nobody knows where  
20 those trucks are going to go and where that waste is  
21 going to go because it hasn't been modeled and it  
22 hasn't been studied thoroughly by the Council.  
23 That's why there's that planning process and Sequa  
24 and that we have SWMP process and all that, well  
25 thought out and well-reasoned kind of process. So,

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2 if I might, you know if the jobs build. You say will  
3 you take away capacity, it's a small amount, the  
4 stations going to survive, that's an unknown thought.  
5 It could be the critical mass that causes that  
6 station to close and then the permit surrendered, and  
7 the waste goes elsewhere. So, all the testimony, all  
8 the points are in there. We'll continue to work with  
9 you as best we can, and we think there's better ways  
10 to get this done.

11 CHAIRPERSON REYNOSO: Thank you for your  
12 testimony. I just want to mention, you're the waste  
13 management in the Bronx? You work in waste  
14 management in the Bronx?

15 KENDALL CHRISTIANSEN: When I started in  
16 the facility, it was owned by Waste Management. They  
17 moved to the Harlem River yard after that.

18 CHAIRPERSON REYNOSO: So, now you're in  
19 the Harlem River Yard?

20 KENDALL CHRISTIANSEN: No, I work for  
21 Action Carting 32<sup>nd</sup> and Bronx.

22 CHAIRPERSON REYNOSO: Okay, does the  
23 action cart - do you have a rail facility there?

24 KENDALL CHRISTIANSEN: Uhm, there was, it  
25 was removed at the end of our property it begins and



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2 goes through New York post into Waste Managements  
3 facility.

4 CHAIRPERSON REYNOSO: So, what we're  
5 trying to do in both cases with Waste Management and  
6 Action Carting, if there is a rail, we want to exempt  
7 those type of locations we think. What we're trying  
8 to do is move trucks off the street. So, if you come  
9 in a regular truck, you dump your garbage and then we  
10 can move that garbage to rail and the rail takes it  
11 to wherever it have to go or a barge, which is like  
12 the boat.

13 KENDALL CHRISTIANSEN: We have access for  
14 barging and for rail on our property.

15 CHAIRPERSON REYNOSO: So, we're trying to  
16 exempt those facilities that have rail. We're trying  
17 to see if we can expand recycling, so the changing  
18 from straight putrescible to some recycling. We're  
19 also going to give them 20% increases. So, I just  
20 want you to know that in the work that we did, we  
21 paid attention to what we consider good players of  
22 which Action Carting and Waste Management are both  
23 players that we think do well by their workers as you  
24 can see. You guys have good employment, you have  
25 good pay. You know, they're not giving you 18-hour

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2 work days, unless you ask for which is illegal  
3 actually. So, no they're not giving you 18-hour work  
4 days. So, my point being is that what we want to do  
5 is figure out a way to keep supporting the Action  
6 Carting and the Waste Management but eliminating the  
7 sanitation salvages of the world and you are not  
8 sanitation salvage by any means. No way shape or  
9 meaning. I hope that everyone in this room has read  
10 the ProPublica articles, all three of them and I want  
11 to give a shout out to Kiara Feldman[SP?] for the  
12 work that she did and finally highlighting in a real  
13 way the atrocities that are going on to people that  
14 don't have unions representing them. I think your  
15 privileged to be able to have a job where you do,  
16 where you have a union represent you, that's real. A  
17 lot of other workers don't. So, we're trying to  
18 figure that out and this is our first step in trying  
19 to make that happen. I also know that Miriam  
20 has organizations that they represent that are part  
21 of that group of good players, but we wanted to make  
22 sure that the bad players get held accountable and  
23 until we don't start pushing this legislation, we're  
24 not going to be able to do any of that. So, I want  
25 to thank you for your time here. I know you are in

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2 opposition but I'm letting you know that I'm not in  
3 opposition with the work that you're doing, and I  
4 don't want you to lose your jobs. We've done  
5 everything we can to talk to Waste Management, to  
6 talk to Action Carting to make sure that we do the  
7 best we can to protect good players and you can ask  
8 about that.

9 CARLA CRUZ: And Chairman, we just want  
10 to be clear the opposition comes from the possible  
11 displaced workers at the waste transfer station. Our  
12 opposition does not have to do anything with waste  
13 equity like I said, our members live in the five  
14 boroughs. They have families and sustained families  
15 and a lot of them actually live in the overburdened  
16 district. So, we can definitely come to a compromise  
17 when it comes to this bill and protect in quality  
18 jobs like the ones our workers have.

19 CHAIRPERSON REYNOSO: So, and we'll  
20 continue to have a conversation and I want to make  
21 sure that that's the hard part of what we're trying  
22 to do here. We have an issue with environmental  
23 injustice with asthma rates and the trucks polluting  
24 the streets of only very small specific communities  
25 and then we have the jobs that come that type of job.

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2 So, to find that balance is very difficult. That's  
3 why we have you know, originally the bills have 50%  
4 across the city of New York, now we lowered it in the  
5 Bronx and Queens. There were no rail exemptions,  
6 there were no recycling exemptions in the past and we  
7 added those to this bill. We're constantly trying to  
8 modify it so that we can make it something that's  
9 fair and balanced where we can bring environmental  
10 justice while preserving good jobs. So, that is  
11 something that we're trying to do every single day  
12 and I know that you care deeply about the jobs part,  
13 but I'm trying to find a balance because I represent  
14 that community that's being hurt, and I can't just  
15 look at that one part. I have to look at a  
16 comprehensive uhm, initiative I guess, or push. So  
17 again, I just want to say that I'm looking forward to  
18 when we pass this legislation we can start moving  
19 forward and fighting on the same side again like we  
20 usually do. So, thank you for your time and your  
21 testimony and I do want to thank all the members of  
22 the laborers that are here today showing up. So, I  
23 really appreciate you guys taking the time to be here  
24 fighting for something that's important to you.

25 COUNCIL MEMBER CABRERA: Mr. Chairman?

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2 CHAIRPERSON REYNOSO: Oh, yes Council  
3 Member Cabrera from the Bronx.

4 COUNCIL MEMBER CABRERA: I thought you  
5 had forgot me Mr. Chairman.

6 CHAIRPERSON REYNOSO: Yes, I'm sorry bro.

7 COUNCIL MEMBER CABRERA: Maybe because  
8 I'm not for the bill.

9 CHAIRPERSON REYNOSO: That's alright, I'm  
10 okay with that. I'll give you five minutes if you  
11 want.

12 COUNCIL MEMBER CABRERA: Its five  
13 minutes, no I won't need that much time. Thank you,  
14 Mr. Chairman. Thank you for holding this very  
15 important hearing because I know there are many sides  
16 to this issue. I just want it to be on the record  
17 that I fully support the companies here and all of  
18 the laborers. Many of the laborers that are working  
19 in these companies - they were given an exceptional  
20 opportunity to hear some of the stories and I commend  
21 you. You have your own home now, your own house in  
22 and the stories I'm sure if we were to give an  
23 opportunity to many people here will be replicated.  
24 One of my biggest concerns number one, we have - a  
25 lot of these businesses I invested literally hundreds

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2 and thousands and thousands of dollars and now to be  
3 asked to do something that's going to affect their  
4 business, I'm always leery about that. Second, in  
5 terms of employment. Third, what you just mentioned,  
6 the environment or impact. I fully support it. I  
7 think that is something that we should have a greater  
8 discussion about. It amazes me that there seems to  
9 be a solidarity among the coalition of the businesses  
10 involved here and I'm not satisfied yet that we have  
11 reached - it was stated by the Mason Tenders' Union,  
12 I'm so glad that you're here. That there has been a  
13 compromise. That at the end of the day it makes  
14 sense. I'm hoping that at the end of the day, it  
15 will be a win, win situation. We're not there. I  
16 really believe that we're not there and I know some  
17 of the other members of this committee they're not  
18 with that. So, we will continue with the discussion.  
19 Do know, that you have my support. Thank you so  
20 much. I see - uh, he's back. Thank you and I didn't  
21 use the five minutes. Thank you so much.

22 CHAIRPERSON REYNOSO: Thank you Council  
23 Member Cabrera. Justin Wood, James Curbeam[SP?],  
24 Dior Doward[SP?], Reverend Dan Rodriguez and Dr.

25

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2 Cappy Collins. I think we lost one. Justin, we're  
3 going to start with you and then move left.

4 JUSTIN WOOD: Thank you Chair Reynoso and  
5 members of the committee. So, I'm Justin Wood. I am  
6 the Director of Organizing a Strategic Research at  
7 New York Lawyers for the Public Interest and a lot of  
8 the arguments about why this is a very necessary and  
9 overdo bill. Many of us remember being here I think  
10 it was four years ago and even before that, there  
11 were previous version of this bill. So, I'm not  
12 going to make those arguments again, but I do want to  
13 because I spend a lot of time looking at the facts  
14 and want to try to make sure we stick to facts in  
15 this conversation. To correct some of the miss  
16 information that we're hearing from the for-profit  
17 waste industry and I have - they didn't really  
18 deliver it, but I have copies of Mr. Toscano's[SP?]  
19 testimony and the so-called New Yorkers for  
20 responsible waste management here. Uhm, so in the  
21 many years since you Council Chair Reynoso and your  
22 predecessors in the council have been fighting for  
23 waste equity to just make this gross inequality a  
24 little bit better. We've had a chance to see how  
25 things will work out if we just leave it alone and

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2 don't pass this bill and things are getting worse on  
3 a number of fronts, not better and those are the  
4 facts. So, in southeast Queens, where we've had a  
5 marine transfer station. Thankfully, taking  
6 Department of Sanitation waste for a number of years  
7 now and that's a good thing. We want those trucks  
8 going there and we want those good union jobs at that  
9 marine transfer station. We want that waste going  
10 out by barge. Southeast Queens has actually had a  
11 big increase in the amount of waste being trucked  
12 into that environmental justice community by the  
13 private companies. So, we can't just leave it alone.  
14 We desperately need this legislation. I also want to  
15 highlight the direction that recycling has gone in.  
16 Uhm, we're fully on the side of workers represented  
17 by the laborers, teamsters, and other legitimate  
18 unions. We're also really aware that recycling and  
19 organics processing recycling the huge amount of our  
20 waste stream that's organics creates five to twenty  
21 times more good green jobs than simply trucking this  
22 waste in and out of environmental justice communities  
23 to landfills. Unfortunately, the private waste  
24 industry is going in exactly the wrong direction with  
25 recycling. We just finished adding up all of this



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2 years uh, just submitted signed, sworn statements  
3 that the transfer station owner submitted to the  
4 state DEC and they actually even with these new  
5 business recycling rules that the Commissioner talked  
6 about enforcing. Private waste transfer stations  
7 trucked 200,000 more tons to landfills in upstate New  
8 York, Ohio, Pennsylvania, Virginia, other  
9 environmental justice communities in other states  
10 then they did in 2016. So, that's with the new  
11 rules, things got worse on recycling and that means  
12 we're leaving a huge opportunity for green job  
13 creation on the table. Organics, the private  
14 transfer stations haven't made those investments.  
15 They're barely doing any organics. Its like less  
16 than 1% of that food waste is being recovered.  
17 Again, we know there are issues with the recycling  
18 markets in China that explain some of why they're not  
19 marketing their material. The last I checked, we  
20 weren't marketing organics to China. We can do that  
21 right here and create jobs right here and this bill  
22 correctly has an exemption for creating those kinds  
23 of recycling and organics operations. Uhm, so I'll  
24 stop there, and we'll submit some written testimony  
25 but just wanted to take a chance to correct the

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2 record on some of these issues about job creation and  
3 recycling, thank you.

4 CHAIRPERSON REYNOSO: Thank you, I  
5 appreciate it.

6 JAMES CURBEAM: Good afternoon.

7 CHAIRPERSON REYNOSO: Make sure that the  
8 red button is on when you click it. There you go.

9 JAMES CURBEAM: Good afternoon. My name  
10 is James Curbeam. I'm here to represent the  
11 Teamsters Union Local 813. The private sanitation  
12 union in this city and also president and business  
13 manager Shawn Campbell. I'd like to first off thank  
14 this council for allowing me to testify for my union  
15 today. The Teamsters Local unions represent  
16 thousands of New York City workers in this industry  
17 including the Department of Sanitation workers.  
18 Private carting, construction, and demolition  
19 workers, transfer station workers, and recycling  
20 workers. We want every job in this industry to be a  
21 good job. That means safe jobs, dignified jobs, and  
22 also a family sustaining job and jobs that our  
23 workers can retire from with security. Most private  
24 transfer station workers that work in this industry  
25 has to hold unacceptable working conditions with low

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2 pay, with few prospects. Recent media coverage has  
3 exposed how many sanitation companies treat their  
4 workers that operate garbage trucks. Think about how  
5 you treat workers that work in the transfer station  
6 now. That they could actually house and hide from  
7 the public eye. You head today from other folks that  
8 testified that this will cause union jobs. They will  
9 be lost. That's a joke to most workers in this  
10 industry because of the sham unions that you have  
11 talked about Council Member Reynoso. Sanitation  
12 salvage, Mr. T, Five Star, Borough wide, Liberty Ash  
13 and many more use these sham unions and these sham  
14 unions I call out today like 890, Wise 124, United  
15 Service workers Local 339 and there are more out  
16 there that pops up on a daily basis. They protect  
17 the employers, not the workers. The gold standard of  
18 transfer stations are to the Department of Sanitation  
19 Marine stations. Safety is the priorities. Workers  
20 have a contract that they are paid a fair wage and  
21 have good healthcare and pension benefits. Most of  
22 all, they are treated with respect. They are treated  
23 like humans. When those facilities were announced as  
24 a part of the solid waste management plan, the whole  
25 point was to stop this send over all the trash to the

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2 privately-owned facilities that often mistreat their  
3 workers and the communities around them. This waste  
4 legislation will be protection for the south Bronx,  
5 north Brooklyn and southeast Queens which have been  
6 dumped on for way too long. The Teamsters care about  
7 the environment and the justice because of our  
8 members do not just work in these communities but  
9 they live there to. Our kids deserve a better  
10 future. The Teamsters is in full support of bill  
11 INTRO 157-B and we encourage this Council to vote yes  
12 for it.

13 CHAIRPERSON REYNOSO: Thank you for your  
14 testimony.

15 DIOR DOWARD: Good afternoon. So, I just  
16 wanted to just kind of preference my testimony with  
17 this idea that thank you for speaking about workers  
18 and laborers and one of the things that we want to do  
19 is have a large investment in worker owned  
20 cooperatives because we believe that that is the way  
21 that we'll be able to support this new plan moving  
22 forward with community members that actually  
23 represent EJ Comernies[SP]. So, thank you for the  
24 opportunity to testify. My name is Dior Doward[SP?]  
25 and I am the founder of GreenFeen which is a Bronx-

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2 based environmental consulting firm that uses hip hop  
3 to teach sustainability through compost education and  
4 green technology. And so, at GreenFeen we adopt the  
5 principals of environmental justice and have recently  
6 started a worker owned cooperative designed to  
7 process organic waste locally. GreenFeen Organics is  
8 a graduate of Green Workers Cooperative located in  
9 the south Bronx and our goal is to collect and  
10 process organics locally to ignite community-based  
11 solutions that secure waste equity for Bronx  
12 residents. GreenFeen envisions a society where  
13 resources and benefits are equally shared and where  
14 people play a role in community decision making and  
15 proportion to the degree they are affected. We are  
16 fighting for our south Bronx where future generations  
17 have clean air, well resources and community-  
18 controlled schools, safe streets, green space, good  
19 jobs, and more control over the wealth that their  
20 labor actually create which is why we started a  
21 Worker owned Cooperative. Sometimes inspiring  
22 changes comes without reward or recognition and so  
23 the south Bronx has long dealt with an unfair share  
24 of the cities garbage from truck traffic to the  
25 smells, to the noise of the transfer stations. Our

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2 community is forced to live within the toxic burden  
3 caused by all five boroughs and as known as a result  
4 of racial zoning that is why that has happened. That  
5 is why as a Bronx president I took the class with  
6 Green Workers Cooperative because I shared similar  
7 goals of green development. So, it's time for the  
8 city to step up and take measures that would protect  
9 the Bronx from anymore garbage. We support INTRO 157  
10 and see it as a part of a larger vision for an  
11 equitable waste system that does not put all of the  
12 burden on just a few low-income communities and  
13 communities of color. The disproportionate numbers  
14 of waste transfer stations in the south Bronx is an  
15 EJ issue that community members and stakeholders are  
16 trying to overturn, which is why I keep talking about  
17 Worker Owned Cooperatives. Grass Routes organizing  
18 presents its own set of challenges, like finding  
19 commonality among national groups with different  
20 frameworks. However, this bill allows us to practice  
21 engaging in an alternative system where our  
22 collective interests are represented in different  
23 ways. I'll leave you with the rhyme for the time  
24 because we do our hip hop. So, we send jobs to other  
25 states. When we export our waste. So, its time to

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2 raise the stakes and pass 157A, I know its B now.  
3 Let's keep food out the trash and make them rats mad.  
4 If we don't feed em, we won't need em. Compost my  
5 liberation system freedom. Thank you.

6 CHAIRPERSON REYNOSO: Thank you. Good  
7 job. So, and I just want to ask a quick question.

8 DIOR DOWARD: Yes.

9 CHAIRPERSON REYNOSO: Your saying that  
10 you through a cooperative, its like the workers  
11 owning transfer stations.

12 DIOR DOWARD: The workers would be owning  
13 the actual waste management company.

14 CHAIRPERSON REYNOSO: And they have a  
15 stake in the company?

16 DIOR DOWARD: And our focus is  
17 specifically organics from the beginning.

18 CHAIRPERSON REYNOSO: Alright, so they  
19 would have a stake in the company?

20 DIOR DOWARD: Yes, 100%.

21 CHAIRPERSON REYNOSO: Alright, thank you  
22 for that. I appreciate that. I haven't heard that  
23 yet so, thank you to GreenFeen.

24 DIOR DOWARD: Yes.

25

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2 REVEREND RODRIGUEZ: Good day

3 distinguished panel. I'm Reverend Daniel Rodriguez

4 from the Greater Allen A.M.E. Cathedral in Jamaica

5 Queens. I am here today as part of a collaborative

6 team of concerned civic, community, clergy, council,

7 and corporate members of this fine city. I join in

8 the hopes of bringing some measure of beneficial

9 accountability and waste equity to the practices of

10 an industry that is if left unchecked can prove to be

11 health challenging to the communities impacted.

12 INTRO 157 is responsible legislation and a

13 collaborative effort developed to protect

14 overburdened low-income communities of color of

15 receiving any more trash. It seeks to reduce the

16 amount of garbage permitted in these communities of

17 the city which includes the south Bronx, north

18 Brooklyn, and southeast Queens while capping the

19 amount of garbage that can be processed in all other

20 community districts in the city. It's a compromising

21 bill that doesn't say not in my back yard, but

22 instead says, not all in my back yard. It also

23 incentivizes the transfer stations to recycle more

24 which provides an opportunity to create more and

25 better jobs while encouraging the use of barge and



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2 rail transport for the moving of trash out of the  
3 city as opposed to using more diesel long-haul trucks  
4 which if implemented would help our kids breathe  
5 clean air. We have an opportunity today to carry  
6 each other's burden, so that all involved can become  
7 better citizens of the neighborhoods in which we  
8 work, live, and serve and I pray that we do. Thank  
9 you.

10 CHAIRPERSON REYNOSO: We should have  
11 called you a long time ago Reverend. You make some  
12 great statements. Can you repeat that one that you  
13 said, is that we don't want to get rid of all waste,  
14 we just want to get rid of some waste? What is it?  
15 How did you say it?

16 REVEREND RODRIGUEZ: It's a compromising  
17 bill that does not say not in my back yard but  
18 instead says, not all in my back yard.

19 CHAIRPERSON REYNOSO: Alright, thank you  
20 for that. I like that, I'm going to steal it. I'm  
21 telling you now.

22 REVEREND RODRIGUEZ: Okay, well I  
23 borrowed it from William Baker.

24 CHAIRPERSON REYNOSO: Okay, so thank you  
25 William Baker, absolutely. Thank you.

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2 CAPPY COLLINS: Good afternoon. Thank  
3 you for the opportunity to speak. Thank you to the  
4 council. My name is Dr. Cappy Collins, I'm a  
5 pediatrician and I work with families in east Harlem.  
6 Air quality is a major factor effecting the health of  
7 children. Especially in communities with this  
8 proportion that burdens of traffic and poor housing  
9 and poverty, and east Harlem is one of those  
10 communities. The parents I work with are doing what  
11 they can to preserve the health of their children.  
12 Asthma is a big problem. With higher rates in east  
13 Harlem then almost anywhere in the country. Parents  
14 can take care of doctor's appointments, keeping up  
15 with medications, that's within their power. They  
16 cannot control the garbage trucks idling on the  
17 streets, crisscrossing the streets and barreling up  
18 the avenues as they haul thousands of tons of waste  
19 per day through their neighborhood on route to  
20 disposal sites and other impoverished neighborhoods  
21 in the south Bronx. Combustion exhaust contains  
22 hydrocarbons, soot, ozone, and carcinogenic chemicals  
23 like benzine. It makes asthma worse. I can't  
24 prescribe a medication for this and families can't  
25 protect themselves from the polluted air they

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2 breathe. We need help and help is at hand. As a  
3 community of New Yorkers, we can make the air better  
4 through legislation. Limiting the maximum capacity  
5 at our waste transfer stations is a first step  
6 towards clean air. I urge the Council to support  
7 INTRO 157 and continue building a just city that  
8 allows children and families to thrive. Thank you.

9 CHAIRPERSON REYNOSO: Thank you. I  
10 appreciate that testimony from a pediatrician. Just  
11 how it effects a lot of people, they take it for  
12 granted. I just recently have a new born baby and  
13 when I walk outside now I think about it completely  
14 differently.

15 CAPPY COLLINS: Congratulations.

16 CHAIRPERSON REYNOSO: I think about all  
17 the trucks. I cross streets differently. I don't go  
18 down major tour ways because I think he is going to  
19 breathe all that air in. I didn't notice all that  
20 before. Now I notice it every second. So, I  
21 appreciate you coming out and making that testimony  
22 and being here. I just want to say to the Teamsters,  
23 I try to push a law that would make it illegal to  
24 have these fake unions. That you need to do more to  
25 show that you're a union then what they were doing

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2 and like the life 890, but it's a state issue. So, I  
3 don't have the authority as a Council Member to  
4 modify that law. If I did, I would try to change it  
5 and I would be the first person that bill, just to  
6 let you know. That's a big problem that we're going  
7 to deal with long-term here. All these fake unions  
8 coming in and being able to have the same footing as  
9 you or the laborers so, we got to start working on  
10 that as well. I'm more than happy to join a campaign  
11 in the state to make that happen. To modify that  
12 legislation. So, I appreciate everyone for their  
13 time and we're going to the next panel. Thank you.  
14 Rolando Guzman, Stefanie Wenzel, Omar Freilla, Danny  
15 Peralta, and Priya Mogalker[SP?], I tried Priya, I'm  
16 sorry. I'm terrible at these things. So, Rolando,  
17 we're going to start with you and go down as well.

18 ROLANDO GUZMAN: Hi, good afternoon. My  
19 name is Rolando Guzman and I'm the Deputy Director  
20 for Community Preservation at St Nicks Alliance. I'm  
21 here testifying on behalf of coalition of  
22 organizations in north Brooklyn that came together  
23 after the whole environmental injustice. So, the  
24 opening of so many waste transfer stations in our  
25 community. We are here supporting this legislation

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2 right now. We believe this is not only right, but  
3 it's a great message for other communities that its  
4 going to prevent other communities of color of ending  
5 up like north Brooklyn. North Brooklyn I say this  
6 right now, its an environmental tragedy. We have an  
7 oil spill that is the largest in the northeast of the  
8 United States. We process almost 40% of New York  
9 City garbage. Our kids - our elementary school  
10 playgrounds, there pretty much next to truck routes.  
11 We have one of the highest rates of asthma in the  
12 whole city and neighbors complain about the noise,  
13 about the lack of air quality, about traffic safety  
14 issues. Uhm, I just want to say something to the  
15 people from the trade, the second panel, that  
16 happened here, and I would like them to come and the  
17 message is clear. Just bring your kids through north  
18 Brooklyn. Just bring them to the south Bronx. Just  
19 have them stepping for a half an hour in any corner  
20 where those trucks are going and just take them home  
21 and see how that goes. I think that this is your  
22 message. This is - we're trying to have a tail of  
23 two cities and just go from Manhattan. Just go to  
24 subway rights to other communities where you have a  
25 total different environment and we think that enough

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2 is enough. I think this legislation, I'll say this  
3 right now, is going to prevent and its going to  
4 support those transfer stations that are trying to do  
5 the business right and responsible but it's also  
6 sending a clear message to those lousy, irresponsible  
7 transfer stations, that they're going to be shut down  
8 and either you have to comply or you are out of  
9 business, but the reality is that this legislation is  
10 actually going to ensure that good neighbors, good  
11 business, good transfer stations stay open. We  
12 increase the recycling, but at the same time getting  
13 rid of the transfer stations that are a harm to our  
14 community. I just want to thank again Council Member  
15 Reynoso, Council Member Stephen Levin for being our  
16 champions in this. I think this is ah, when the  
17 Mayor came to north Brooklyn last fall, we were very  
18 happy when the city committed to have this pass and  
19 on behalf north Brooklyn, we are really looking  
20 forward, this legislation to be a law, thank you.

21 CHAIRPERSON REYNOSO: Thank you Rolando.

22 STEFANIE WENZEL: Hi. My name is  
23 Stefanie Wenzel. I was born in Brooklyn and I've  
24 been a resident of east Williamsburg Brooklyn since  
25 1997 on Barrett street. My Council Member is Antonio

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2 Reynoso and I'm very proud to see him here today  
3 representing our district. My son is now pre-k  
4 student at PS 147 which I should mention is the  
5 school for environmental engineering and I am an  
6 artist who works with the students at the school on  
7 art projects related to environmental sustainability.  
8 The school is three blocks away from our home, which  
9 we love. The park that we visit every day after  
10 school one block down from PS 147 is adjacent to a  
11 cement factory which currently does not mess down its  
12 cement dust. The air quality is compromised for not  
13 only my son, but the entire community around Gilbert  
14 Ramirez Park. PS 147, the young one's leadership  
15 school which shares the same building as PS 147,  
16 residents around the Morgan Stop and Metro stops on  
17 the L train and beyond. In addition, we have a waste  
18 transfer station which was mentioned in the video  
19 that you saw earlier and in addition to a slew of  
20 waste transfer trucks that park over night on  
21 Evergreen Avenue, right next to PS 257, and the  
22 baseball and playground that students and residents  
23 frequent. Not only are the particulates that are  
24 unsafe from these trucks to our health, but it is the  
25 routes in which these trucks take that are not

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2 actually truck routes and additionally compromise our  
3 safety. Cement trucks cruise down McKibbin and take  
4 a right onto left - right or left onto Bushwick  
5 avenue which is not an approved truck route with  
6 little to no regard for the pedestrians trying to  
7 cross the street simply to get to school. This is  
8 also in addition to the waste transfer trucks. This  
9 is just a snapshot of my neighborhood, but I am here  
10 to represent the larger community of north Brooklyn  
11 as well as - that is overrun and overburdened by too  
12 much carting. North Brooklyn has 19 waste transfer  
13 stations of the total 58 citywide. So that means  
14 we're carrying 33% of the total load in one  
15 concentrated area. Its unfair, its unsafe, its  
16 unhealthy and I'm just here to testify that I love my  
17 community and I would love to see it thrive and all  
18 of in north Brooklyn deserve a healthy and safe  
19 environment in which to do that. Thanks.

20 CHAIRPERSON REYNOSO: One of my staff  
21 members is going to come see you in a few, we want to  
22 take your contact information down as well, even  
23 though I think I have it but just in case we don't.  
24 We're actually doing something on the cement side, or

25



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2 the concrete side and I want to know if you would be  
3 willing to help us or join.

4 STEFANIE WENZEL: Oh, yeah, totally.

5 CHAIRPERSON REYNOSO: We have something  
6 that we're trying to do there because again, I can't  
7 regulate the cement industry but there's something  
8 else we can do, so we'll be reaching out to you on  
9 that part. Thank you for your testimony here today.

10 STEFANIE WENZEL: Thank you.

11 OMAR FREILLA: Good afternoon Chairman  
12 Reynoso and Council Member Levin. I want to thank  
13 you for having the opportunity to be here. My name  
14 is Omar Freilla. I'm the founder and coordinator of  
15 Green Worker Cooperatives. We're a south Bronx based  
16 organization in Hunts Point and myself have lived and  
17 grown up in the south Bronx and we live and work in  
18 Hunts Point, it's been 18 years. About 15-years-ago  
19 I started our organization Green Worker Cooperative  
20 really motivated by the subject of this - this  
21 hearing. Our work is about helping people to start a  
22 worker cooperative. So, just the kind of work that  
23 Dior mentioned from GreenFeen you know, our focus is  
24 about helping people who have ideas. Who want to  
25 create a green business, do it in a way that empowers

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2 workers, keeps money in the neighborhood and as  
3 everyone has a say. You know, that is a worker owned  
4 business and that is something that we help people to  
5 do and it was inspired and created because I had a  
6 long history just being in the community and seeing  
7 and hearing these arguments all the time. Being in  
8 situations like this where its this idea that the  
9 environment and our health and our safety is at odds  
10 with jobs and people always ask well, if we don't get  
11 - if your saying that these companies are bad, then  
12 what else is there? What are the options? And too  
13 often for too long, we've been put in this position.  
14 Being that we are a poor community that we get put  
15 into this position where we're expected to take  
16 whatever job is thrown at us from whatever business  
17 owner whose really only motivation is to get as much  
18 money as they can out of their business and have no  
19 regard for the workers that are there and the  
20 community that's surrounding them. So, that's why  
21 we're about creating business where people actually  
22 have a say and they own the business, and if you do  
23 that, then you take more care not just of the work of  
24 the business itself but the community that the  
25 business is a part of. You don't gash your own

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2 neighborhoods. You don't run roughshod over the  
3 community that you live in because you hear from  
4 people all the time. Unless your being forced to by  
5 the owners of the business. So, for us, this is why  
6 its really important to create opportunities where we  
7 restrict the negatives and emphasize and create  
8 opportunities for the positive work. So, the work of  
9 GreenFeen and creating composting, we've got a number  
10 of worker owned businesses that are all doing  
11 different kinds of work. There are artisans who are  
12 recycling and creating opportunities out of crafts.  
13 Others that are doing composting like GreenFeen and  
14 others and its really exciting and we're thankful  
15 that the city has been supportive of the worker coop  
16 initiative in doing that and we want to see and are  
17 creating more opportunities in every sector and want  
18 to be able to have opportunities where we can create  
19 jobs for people in doing this kind of work and move  
20 beyond this idea that we have to take whatever there  
21 is on the argument of the owners that you know, there  
22 is no other options. We've got lots of options and  
23 we're creating them ourselves. Thank you.

24 CHAIRPERSON REYNOSO: I Really appreciate  
25 the Bronx being here too, by the way. We need as

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2 much support from the Bronx as possible. There is a  
3 lot of love in Brooklyn for this legislation, not so  
4 much in the Bronx. So, anything that you could do to  
5 help us you know, get some folks convinced to support  
6 this bill would be helpful.

7 OMAR FREILLA: Yeah, no we have a lot of  
8 politicians who buy into a fake argument.

9 CHAIRPERSON REYNOSO: Alright, appreciate  
10 that.

11 DANNY PERALTA: Good afternoon. My name  
12 is Danny Peralta and I represent the POINT Community  
13 Development Corporation based out of Hunts point.  
14 For the last twenty years, our organization has been  
15 dedicated to youth development and the economic  
16 revitalization of Hunts point. Our community  
17 primarily with our youth work and our cultural work.  
18 We have also been very active in our environmental  
19 justice movement with our community. You know, we  
20 are one of the most, obviously we keep talking about  
21 it. We are one of the most environmentally  
22 overburdened districts in the community in all of New  
23 York City. The biggest contributors obviously to  
24 this is the pollution that comes from the waste  
25 industry, right. Our community handles roughly 40%

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2 of the cities waste which we spoke about already and  
3 obviously a lot of the respiratory illness, asthma is  
4 all related to this particular matter 2.0 pollution,  
5 you know, still. In 2016, we did a study with our  
6 young people where we stood on the corner for a  
7 couple hours at a time and recorded on average about  
8 304 commercial trucks per hour. That's one every 24  
9 seconds coming into our neighborhood, moving around  
10 our neighborhood, where we have largely residence and  
11 young people. Uhm, also our volunteers also measured  
12 that the ground level asthma inducing the particular  
13 matter 2.5 is 5% higher than the average for the  
14 area, just in this immediate time. Obviously, you  
15 know the [inaudible 2:08:54] of the industry go  
16 beyond the pollution. We spoke a little bit about  
17 our sanitation salvage who is our unfortunately one  
18 of our neighbors a couple blocks away and the death,  
19 the tragic death of Mouctar Diallo as well as Leon  
20 Clark by the hands of one of the drivers. Again,  
21 something that is not new to us. Something that  
22 we're still dealing with. You know, we feel like  
23 INTRO 157 is long overdo obviously. It is something  
24 that again, will hopefully help take the overburdened  
25 districts of our communities of wasting and

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2 processing the waste at such a high level and we also  
3 see that it is again a rode to something that will be  
4 changes similar to some of the things that some of  
5 the colleagues spoke. I want to just kind of step  
6 away from this piece right now and just speak you  
7 know, again a little bit to about that narrative that  
8 we keep hearing. That this is about residents versus  
9 employees in an industry which is obviously very  
10 false. We're not here representing that. We're here  
11 representing all people. We know that the workers  
12 that come through these communities and work in these  
13 spaces, again they do represent our community as  
14 well, so we're not against that. We just don't want  
15 to deal again with this overburden. We also want to  
16 - I just want to make a plea here as well. I know  
17 that you said the Bronx is not represented very well  
18 in this piece particularly. Officials have kind of  
19 stepped away from this for sure and we want to make  
20 sure that again, somebody who - I've done youth  
21 development for over twenty years now. If folks feel  
22 like they need their hand held in this situation,  
23 please send them my way. I will help support them in  
24 this time when they need that extra push to make the  
25 right decision. Not only for our community but for

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2 themselves. I know some of them actually live in our  
3 community and again, let's just change this  
4 narrative. Let's stop sitting here and talking about  
5 the Bronx as a third world country, lets actually do  
6 something positive for our community finally and lets  
7 actually make the changes that we know that we have  
8 the solutions for, for many, many years. Let's make  
9 that happen finally please, thank you.

10 CHAIRPERSON REYNOSO: Thank you for that  
11 and I just want to just acknowledge the fact that the  
12 point has been in the front lines of this for a long  
13 time and you guys have never wavered at all. You're  
14 willing to go to war with anybody to make sure that  
15 the Bronx is taken care of and I saw that, and I  
16 really appreciate that because there's a lot of  
17 organizations I got to look out for their necks and  
18 you guys are willing to take a change and fight for  
19 environmental justice and your community over  
20 everything. So, I appreciate that.

21 DANNY PERALTA: And we never do it alone.  
22 I just want to make sure that folks realize that.  
23 That is not done by ourselves, we have a lot of great  
24 partners in this work as well, thank you.

25 CHAIRPERSON REYNOSO: I appreciate that.

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2           PRIYA MOGALKER: Good afternoon. Thank  
3 you for the opportunity to testify and for saying my  
4 last name, you did great. My name is Priya Mogalker,  
5 and I'm here on behalf of the New York City  
6 Environmental Justice Alliance, founding in 1991.  
7 NYCEJA is a nonprofit citywide membership network  
8 linking grass routes organization from low income  
9 communities and communities of color and their  
10 struggle for environmental justice. I'm proud to be  
11 here with one of our members. [Inaudible 2:11:45]  
12 earlier and a lot of our allies in the room. For  
13 decades NYCEJA's led efforts for comprehensive policy  
14 reforms to address the disproportionate burden of New  
15 York solid waste system on a handful of environmental  
16 justice communities. New York City creates roughly  
17 23,000 tons of trash every day. Garbage trucks  
18 travel needlessly thousands of miles throughout the  
19 city polluting our air with diesel fuel, clogging our  
20 streets and diminishing our quality of life. These  
21 impacts are greatest as has been mentioned many  
22 times. In those few low-income communities and  
23 communities of color where truck dependent transfer  
24 stations are clustered. Not surprisingly these same  
25 communities deal with many sources of pollution and



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2 the negative health outcomes thereof. Such as  
3 asthma, heart disease and cancer. NYCEJA has long  
4 advocated for the city to help reduce truck traffic  
5 in our communities by cutting the amount of waste  
6 sent to private land-based waste transfer facilities.  
7 Currently, over 60% of citywide waste throughput is  
8 handled in just four community districts. In north  
9 Brooklyn, the south Bronx, and southeast Queens and  
10 although the Department of Sanitation has taken steps  
11 to shift residential waste export to the three  
12 operational city owned export facilities. The marine  
13 transfer stations in the north shore of Queens, the  
14 Hamilton Marine Transfer Station in Brooklyn and the  
15 Staten Island Rail transfer station. Uhm, these are  
16 important step to reducing vehicle traffic and  
17 pollution EJA communities. But at the same time,  
18 still about 75% of commercial waste still ends up in  
19 the truck in facilities. Many of which hold permits  
20 as has been mentioned before that would allow them to  
21 nearly double their waste throughput. The toxic  
22 impacts of these facilities are well documented and  
23 have been testified by many of our members and  
24 colleagues, so I will just say that INTRO 157 is a  
25 critical first step to addressing the longstanding

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2 environmental racism by the commercial waste  
3 industry. The bill alone is not a cure all. It will  
4 help however, to cut the permitted capacity at  
5 facilities located in overburdened communities and  
6 protect these communities and other low-income  
7 communities of color from handling in more waste in  
8 the future. NYCEJA hopes that this protective bill  
9 will help spur the future policies that will truly  
10 address waste equity, such as requiring that  
11 commercial waste be diverted to the city owned marine  
12 and rail transfer stations and that the commercial  
13 waste zones will require higher standards for land-  
14 based facilities to reduce impacts on communities and  
15 the environment. Thank you, Chair Reynoso and  
16 Council Member Levin, for commitment to advancing  
17 waste equity and for the opportunity to testify.

18 CHAIRPERSON REYNOSO: Thank you for your  
19 work and you need to talk to GreenFeen and the green  
20 workers cooperative to join NYCEJA as well.

21 PRIYA MOGALKER: We're working on it.

22 CHAIRPERSON REYNOSO: We need to be  
23 united. That's an important thing that if we're all  
24 together fighting for the same cause, its easier for  
25 us to make this stuff happen. We can't leave people

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2 out there on their own trying to figure this out, but  
3 I want to thank you for coming and for the panel for  
4 testifying so thank you, appreciate it.

5 ROLANDO GUZMAN: And Mr. Chair, I just  
6 want to correct the record. Earlier in my  
7 introductory remarks, I said coalition for  
8 Environmental justice as a glaring mistake, I meant  
9 NYCEJA, so thanks.

10 CHAIRPERSON REYNOSO: I think they'll  
11 live with that, they'll be okay. I got two angry  
12 texts about that. Allison Cordero stepped out, but  
13 she did submit testimony. Yeah, she submitted  
14 testimony. Eric Goldstein, from NRDC. Michael  
15 Heimbinder, Janelle Qualis[SP?], and Eric Bruzaitis.  
16 So, Eric we start with you.

17 ERIC GOLDSTEIN: Okay,

18 CHAIRPERSON REYNOSO: Ah, oh no wait.  
19 Okay, yes, we do start - whoever is furthest right  
20 from my right side is going to start. There you go.

21 JANELLE QUALIS: Good afternoon Committee  
22 Chair Reynoso. Uh, Chief and prime sponsor, is Levin  
23 still here. Hello, hello? And members of the  
24 committee. Huge thanks for allowing me the time and  
25 opportunity to testify before you today. My name is

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2 Janelle Qualis and I am the legislative campaigns  
3 manager for New York working families. My apologies  
4 in appropriating the laborers orange today.  
5 Obviously, that was not intentional and I'm actually  
6 going to provide testimony on behalf of my principal  
7 Stefan Eddell[SP]who's the project director over at  
8 New York working families today. Uhm, so uhm,  
9 working families, we stand in complete solidarity  
10 with the environmental justice, labor, community and  
11 public health advocates in support of INTRO 157  
12 today. A bill that will provide meaningful relief to  
13 communities that have shouldered the burden of  
14 handling far more than their fair share of the cities  
15 waste for way too long. Working families is deeply  
16 committed to fighting for a city that works for all  
17 New Yorkers across race, class, ethnicity, and  
18 geographic location. To that end, an essential part  
19 of this is a solid waste management system that  
20 treats all New Yorkers fairly. That protects our  
21 communities from unnecessary or excessive  
22 environmental harms while also rewarding industry  
23 actors that treat their workers and their neighbors  
24 well. In that regard, we have much work to do to  
25 make that goal a reality. It is disturbing that we

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2 have created a system in which just three communities  
3 overwhelmingly working class and of color are still  
4 home to upwards of three fourths of the cities  
5 private waste transfer station capacity and handle  
6 over 15,000 tons of garbage every day. Residents of  
7 these communities are subject to bad neighbor  
8 facilities in an endless stream of diesel trucks that  
9 pollute their air, clog their streets, and diminish  
10 their quality of life. This is a gross inequity that  
11 demands a remedy. Another aligned effort that  
12 compliments this one is the cities expiration of how  
13 to implement an exclusive zoned franchise for  
14 commercial waste collections. Exclusive and rational  
15 zones and contracts with a single hauler in each zone  
16 selected through a transparent bidding process will  
17 reduce the number of truck trips. Improve  
18 contracting and regulation, improve safety for  
19 workers in our communities and open the doors for  
20 innovation. Zoning creates incentives for  
21 investments that are needed to achieve high diversion  
22 rates and therefore less burden on communities that  
23 host waste transfer processing. INTRO 157 provides  
24 concrete relief to these communities by making modest  
25 reductions to the permitted capacity of transfer

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2 stations in the most impacted neighborhoods. This  
3 will take trucks off the roads in these communities  
4 without the cities ability to meet its solid waste  
5 management needs. By timing the reductions to occur  
6 after the cities cleaner, safer and more modern  
7 marine and rail-based transfer stations become  
8 operational, INTRO 157-A ensures that there is ample  
9 capacity to achieve reductions. So, in conclusion, I  
10 just want to say that waste equity is a critical  
11 first step to transforming the entire commercial  
12 waste system from a polluting inefficient system that  
13 exploit workers in low-income communities to a  
14 fairer, more sustainable system. For these reasons  
15 working families firmly supports INTRO 157 and  
16 strongly urges the Council to pass it, thank you.

17 CHAIRPERSON REYNOSO: Thank you Janelle.  
18 I appreciate it.

19 ERIC BRUZAITIS: Good afternoon Chairman  
20 Reynoso, Council Member Levin. My name is Eric  
21 Bruzaitis. I am a member of the outrage steering  
22 committee and I'm also the Chair of the Community  
23 Board 1, Brooklyn Community Board 1 Transportation  
24 Committee. I want to thank you very much for holding  
25 this hearing and allowing me to testify today. I

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2 would also like to thank the co-sponsors, the 19 co-  
3 sponsors of the bill, as well as the other members of  
4 the committee and I hope that we can get Council  
5 Member Cabrera to come along and bring his group with  
6 him as well. Uhm, I'm very happy to see this bill  
7 reintroduced and give you my unmitigated support for  
8 it. We had hoped to have this pass in the past but  
9 we're happy to see it moving forward. With 19 co-  
10 sponsors, I hope that means that with a third of the  
11 council for it, that we can carry it over the goal  
12 post. A couple comments about truck traffic. Truck  
13 traffic in north Brooklyn, as the Chair is aware, we  
14 see about 5,000 truck trips a day. 50% of those are  
15 waste haulers. Many of those trucks are off route.  
16 We are expected to see an additional 200 plus with  
17 the expansion in the organics program that will be  
18 going to the water treatment plant. We also have an  
19 enormous number - a larger number of construction and  
20 demolition trucks that are hauling now because of the  
21 incredible growth in north Brooklyn. Not just on the  
22 waterfront but across community district one.  
23 Because of that, we're seeing higher asthma rates,  
24 second highest in the city and just to say that  
25 without this legislation, there will only be more

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2 truck traffic in north Brooklyn and not less. Its

3 important that we have this fair share distributed

4 across the city now, or at least in October of 2019,

5 but it needs to go forward now to reduce the burden

6 on a community that has been dealing with this

7 environmental injustice, not since the closure of

8 Fresh Kills Landfill but actually much before. Those

9 of you who don't know the history of north Brooklyn,

10 it was the economic engine of the United States from

11 the founding to up until about World War II, and

12 because of that there's a lot of environmental

13 degradation, somebody mentioned the oil spill before

14 and communities of color, poor immigrants have been

15 living cheek and jowl with these problems for

16 decades. We need to switch that script and hopefully

17 this legislation will do a lot to carry that forward.

18 I am concerned about - I'm happy to see Commissioner

19 Garcia in favor of this. I am dubious about her

20 enforcement goals. I don't know who's going out to

21 these waste transfer stations once a week, but

22 they're not doing anything about it and we need women

23 in Black for the budget that go out. So, four is not

24 enough. Thank you very much.

25



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2 CHAIRPERSON REYNOSO: Thank you. Thank  
3 you for your testimony and yeah, long before the  
4 transfer stations were there, we were dealing with  
5 incinerators in these communities. So, your right,  
6 that the trash issue has existed long before Fresh  
7 Kills got shut down. But thank you for your  
8 testimony Eric and thank you from Community Board One  
9 and the work you do in the Transportation Committee.  
10 You're a breath of fresh air out there.

11 MICHAEL HEIMBINDER: Good morning or I  
12 should say good afternoon. My name is Michael  
13 Heimbinder. I serve as Board Chair at the Newtown  
14 Creek Alliance and I want to thank Chair Reynoso and  
15 Council Member Levin for inviting testimony today.  
16 The Newtown Creek Alliance is a community-based  
17 organization that works to restore, reveal, and  
18 revitalize Newtown Creek. For those who aren't  
19 familiar, it's the dividing line between north  
20 Brooklyn and western Queens. We're unique in New  
21 York City because we advocate for environmental  
22 remediation, industrial retention and community  
23 health. Where many might see posing points of view,  
24 we have been able to find common ground. We  
25 appreciate the opportunity to bring this point of

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2 view to the discussion today. My testimony today  
3 will outline our strong support for INTRO 157. The  
4 neighborhood surrounding Newtown Creek hosted  
5 disproportionate number of truck-based waste transfer  
6 stations relative to the rest of the city.  
7 Collectively, these transfer stations handle almost  
8 40% of the over twelve million tons of waste moving  
9 through New York City annually. This is the densest  
10 concentration of waste transfer stations in the five  
11 boroughs and its clustering negatively impacts  
12 community health and public infrastructure. Since  
13 the first modern oil refinery was found on the creek  
14 in 1867, the water way has served as a conduit to a  
15 host of industrial businesses. Almost 9 million tons  
16 of supplies and product were floated on the creek at  
17 the peak of shipping in 1950. Since then, heavy  
18 industry has waned even mixed of wholesale handling  
19 and distribution uses. The concentration of truck-  
20 based transfer stations however, is a relatively new  
21 occurrence. They represent the more recent air of  
22 improvisation that came after in cities disposal  
23 options, like landfilling and incineration were  
24 shuttered without a backup plan for export. During  
25 this time, the 90's and early on transfer stations

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2 popped up in industrial zones like the south Bronx  
3 and Newtown Creek and we've been stuck with this  
4 clustering ever since. Even though a more  
5 centralized [inaudible 2:25:07] way shed  
6 infrastructure makes sense. Today's legislation  
7 represents a small step back to a more efficient and  
8 equitable strategy for handling solid waste. Today,  
9 I'm here to support a piece of legislation that will  
10 eliminate unused permitted capacity in the cities  
11 three most overburdened communities and subsequently  
12 ensure that new capacity throughout the city will be  
13 handled at marine transfer stations within each  
14 borough. Moving essential bulk materials by barge is  
15 the best practice that is more efficient economically  
16 and environmentally. A single barge has the same  
17 capacity as 28 to 56 long haul tractor trailer  
18 trucks, depending on the material. Compared to other  
19 transportation modes, barge transport of bulk  
20 materials is safer in terms of worker injuries and  
21 generates far fewer remissions of [inaudible 2:25:47]  
22 matter, hydrocarbons, carbon dioxide, CO2, Nitrous  
23 Oxide, on a per ton mile moved bases. While today's  
24 legislation is a step in the right direction, Newtown  
25 Creek Alliance hopes our leaders will take additional

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2 steps that will send correct market signals towards  
3 the reduction of waste export. Job creation and more  
4 specialized types of product recovery and increased  
5 reliance on maritime transit. Thanks again for your  
6 leadership and the opportunity to speak today.

7 CHAIRPERSON REYNOSO: Thank you. Thank  
8 you for your testimony and Eric, I don't know what it  
9 is, but it seems like your closing us out often. I'm  
10 going to move you up. I'm going to work on that.  
11 You're going to be the first person to speak in the  
12 next one.

13 ERIC GOLDSTEIN: You know, they say the  
14 first and the last are often the best. [Laughter].

15 CHAIRPERSON REYNOSO: There you go.

16 ERIC GOLDSTEIN: Thank you, Mr. Chairman.  
17 I'm Eric Goldstein from the Natural Resources Defense  
18 Council. I'll summarize a written testimony. The  
19 cities system for handling commercial waste is  
20 completely broken. INTRO 157-B is a long overdue  
21 step in the right direction. It's a modest step  
22 forward. It includes many features designed to  
23 ensure that sufficient capacity is preserved for both  
24 existing waste loads as well as unanticipated  
25 increase. The bill's restrictions apply to permitted

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2 capacity at these transfer stations which is far  
3 higher than the actually daily tonnage that these  
4 facilities receive on an ongoing basis. Of course,  
5 there are exceptions for organics handling in  
6 calculating the capacity limits. There are  
7 exceptions for waste handled by barge or rail. Every  
8 legitimate issue has been addressed by you and  
9 Council Member Levin and your staff over the many  
10 years in which this legislation has matured. But  
11 even this modest initiative has been a long time  
12 coming. As far back as 1989, New York City officials  
13 recognize the burdens of unequal distribution of  
14 undesirable projects like waste facilities when they  
15 included the fair share provision in the New York  
16 City charter. Fred Schwartz, who was the charter  
17 commission chair, told the city council we chose a  
18 process remedy, but our goal was a better  
19 distributional equity and despite these fair share  
20 goals, equity in terms of distribution of waste  
21 transfer stations has never happened. In deed the  
22 closure of Fresh Kills Landfill in 2001 led to an  
23 expansion of land-based transfer stations in already  
24 overburdened communities and then in 2006, New York's  
25 official solid waste management plan also promised to

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2 remediate this inequity in commercial waste handling,  
3 but little has changed. Take a look at the headlines  
4 on the cover of my statement. They go back almost 30  
5 years. I particularly like one. Poles ask feds to  
6 cut trash influx in three neighborhoods. That was  
7 17-years-ago. Its been 29 years since the adoption  
8 of the fair share provision. How long do these three  
9 communities, north Brooklyn, southeast Queens, and  
10 the south Bronx have to wait to be given some modest  
11 level of environmental justice. Even passage of 157-  
12 B will only be the first of several needed reforms.  
13 Without a complete revamping of the entire systems  
14 such as that envisioned by the sanitation departments  
15 plan for commercial waste zoning, New Yorkers will  
16 continue to be plagued by the pollution, traffic,  
17 pedestrian threats, diminished recycling, poor wages  
18 and working conditions for employees that currently  
19 characterize the private carting industry. To break  
20 this long standing [inaudible 2:29:12] NRDC strongly  
21 supports INTRO 157-B. We thank you and we thank  
22 Council Member Stephen Levin for your determined  
23 leadership and spearheading the efforts to get this  
24 bill enacted into law.

25

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2 CHAIRPERSON REYNOSO: Thank you Eric, I  
3 appreciate your testimony and with that we conclude  
4 this hearing. Thank you [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 1, 2018