

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.
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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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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 on 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 are 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 91st 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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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.

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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 –

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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.

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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.

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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?

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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.

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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?

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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.

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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,

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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 -

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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,

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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.

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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.

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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,

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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 32nd 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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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.

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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?

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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-

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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.

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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 impowers

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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%

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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.

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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

1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
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.

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1 COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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