

**TESTIMONY OF
ROBERT ORLIN, DEPUTY COMMISSIONER
BUREAU OF LEGAL AFFAIRS
NEW YORK CITY DEPARTMENT OF SANITATION**

**HEARING BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
FRIDAY, FEBRUARY 27, 2009 – 1:00 P.M.
CITY HALL – COUNCIL CHAMBERS**

Re: Intro. No. 840: In relation to increasing fees for permits issued to operators of dumps, non-putrescible solid waste transfer stations and putrescible solid waste transfer stations, and establishing registration fees for intermodal solid waste container facilities.

Good afternoon Acting Chairman Jackson and members of the Committee on Sanitation and Solid Waste Management. I am Robert Orlin, Deputy Commissioner of the Bureau of Legal Affairs for the New York City Department of Sanitation. I am here today to discuss Intro. No. 840, introduced at the request of the Mayor and under consideration by the Committee today. With me is Thomas Milora, Executive Assistant to the Commissioner, who oversees the Department's Permit and Inspection Unit.

Intro. No. 840 amends section 16-131(c) of the New York City Administrative Code to increase the annual fee for a permitted non-putrescible solid waste transfer station from thirty-five hundred dollars (\$3,500) to seven thousand dollars (\$7,000), and to increase the annual fee for a permitted putrescible solid waste transfer station from sixty-five hundred dollars (\$6,500) to thirteen thousand dollars (\$13,000). Intro. No. 840 also increases the annual registration fee for intermodal solid waste container facilities to seven thousand dollars (\$7,000).

The current annual fees of \$3,500 for a non-putrescible transfer station and \$6,500 for a putrescible transfer station have been in effect since the enactment of Local Law 40 of 1990, and the fees have not increased since Local Law 40 was passed 19 years ago. Local Law 40 consolidated the jurisdiction over the permitting of solid waste transfer stations in the Department of Sanitation and generally granted the Department broad authority over transfer stations and solid waste facilities.

At the time that the Department began enforcement of Local Law 40 in 1991, twelve (12) employees were assigned to the Department's Permit and Inspection Unit (PIU). This Unit is responsible for regularly inspecting all private transfer stations and intermodal facilities in the City. Since 1991, the Department has increased PIU staffing levels and currently employs a staff of twenty-four (24) people (17 officers, 5 supervisors and 2 administrative staff) and has a vacancy for an Administrative Project Manager who will be able to provide technical expertise to the Unit. This doubling in staffing has been necessary to allow the Department to conduct more thorough inspections of the City's 55 solid waste transfer stations (five transfer stations have dual

permits) and six (6) intermodal facilities and thereby ensure compliance with the Department's detailed regulations governing solid waste facilities.

In 2005, the Department amended its operational rules for putrescible and non-putrescible solid waste transfer stations. These new rules set forth stringent operational and maintenance requirements that serve to minimize the environmental impacts of transfer station operations. The rules contain standards for air emissions and require state-of-the-art ventilation, dust and odor control equipment at all solid waste transfer stations. The PIU Police Officers regularly inspect the City's transfer stations to ensure that the transfer stations are complying with these rules and the terms of their permits. The PIU officers also receive special training in United States Environmental Protection Agency visual calibration methods to determine the opacity and length of time of air contaminant emissions.

Additionally, PIU officers regularly inspect intermodal facilities to ensure compliance with DSNY's registration requirements. The officers check for quality of life issues such as vector control, volumes of material stored at the site and ensuring lawful entrances and exits for transport vehicles.

During Fiscal Year 2008, PIU conducted 4,782 inspections of transfer stations and intermodal solid waste container facilities. Intro. No. 840 will help the Department to defray some of the increased costs associated with the Department's PIU officers who help ensure that the City's private transfer stations and intermodal facilities comply with the terms of their permits and registrations and also ensure that the quality-of-life in the neighborhoods surrounding the transfer stations and intermodal facilities is protected.

PIU staffing levels have doubled since Local Law 40 was enacted in 1990, but there has been no increase in transfer station permit fees in 19 years. The proposed fee increase only covers a fraction of PIU's overall costs, and it is the Department's belief that the proposed fee increase will only insignificantly impact the operators of transfer stations and intermodal facilities.

Thank you for the opportunity to testify this afternoon. We would be happy to answer your questions.

**TESTIMONY OF THE
NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION
BEFORE
THE CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE
MANAGEMENT**

Intro. 840

February 27, 2009

Mr. Chairman, members of the Committee and distinguished guests, my name is David Biderman and I am the General Counsel for the National Solid Wastes Management Association (NSWMA). NSWMA appreciates the opportunity to submit these comments on Intro. 840 to the City Council's Sanitation and Solid Waste Management Committee. NSWMA is a national trade association that represents the solid waste and recycling industries. NSWMA's New York City chapter is the association's largest, and includes numerous companies that own and operate both putrescible and non-putrescible transfer stations in the City.

Intro. 840 is proposing to double the annual cost of transfer station permits, during the middle of the worst recession in the United States in at least a generation, and perhaps since the Great Depression. Solid waste companies are far from immune from the economic downturn. Tonnage is down at New York City's transfer stations, as businesses go bankrupt or reduce their waste generation in response to business slowing. This trend is expected to continue for at least the rest of this year. The majority of transfer stations in New York City are locally-owned facilities, and the proposed 100 percent increase in annual permit costs is going to be passed on to their customers. This will increase waste disposal costs for New Yorkers.

Several years ago, the Department of Sanitation issued regulations that required transfer stations to invest in expensive dust suppression, odor control and air emission systems. In response, New York City's transfer stations now have tire washing facilities, misting systems and are upgrading the heavy equipment used at these facilities. At least one company spent more than \$1 million to comply with these new rules. Now, the Department is proposing to double the annual permit fee, and there is no guarantee that they will not seek additional permit fee increases, or impose new fees in future years.

NSWMA recognizes that it has been more than a decade since the permit fees have changed, and that some sort of adjustment may be warranted. NSWMA notes that a few months ago, the City's rate cap on solid waste collection, which limits what carters are allowed to charge their customers, and which had not changed for more than 11 years, increased by about 30 percent. An increase of that magnitude would be acceptable to NSWMA and its members. If the City is insistent on a larger increase, NSWMA recommends that it be imposed over two or more years to ease the impact on transfer stations and their customers, and that the total amount of the total increase be somewhat less than the 100 percent increase proposed by this bill.

Thank you.



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**Testimony of
GAVIN KEARNEY
NEW YORK LAWYERS FOR THE PUBLIC INTEREST
on behalf of
THE ORGANIZATION OF WATERFRONT NEIGHBORHOODS (OWN)
before the
NEW YORK CITY COUNCIL COMMITTEE on SANITATION
AND SOLID WASTE MANAGEMENT
REGARDING INTRODUCTION NUMBER 840 of 2008
February 27, 2009**

Good afternoon and thank you for the opportunity to provide testimony today. My name is Gavin Kearney, and I am the Director of the Environmental Justice Program at New York Lawyers for the Public Interest (NYLPI). I am here today on behalf of the Organization of Waterfront Neighborhoods (OWN) to testify in support of Introduction 840 of 2008.

OWN is a City-wide coalition of community organizations from low-income communities and communities of color. OWN's members come from those communities that host the great majority of the City's waste transfer stations and endure the impacts they create. For more than a decade, OWN has been a strong advocate of environmentally sound and equitable solid waste management practices in NYC. OWN worked extensively with the City and City Council on the 2005 adoption of regulations that require transfer stations to operate in a cleaner, more environmentally responsible manner.

While the adoption of these regulations was a significant step, their effectiveness depends on the degree to which they are enforced, and enforcement requires funding. The Department of Sanitation has increase funding for enforcement since 2005 and this has provided positive benefits. Nonetheless, our communities still deal with a variety of negative impacts from transfer stations and waste carters that operate in violation of the law. These impacts include idling of trucks on streets, odors from facilities that operate with their doors open, and dust and debris in the streets from facilities that don't take proper measures to control them.

We support Intro. 840 because it will generate additional revenue for the Department of Sanitation while placing a very modest burden on the operators of waste-related facilities. We do so with the strong recommendation that these funds be allocated toward enforcement activity around waste-related facilities, particularly in communities with disproportionately high numbers of such facilities.

Thank you for the opportunity to testify.

**THE COUNCIL
THE CITY OF NEW YORK**

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Name: GAVIN KATHLEEN

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I represent: _____

Address: 151 W 30th St, NY NY 1001

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Name: David Berman

Address: _____

I represent: National Solid Works Mgmt Assoc

Address: _____

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