

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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April 30, 2019
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HELD AT: 250 Broadway - Committee Rm
14th Fl.

B E F O R E: ANTONIO REYNOSO
Chairperson

COUNCIL MEMBERS:
Margaret S. Chin
Fernando Cabrera
Paul Vallone
Costa Constantinides
Rafael L. Espinal Jr.
Chaim M. Deutsch

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

Noah Genel, Commissioner
Business Integrity Commission

Alyssa Preston, Deputy Director Air and
Noise Policies and Enforcement
Department of Environmental Protection (DEP)

Kendall Christiansen, Executive Director
New Yorkers for Responsible Waste Management

Patrick Highland, Executive Director
New York City Metropolitan Trucking Association

Steve Shengaras (sp?), New York City Chapter
Director
National Waste and Recycling Association

Phil Voss, Program Director
Energy Vision

Melissa Yushan, Senior Staff Attorney
Environmental Justice Program
New York Lawyers for the Public Interest

Justin Wood, Lawyer
New York Lawyers for the Public Interest
Transform Don't Trash

Tuk Oueole (sp?)
New York City Environmental Justice Alliance

Daisy Chung, Deputy Director
Alliance for a Greater New York

Adriana Espinosa, Director
New York City Program at New York League of
Conservation Voters

SERGEANT-AT-ARMS: Check. Check. Check.

Check. Today's April 20th, 2019's hearing is on Sanitation and Solid Waste being recorded by Cherise Torres.

[gavel]

CHAIRPERSON REYNOSO: Good morning, everyone. I am Council member Antonio Reynoso and I am the Chair of the committee on Solid Waste Management and Sanitation. I'm joined by Council member Margaret Chin of the Sanitation committee. I want to thank you for coming to today's oversight hearing on the implementation of local law 145 of 2013. In December 2013, the New York City Council passed legislation that became local law 145 of 2013 which required all commercial waste carters that's licensed by the Business Integrity Commission to install best available retrofit technology or be equipped with the US Environmental Protection Agency certified 2007 engine in all heavy duty commercial waste hauling vehicles by January 1st, 2020. We are now just about eight months out from the date that cars must be in compliance with local law 145. According to BIC, as of April 16th, 2019, the total number of vehicles that are mandated to comply with

local law 145 and 6123. Of these vehicles, 3825 are in compliance. Therefore, nearly 2300 commercial ways vehicles on the street are not yet in compliance. BIC has received only 83 financial hardship waiver applications and has granted 25 waivers. Compliance with local law 145 will help improve air quality and reduce pollution like particulate matter that is an essential goal and I am looking forward to understanding how BIC will ensure enforcement and why, after over five years, so many trucks are still not complying with the law. The truth is, though, that 2007 standards are not good enough for 2020. Trucks that comply with this law could be up to 13 years old when we reach the compliance date and potentially even older if retrofits are done to existing vehicles. This is hardly an achievement when one considers that Disney trucks, or DSNY trucks, are four years old on average. We need to be bold about reducing greenhouse gas emissions significantly if we want to mitigate the effects of climate change. I am eager to work with BIC and commercial waste carters to start thinking about how we can go even further to ensure that private sanitation is as clean as

possible. And I just want to stay, again, that we are in a crisis and in 2007 or when this bill was put together-- I just want to make sure-- in 2013. In 2013, I don't think the crisis was as obvious as it is today. The legislation itself, I think, was written poorly in 2013 and gave carters and out, a significant amount of time to get it right and then, when they get it right, to standards that right now we wouldn't even be considering considering the crisis, again. I don't think we're matching the urgency with this law. I think this is lightweight. At this point, insignificant in some degree and we will be looking into what we can do moving forward in the future to do better so that we are taking care of our environment. But, because this is the law on paper now, I want to make sure that we knew everything possible to make sure that we have as many trucks in compliance and then BIC is doing everything in its power to make sure that that happens. So now I would like to acknowledge Noah Genel who is the new Commission of BIC. Welcome and congratulations.

COMMISSIONER GENEL: Thank you.

CHAIRPERSON REYNOSO: And you guys can clap if you want. This is a big deal. Yes.

[Applause]

CHAIRPERSON REYNOSO: I want to clap. I had a good relationship with the previous Commissioner, but I do want to say that working with Noah it's been a great experience. I feel like you are extremely knowledgeable. I'm happy that there was a hire from the inside and I'm looking forward to the next three years with me, at lease.

COMMISSIONER GENEL: Thank you, Councilman.

CHAIRPERSON REYNOSO: Thank you. And Alyssa Preston with DEP. So, thank you so much for being here and when-- We're going to swear you in and then read your testimony. So--

LEGAL COUNSEL: Please raise your right hands. Do you affirm to tell the truth, the whole truth, and nothing but the truth in your testimony today and to answer council member questions honestly?

COMMISSIONER GENEL: I do.

LEGAL COUNSEL: Thank you.

COMMISSIONER GENEL: Good morning, Chair Reynoso and the other members of the city's Council Committee on Sanitation and Solid Waste Management.

My name is Noah Genel and I am the Commissioner and Chair of the Business Integrity Commission. With me at the table today is a list of Preston, deputy director of air and noise policies and regulations the New York City Department of Environmental Protection. Thank you for inviting us to testify at today's hearing regarding local law 145 of 2013: the vehicle omissions law for the trade waste industry. I would like to welcome Council members Chin and Constantinides who are new to the committee. We would be more than happy to set up a briefing with you, councilmember chin to give you background on BIC over and above what I will provide in my testimony today. I will begin with some background on local law 145 and then tell you how we are preparing for the law to go into effect next year. A study from 2013 commissioned by BIC and the environmental Defense fund found that heavy duty trade waste trucks spew a number of different harmful substances into the air that greatly reduce the city's air quality, cause illness, and contribute to climate change. Local law 145 of 2013 was passed in an attempt to combat these issues, setting new standards on those trade waste trucks and, as a result, helping to clean

the air we all breathe. The Business Integrity Commission, originally the Trade Waste Commission, was created by local law in 1996 to read the trade waste hauling industry of the grip of organized crime and various forms of corruption. Trade waste is essentially commercial garbage or waste. Soon after BIC was created, it was also given jurisdiction over New York City's public wholesale market and, for the past 23 years, BIC has fought with significant success against organized crime and another criminality in the industries it regulates. And over the past several years, BIC has prioritized taking action to improve safety in the trade waste industry and how the trade waste haulers conduct themselves on the city's streets. But we also have been focusing on another important issue which has received less public attention preparing for January 1st, 2020 when local law 145 of 2013 goes into effect and all heavy duty trade waste trucks will have to comply or be retired unless the company has received one of the few financial hardship waivers that BIC has issued. Local law 145 requires that, by January 1st, 2020, all trade waste trucks that use diesel fuel and has a gross weight of more than 16,000 pounds must have an

engine that meets federal EPA admissions standards for the year 2007 or later or utilizes best available retrofit technology as that standard is set by the DEP. Among other vehicles, the law covers all diesel fuel Packer trucks that carry traditional garbage as well as construction and demolition debris. This law was passed in late 2013. Its requirements are not something new. The law has been on the books for more than five years, though it has not yet gone into effect. All trade waste companies should be prepared for this effective date. I will repeat when it is. January 1st, 2020. It's a firm deadline. Compliance requires planning. This is not a change that can be made overnight, particularly for companies with multiple trucks. By buying additional trucks, new or used, or retrofitting older trucks takes time and costs money. But that is what is required to work in this industry. When BIC was created, the city made a decision that the trade waste industry needed regulation. It needed help to operate within the law. The trade waste industry provides an essential service to New York City. We all rely on business' waste to be collected and removed, but companies that operate in the industry must recognize that there are

more rules and regulations that they must comply with than in some other industries. We are at a time when conditions in our environment have been calm extremely important. When we all need to do what we can to support our environment. Proper implementation of local law 145 will help the city achieves its sustainability goals. This law requires trade waste companies to do their part in reducing air pollution. It is estimated that achievement of full compliance with the law by 2020 would result in a reduction of particulate matter released is the equivalent to taking 27,000 delivery trucks or 1300 inner-city coach buses off the road every year from 2020 to 2030. And this law will complement the city's transition towards commercial waste zones in which the city will be divided into zones and carding companies will bid for a contract giving them the right to operate in particular zones. This new system, once enacted, will also improve our environment by reducing the total number of miles traveled by those large trucks. I would now like to give you an update as to what we have done, where we are, and what we will be doing through the rest of this year to prepare for local law 145 to go into

effect. First, we have taken numerous steps to ensure that the industry is aware of its obligations under local law 145 and the timing of those requirements. Our action on this front began more than two years ago in March 2017 when the commission issued a directive requiring all licensees and registrants to submit a spreadsheet of fully data so that the commission could begin to track compliance with the local law. In April 2018, the commission debuted its online vehicle management portal which allows licensee is and registrants to sign into a website in which they can input all of the relevant data regarding their vehicles. Such data includes information that allows BIC to determine whether each vehicle is subject to local law 145 requirement. Along with the opening of the portal BIC published a user's guide. On April 2nd, 2018, the commission issued a directive requiring all licensees and registrants to submit their information into the vehicle management portal by May 4th. The commission subsequently sent three reminders to the industry regarding the deadline. In July 2018, BIC began issuing administrative violations to licensees who had not complied with the directive requiring them to

enter their vehicle information into the portal. To date, PICA has issued 162 violations for failure to provide vehicle data in the portal. On June 13th, 2018, the New York City Department of Environmental Protection held a hearing pursuant to the citywide administrative procedure act, or CAPA, regarding rules to establish requirements regarding retrofitting 2006 or older engines to make them local law 145 compliant. On June 20th, BIC held a CAPA hearing regarding financial hardship waivers. After considering the comments we received through the CAPA process, BIC created an electronic financial waiver application which went live on November 1st, 2018. BIC promulgated rules relating to the waivers which became effective November 16th. All waiver applications for existing licensees, registrants, and applications for a license or registration were due by January 1st, 2019. BIC sent three reminders about the deadline to the industry. Ultimately, we received 83 financial waiver applications. Of those, we granted 25 waivers. We may receive a limited number of additional hardship applications from companies applying for a license or registration for the first time after January 1st, 2019. We will

review those applications if and when they are submitted. That is a summary of the actions we have taken to promote compliance with local law 145. Now, I will give you a sense of where the industry is in terms of compliance. In the trade waste industry, BIC regulates approximately 2000 companies including roughly 300 licensees, 570 class one registrants, and 1100 class two registrants. Class one registrants haul waste that they generate during the course of their own business. Class two registrants haul construction and demolition debris exclusively. We also have a relatively small number of registrants who are trade waste brokers. Of BIC's licensees, approximately 90 of them haul putrescible waste, or commonly referred to as traditional garbage. Of the companies in the trade waste industry, there are approximately 6100 trucks that are subject to local law 145 requirements. That number may actually be slightly smaller because there are several companies in the industry that have it yet complied with the directive to submit their port-- their information into the portal. And we are assuming that all of those vehicles for which we do not have information are subject to the law. The approximate number of

trucks subject to local law 145 breaks down as follows: 1904 licensees, 400 for class one registrants, and 3800 for class two. As of April 29, yesterday, by our records, approximately only 62 percent of those trucks are in compliance with local law 145. Clearly, the industry has-- as a whole has a lot of work to do to reach full compliance by January 1. For the remainder of 2019, BIC will continue its public education and outreach campaign to educate the trade waste industry about local law 145 and its eminent compliance deadline. To this end, we are working closely with DEP to organize a resource fair to connect trade waste companies with the various vendors that provide retrofits. The fair will be held on June 19th, 2019 in Jamaica, Queens. We invite everyone to attend and will record the event for those who are unable to join us. We will also be distributing fact sheet regarding local law 145 trade waste transfer stations, sending regular reminders to the industry about the deadline for compliance and continuing to push for full information from the corridors regarding their fleets and compliance with the law. Thus, the next eight months will be a period of continued education,

making sure that everyone in the industry is aware of their obligations and how to fulfill them. Once January 1st, 2020 arrives, BIC's mission will change. The industry will have had more than six years to prepare for the effective date for local law 145. In the new year, the focus will be on enforcement. The message to the industry is this: if you have a noncompliant truck, keep it off the streets. If you use it, you are jeopardizing your entire business. We can issue administrative violations for that conduct, to 10,000 dollars for a noncompliant truck. There will be an opportunity to correct the issue within 60 days and avoid the penalty, but if not corrected, we can assess continuing penalties and addition of 500 dollars per day. Failure to comply can also jeopardize your trade ways to license or registration. I offer this review of BIC's remedies so that everyone is on the same page and so that no one can say that they were not aware of how seriously noncompliance with local law 145 will be treated. My hope is that we will not have to take such serious action because companies will comply with the law. Compliance is good for the individual businesses, is good for the industry as a whole, and it is good for

the people of the city of New York. I look forward to working on this issue with you, Chair Reynoso, and the other members of the city Council's Committee on Sanitation and Solid Waste. Now, we are glad to answer any questions that you have.

CHAIRPERSON REYNOSO: Thank you, Commission. And I guess my first question is for DAP because it is a clarifying question. Can we, as a committee, get an explanation as to what 2007 EPA standards-- what does that mean? I don't know if you can answer, but I just want to know can you buy a truck from 2000 me and be in compliance with these standards? I just want to understand that so that we can better ask-- ask better questions.

DEPUTY DIRECTORY PRESTON: So, 2007 or later would be deemed in compliance. When the law was passed, 2007 EPA standards standards that EPA certified to have the best omission reduction for primarily PM and secondarily nox.

CHAIRPERSON REYNOSO: Okay.

DEPUTY DIRECTOR PRESTON: And therefore, anything after 07 and be compliant, as well.

CHAIRPERSON REYNOSO: Okay. So, to put this in perspective, if you buy a 2008 truck, it would probably be in compliance.

DEPUTY DIRECTOR PRESTON: It would be. Yes.

CHAIRPERSON REYNOSO: It would be in compliance.

DEPUTY DIRECTOR PRESTON: Yes. It would absolute--

CHAIRPERSON REYNOSO: in 2008 and--

DEPUTY DIRECTOR PRESTON: Yes.

CHAIRPERSON REYNOSO: we are in 2019.

DEPUTY DIRECTOR PRESTON: Correct.

CHAIRPERSON REYNOSO: So you can have an 11-year-old truck right now and be in compliance?

DEPUTY DIRECTOR PRESTON: Yes. Based on the law, the way it was, it is-- would be in compliance. That is correct.

CHAIRPERSON REYNOSO: Okay. And I'm going to try to do some background, political background here. When the legislation was passed in 2013, through lobbying efforts by the industry, they were able to get many concessions and one of those concessions they had was to be able to push the

timeline by which they have to comply, push it up to 2020. So they got seven years to get it right for a truck and seven-- that six years ago in 2013 would have been compliant. So I just want to put it in perspective because a lot of folks think that what we are trying to do is owner as and we are putting the squeeze on the business. You can buy a truck in 2008 and being compliance right now, which is--

DEPUTY DIRECTOR PRESTON: Correct.

CHAIRPERSON REYNOSO: 11-- an 11-year-old truck would be in compliance. So I just wanted to put that in perspective. Out of all the companies that have fleets, how many companies are in compliance? Total compliance, I guess? Are there any companies that are 100 percent within local law 145?

COMMISSIONER GENEL: I believe that there are companies that are 100 percent and, you know, some companies are very small and has very small sleeves. I don't-- I have-- I've gone by the number of tracks, so I don't have the total number of companies with me, but I'm happy to look into that for you.

CHAIRPERSON REYNOSO: Yeah. I would like to know the-- just the general companies. And also you just mentioned-- I want to just ask questions on them. There are small companies that are compliant?

COMMISSIONER GENEL: Yes.

CHAIRPERSON REYNOSO: There are midsized companies that are compliant?

COMMISSIONER GENEL: Yes.

CHAIRPERSON REYNOSO: And there are large companies that are compliant?

COMMISSIONER GENEL: Yes. I-- as far as the largest companies, I would have to look to see if they are 100 percent compliant. I know that they are-- and, you know, I've had discussions with executives from many of the larger companies and I know they are working their way towards them.

CHAIRPERSON REYNOSO: Right. So, a large company with, you know, tons of trucks inside 80 percent, that's a good-- a good-- the ball is rolling in the right direction, I guess you can say.

COMMISSIONER GENEL: And I can also tell you that, as far as the financial hardship application, I believe that the company with the

largest fleet that was granted a waiver was seven trucks.

CHAIRPERSON REYNOSO: But they needed seven more trucks [inaudible 00:20:03].

COMMISSIONER GENEL: No. It's 47 trucks. So, the waiver--

CHAIRPERSON REYNOSO: Okay.

COMMISSIONER GENEL: is granted to bring your entire fleet into compliance, so that is a relatively sm-- you know, that's a--

CHAIRPERSON REYNOSO: Right. So the--

COMMISSIONER GENEL: It's small.

CHAIRPERSON REYNOSO: But there seems to be some level of equity when it comes to his then compliance, I guess. So, our equality here, we're not hurting small companies, medium-size companies, or large companies. Everyone has to fall in line and it seems like you have, from each bucket, there are companies that are compliant.

COMMISSIONER GENEL: Yes. As far-- I mean, yes. I believe that that's true.

CHAIRPERSON REYNOSO: Okay. Of the hardship waivers, can you give me an example of the

common reasons guys know why they received the waiver? A company--

COMMISSIONER GENEL: So--

CHAIRPERSON REYNOSO: might receive a waiver?

COMMISSIONER GENEL: So, we had four criteria that you had to meet in order to receive a hardship waiver. First, you to show us all of the actions that you had taken up to date in order to come to compliance. So, if you had done nothing to date and just decided that now you would apply, that was not going to work well for you. Then you had to provide documentation and bringing your fleet into compliance would cost more than 30 percent of the average gross revenue from the previous three years for your company. Then you had to show a good-faith effort to obtain financing for the cost of bringing your fleet into compliance and you had to also provide a written plan that would show how and when you would expect it to be to come into compliance.

CHAIRPERSON REYNOSO: These waivers, are they completely exempting the company from having to comply with local law 145?

COMMISSIONER GENEL: It's a two year delay. So, and under the law, the waivers were permitted to be up to two years and renewable. And so there-- you would be able to apply for renewal at the-- before the end of the two years, but you-- all tracks must be in compliance by 2025.

CHAIRPERSON REYNOSO: So, how many tracks-- so how many waivers were-- were--

COMMISSIONER GENEL: 25.

CHAIRPERSON REYNOSO: requested? They were given--

COMMISSIONER GENEL: Oh, how many-- 83 waivers were requested. 25 were granted.

CHAIRPERSON REYNOSO: Does that mean all the other ones were denied?

COMMISSIONER GENEL: Yes. It's--

CHAIRPERSON REYNOSO: Ah.

COMMISSIONER GENEL: I think there is one pending.

CHAIRPERSON REYNOSO: Okay.

COMMISSIONER GENEL: And one was withdrawn.

CHAIRPERSON REYNOSO: Okay. And then, of the 25, how many trucks are within that-- those 25? Because it's a company, right, asking for--

COMMISSIONER GENEL: I think it's 49 total trucks.

CHAIRPERSON REYNOSO: So, we have 49 tracks that have two more years-- that are going to get more years to comply?

COMMISSIONER GENEL: Of a total fleet of about 6100 trucks.

CHAIRPERSON REYNOSO: Right. Right. No. No. So, I know it's a low number. I definitely know it's a low number. I'm-- I just get concerned when I feel that we've done everything in our power to give time, education, and so forth for folks to comply that we just get to a point where there is 50 trucks in the streets that are gonna [sic] then-- that are not compliant with 2007 EPA standards. Answer extremely concerning.

COMMISSIONER GENEL: I understand. So, the 49 tracks, I think, less than one percent of the total fleet and the law contemplated there being a hardship waiver. And so, the--

CHAIRPERSON REYNOSO: Okay. Okay.

COMMISSIONER GENEL: I think it was, we had to promulgate the rules of one's hardship waiver was in the law, we had to do something with it and I think that we were fair in how we went through.

CHAIRPERSON REYNOSO: All right. So, I just want to keep stacking here so that week and be-- we understand how this works. In 2013, elected officials decided that they wanted allow for these trucks-- they wanted to have these tracks to be compliant for 2007 standards, so they pushed it back six years. They said 2007 standards. And then they gave them seven years to get into compliance. The-- So that's-- So then they react-- Or six years to get into compliance for 2019 to 2020. And then in the legislation they also added that there would be a hardship waiver that would be added that would be a part of. So I just want to know the amount of courtesy and that was given to this industry so that they could get into compliance. That's why it's frustrating for me to see that we even have 49 tracks that need this, considering the amount of give back I was given to the industry when this bill was written. How many-- So, BIC reached out three times or gave three times for folks to at least register their

trucks. How many companies have not even registered their trucks? Like to-- I guess, register their trucks not from the waiver, necessarily. How do I put this? Yeah. For the reporting of it. How many tru-- Or how many trucks exist in the industry, I guess is how I would say it.

COMMISSIONER GENEL: So, the number of trucks that would fall under local law 145 is about 6100 trucks that there are more trucks in the industry-- I think that there are about 7500 total trucks registered with BIC, but they don't all fall within--

CHAIRPERSON REYNOSO: Okay.

COMMISSIONER GENEL: the requirements of local law 145. They're probably too small.

CHAIRPERSON REYNOSO: Uh-hm.

COMMISSIONER GENEL: and so, but of the truck that are required, that's about 6100.

CHAIRPERSON REYNOSO: I want to have a larger conversation before because I'm going to the for my colleagues to ask questions. Conversation about the impacts of the fact that-- What is the percentage of folks in compliance right now of the industry?

COMMISSIONER GENEL: 62 percent of the fleet-- the total fleet of the industry. So it's not by company and I understand that you are interested in that and we will look into that, but--

CHAIRPERSON REYNOSO: Yeah.

COMMISSIONER GENEL: about 62, about 3800 trucks are compliant which is about 62 percent of the fleet that is covered by local law 145.

CHAIRPERSON REYNOSO: Are there any projections that could be made about what the end-- the percentage at the end of this will be, give or take?

COMMISSIONER GENEL: I can't give a projection on that. I do know people tend to wait until the last minute--

CHAIRPERSON REYNOSO: Yes.

COMMISSIONER GENEL: to do these sorts of things. We're urging the industry not to do that and, as I said in my testimony, this can't be done overnight and it requires a lot of planning. And six years is a long time to plan and so I don't know. I assume that there will be some noncompliant trucks out there. Probably a large number of noncompliant

tracks and that's when our mission changes from education to enforcement.

CHAIRPERSON REYNOSO: Okay. I want to ask about the landscaping. So, the landscaping accounts for the smaller portion of the trucks in the city of New York--

COMMISSIONER GENEL: Yes.

CHAIRPERSON REYNOSO: and under your purview or your oversight.

COMMISSIONER GENEL: Yes.

CHAIRPERSON REYNOSO: And they are also smaller trucks. They generally tend to be smaller trucks than waste trucks.

COMMISSIONER GENEL: I think generally that's true, but some landscapers to have trucks that fall within the law.

CHAIRPERSON REYNOSO: Oh, okay. Has there been an issue with the landscaping industry complying or have they been as compliant or are they fully compliant? Just-- I just want to get an overview. The landscape of the landscaping industry.

COMMISSIONER GENEL: Yeah. I don't know that they are fully compliant. I have-- They have not been sticking out as a special either problem or,

you know, I would say that it is all in sort of across the board. I think-- I think in my testimony-- I haven't broken it down in my seat, but in my testimony I think I do go through class one, class two, and licensees.

CHAIRPERSON REYNOSO: Uh-hm.

COMMISSIONER GENEL: Landscapers are a subset of class one.

CHAIRPERSON REYNOSO: Okay. A subset of class one. I want to have a conversation. I think we intended to push legislation to figure out a way to exempt landscapers completely.

COMMISSIONER GENEL: Uh-hm.

CHAIRPERSON REYNOSO: But we are also having conversations about whether or not that would make sense considering, again, how lax or how-- want to say how weak this legislation is when it comes to like the requirements for businesses, but I don't think that the landscapers represent a significant-- how do I say it? Burden. On our city. So I want to allow for Council members to ask questions before I finish up. So, Council member Chin?

COUNCIL MEMBER CHIN: Good morning.

COMMISSIONER GENEL: Good morning.

COUNCIL MEMBER CHIN: Can you give a--
Do you have any idea how much a truck would cost?

COMMISSIONER GENEL: So a new--

COUNCIL MEMBER CHIN: One that meets the
requirements.

COMMISSIONER GENEL: A new truck could
cost up to 200,000 dollars, but in order to be
compliant with this law, you don't need to buy a new
truck. You can buy a 2008 truck and it will be in
compliance.

COUNCIL MEMBER CHIN: And how much would
a 2008 track cost?

COMMISSIONER GENEL: That I don't know,
but--

COUNCIL MEMBER CHIN: Well, we should
find out. And then how much would it cost to
retrofit an old truck?

COMMISSIONER GENEL: So, retrofitting,
it's not one-size-fits-all, so it depends on the
truck, but it can run between 17,000 and 28,000
dollars.

COUNCIL MEMBER CHIN: Okay. You know
that in your testimony are talking about the city is
going to transition towards a commercial waste zone

in order for-- and the company would have to bid for the contract.

COMMISSIONER GENEL: Yes.

COUNCIL MEMBER CHIN: With having-- One of the requirements, I would assume is that their truck has to be in compliance--

COMMISSIONER GENEL: Yes. That is--

COUNCIL MEMBER CHIN: before they could bid for the contract.

COMMISSIONER GENEL: Yes.

COUNCIL MEMBER CHIN: So that would be an incentive to get them to be in compliance as soon as possible, right? Because when is this commercial waste zone go into effect?

COMMISSIONER GENEL: Well, it hasn't. It is still being worked on. There is no definite date. We have a number of Department of sanitation here that could probably speak to the, but it's in the works, so it hasn't been fully developed yet.

COUNCIL MEMBER CHIN: As soon as we can do it, right? Okay. Thank you.

CHAIRPERSON REYNOSO: Council member Vallone?

COUNCIL MEMBER VALLONE: Thank you
Chair. Good morning. I would like to join with you
on the idea with the landscaping industry. As many
of those hard-working small generational companies,
maybe we gave them a temporary, until we figure this
out. Because I get nervous with the time frame
around the corner and most of those folks probably do
not have the ability to do that. Welcome aboard.

COMMISSIONER GENEL: Thank you.

COUNCIL MEMBER VALLONE: Nice to meet
you. As always, I get nervous when the first thing
we need to raise fines. So, besides providing time
in education, Wayne January comes along, is the plan
to issue the 10,000 dollars finds or is there a plan
to give a grace period warning or some type of first
chance first effort? Before a violation is issued.

COMMISSIONER GENEL: Well, first of all,
to what I'm doing here today is a warning, but we
are-- you still have eight months to go and--

COUNCIL MEMBER VALLONE: [interposing]
But there is no financial assistance.

COMMISSIONER GENEL: But there--

COUNCIL MEMBER VALLONE: So, it's still
on the companies to comply with an--

COMMISSIONER GENEL: Yes.

COUNCIL MEMBER VALLONE: unfunded
mandate provided by government, correct?

COMMISSIONER GENEL: Yes.

COUNCIL MEMBER VALLONE: Which is what
we always do. So I get that. So, coming from a
small business background, it's not that easy--

COMMISSIONER GENEL: Yes.

COUNCIL MEMBER VALLONE: to do that.

COMMISSIONER GENEL: So--

COUNCIL MEMBER VALLONE: So, the city
is providing no financial assistance?

DEPUTY DIRECTOR PRESTON: If I could
just interject, when we passed this with city Council
when we signed onto it with the city Council's
behest, in 2013, we-- NYSERTA actually had funding
available. That is in part why there was a lag from
2013 to be implementation of 2020. It was to allow
this group of 16,000 gross vehicle weight vehicles,
trade waste vehicles to comply. So funding was
available and we wanted those companies, particularly
those smaller companies, to avail themselves of those
funding. You're right. Currently the funding is no
longer available, but--

COUNCIL MEMBER VALLONE: How long was available for?

DEPUTY DIRECTOR PRESTON: It was a short period of time, for fair disclosure, but it was available for a duration of time to assist.

COUNCIL MEMBER VALLONE: Is there any chance to reimplement that the last six months to maybe get this final group of tracks a little help or push to get to that goal?

DEPUTY DIRECTOR PRESTON: It wasn't city funding.

COUNCIL MEMBER VALLONE: I mean, we want to get to the call. I just want to also--

DEPUTY DIRECTOR PRESTON: Of course.

COUNCIL MEMBER VALLONE: want to provide some ways of means to get there without somebody getting hit with a 10,000 dollar fine and maybe they're making the efforts. I don't know why some of the waivers didn't make it. I don't know if it was close or if they weren't even close or if it was a technicality or it was just pie-in-the-sky dismissal of the waiver, but is the waiver. Still open?

COMMISSIONER GENEL: No.

COUNCIL MEMBER VALLONE: So, when did that close?

COMMISSIONER GENEL: So, all applications had to be in January 1st, 2019.

COUNCIL MEMBER VALLONE: Of this year. So, there is no pending waivers, is there?

COMMISSIONER GENEL: There is one pending waiver. We are still waiting for some information. So we have tried to work with the companies that did apply and we granted 25 of the 83 and the other ones, some of them did not actually mean the waiver because, after speaking to them, they said, we'll be in compliance by January 1st. So, that-- You don't need the waiver for that. And then there were some that were unable to provide us with any sort of plan that-- how they would get into compliance. And, of course, there were some that were closer, but we tried to err on the side of granting while, at the same time, trying to, you know, make sure that as many trucks as possible were going to be compliant on the effective date.

COUNCIL MEMBER VALLONE: No. I agree. I don't think there's anyone up here that doesn't want this to happen. I'm just trying to find the

best way possible that's not going to create a 10,000 dollars fine. I'm always worried about first-time offenders. I'm not ever looking to help those who got multiple offenses and just complete disregard of our laws whether they are landlord, whether they are a truck driver. Somebody is trying to do the right thing and didn't do it. I get very upset when they get slapped with a 10,000 dollars fine instead of us saying, hey, you've got a warning. If we catch you again, we've spent-- we gave you 10 years to get ready for this and we gave all sort of things. I'm not just a big fan of a 10,000 dollar fine for any first-time offense for anything.

COMMISSIONER GENEL: If I can make one comment about the fine, is that there is a 60 day period to cure--

DEPUTY DIRECTOR PRESTON: Uh-hm.

COMMISSIONER GENEL: the-- so they'll get the fine and then--

COUNCIL MEMBER VALLONE: Yeah. But the cure is--

COMMISSIONER GENEL: they have a--

COUNCIL MEMBER VALLONE: to buy a 200,000 dollar vehicle. So--

COMMISSIONER GENEL: Or retrofit your vehicle which is between seven-- Our estimate is between 17 and 28,000. So, it's still an expense, but the-- you would have 60 days to cure it and then, if you are unable to cure it, then you would get the fine.

COUNCIL MEMBER VALLONE: That's one way. I would've rather it done: you're getting a warning. The next one is fixated compliance and if not, go to town. Do what you have to do. At that point in my l-- maybe my patience wears thin at some point if somebody is not in compliance, but I would just urge that maybe we think about giving a waiver. For folks to get in compliance. 10,000 dollars is a lot of money for us to do that. The last thing is, of the 62 percent that are in noncompliance--

COMMISSIONER GENEL: That are.

COUNCIL MEMBER VALLONE: That are compliant. So the remaining 48 percent that are not compliant. What do you find that is the main reason why they are not compliant? Is it cost or something else?

COMMISSIONER GENEL: So, the 38 percent, which I think is 20-- about 2300 trucks, I mean, at

this point, they are not required to be in compliance, so I don't know specifically truck for truck wide. I do know that companies with larger fleets have been doing this over time.

COUNCIL MEMBER VALLONE: Uh-hm.

COMMISSIONER GENEL: and so, like I said, you can't do it overnight. So, they have been blending in new trucks and retrofitting their trucks and I'm hopeful that there are-- that most of those companies are doing that. I am sure that there are some companies that are going to wait until the last minute to do it. So I'm sure that there is a variety of reasons, but I don't know specifically for most of them why they are not compliant.

COUNCIL MEMBER VALLONE: Oh. So we don't know even with the companies that are transitioning to be calm compliant that, of that 38 percent some of that might be in that number that it is just taking time to get to the right place?

COMMISSIONER GENEL: Yeah.

COUNCIL MEMBER VALLONE: I was thinking maybe it's just 38 percent that you haven't heard from. They are just--

COMMISSIONER GENEL: No.

COUNCIL MEMBER VALLONE: completely disregarding the--

COMMISSIONER GENEL: In fact, we heard from them because we have their vehicle information and our portal. And so, there are some companies use. It's a relatively small group that have not even given us any information about their vehicles. But, for the ones that have, we are able to track whether they are or aren't compliant and so that's a good thing that we have their vehicle information and I am hopeful that, as we get closer, more and more, you know, that percentage of compliance is going to go up.

COUNCIL MEMBER VALLONE: I wonder if there is even trucks that are-- maybe they are just transitioning completely out and being replaced. So, if I have two old ones, they may just be getting one new one, so we won't be able to tell.

COMMISSIONER GENEL: Right.

COUNCIL MEMBER VALLONE: Until it actually happens. So, my last point would be just too, you know, possibly think of a grace period for the first time violators to get, especially someone, whether it's a language barrier, an immigrant barrier

or something that may be just, as much as our efforts as best we could, that is why the landscaping industry concerns me because it definitely has some of that. Trying their best to not hit-- start it off with a 10,000 dollars fine. Thank you, Chair.

CHAIRPERSON REYNOSO: Thank you. And I just want to ask some clarifying questions. So, first-- So, by law, do all these trucks need to be registered with BIC?

COMMISSIONER GENEL: Yes. If you are a trade waste track, if you are a company that is licensed or registered with us and you are using the truck to take our trade waste, you have to register with us and you have to receive a license, a BIC-issued, license plate.

CHAIRPERSON REYNOSO: Are there people that don't-- Are there companies that don't have that? Haven't done that? So you're saying 6100 trucks within the classes that we are talking about, they all have registered their trucks, so you have that information, but you are talking about some nonregistered tracks. So who are those? Who are those trucks?

COMMISSIONER GENEL: I'm talking-- I think-- I'm talking about trucks that have not-- Companies that have not put their information into our vehicle management portal so that we know that there are-- it's a true with a BIC license plate, but we don't know the specifics of the track because they haven't given us all the--

CHAIRPERSON REYNOSO: I see.

COMMISSIONER GENEL: complete information.

CHAIRPERSON REYNOSO: So you have 6100 trucks on-- registered and you want 6100 trucks-- you want to know what the parameters by which they are operating now. That's another--

COMMISSIONER GENEL: Right. That's--

CHAIRPERSON REYNOSO: Another Excel document that they need to fill out to make sure that you know if they're in compliance.

COMMISSIONER GENEL: Yeah. It's a-- So, we actually have 7500 total trucks, but they're not all--

CHAIRPERSON REYNOSO: Right.

COMMISSIONER GENEL: coming under 145. Of the 6100 that, under 145, for most of them, we

have the information in our vehicle portal which they can just go online and put in an, but there are still some companies that haven't done that and we have been trying to track them down, issuing violations and requiring compliance. We are much more interested in compliance than issuing a violation.

CHAIRPERSON REYNOSO: So-- Right. So there trucks in the portal that are not in compliance, yet, but they-- they have to still register with the portal until we get to compliance. So there is a transition happening here where 6100 trucks-- How many are not in the portal right now?

COMMISSIONER GENEL: Just-- There 118 out of that 6100 that are not-- we don't have the information in our portal.

CHAIRPERSON REYNOSO: All right. Say it a-- One hundred and---

COMMISSIONER GENEL: 18.

CHAIRPERSON REYNOSO: So we could-- I'm going to assume that those folks are just gone. Those trucks are gone. They're not coming back. If you don't register, I just don't feel that there is-- there will be an attempt thereafter to prove whether or not the truck was registered. It could be done

through attrition, possibly, for some reasons, but 118 trucks. I feel like this first step is in an onerous step. And people are getting fines for not getting put into the portal, so they are already being told that this is something that they need to do and they're not doing it. And how are those fines working? Are they getting them monthly or do they just get one fine?

COMMISSIONER GENEL: So, no. they've-- and frank-- We've been able to get a lot of compliance through this process. We will issue the fine and then get on the phone with them and say, listen, we need-- In order to settle this, we need to get your information and, before we will settle, you need to again end of the portal and give us the information. And that's been working. It's a large task for a small ancients and so--

CHAIRPERSON REYNOSO: Right.

COMMISSIONER GENEL: we've been working our way through it.

CHAIRPERSON REYNOSO: Right. So, they get a fine. They could work their way out of that fine just by registering and in the portal?

COMMISSIONER GENEL: Yeah. We're not--
I mean, we-- I think we still-- We reduced the fine
significantly. You still get some fine--

CHAIRPERSON REYNOSO: I see.

COMMISSIONER GENEL: but it's not a, you
know, compared to what the maximum is, it's minimal
and we get the information.

CHAIRPERSON REYNOSO: Okay. And before
we leave them going to be doing some research about
how much of 2008 truck costs, so that we can have a
better understanding of what that is. Does anyone
know why the 2008 truck-- a range of what they would
cost? I'm just-- You know, I'm looking at a 2018
Nissan Rogue and what the price of a 2000--
[laughter] 2008 Nissan Rogue would cost and I-- and,
you know, they're, pretty much, giving those away
right now. So, I'm just going to put that in. I'm
going to try to figure out exactly how much a 2008--

DEPUTY DIRECTOR PRESTON: We'll look it
up, Chair.

CHAIRPERSON REYNOSO: because that's
important for us to have perspective. And I do want
to state that, yes, if you have 10 tracks and you are
trying to convert them all in one year, it is going

to be an expense, but because we have giving you 10 years to figure this out, that-- or six years to figure this out, that maybe you should've been buying trucks on a slow, steady rate. But I'll check to see what that cost is and if you guys fine it in the time that you're there, that would be great.

[Background comments]

CHAIRPERSON REYNOSO: We also have questions from Council member Deutsch from Brooklyn.

COUNCIL MEMBER DEUTSCH: Thank you very much, Chair. You mentioned in your testimony-- It says here that 83 financial hardship waiver applications and then granted 25 waivers. What consists of financial hardships?

COMMISSIONER GENEL: So, we had four criteria that you had to show us in order to get a financial hardship. You had to show us the actions that you've taken up until the time that you applied to try to get in the compliance with the law. You had to show us that bringing your fleet and new compliance would cost more than 30 percent of your average gross revenue over the prior three years. You had to show a good faith effort to secure financing and have been unable to do so and then you

also had to show us a plan for how you are going to get into compliance if you were given the waiver.

COUNCIL MEMBER DEUTSCH: And how long is the waiver good for?

COMMISSIONER GENEL: It's two years that it is renewable, but, under the law, by 2025, there's no more waivers. Everybody needs to be in compliance.

COUNCIL MEMBER DEUTSCH: Ah. So people-- So, they could get a waiver up until 2025 if they have those financial hardships.

COMMISSIONER GENEL: Hypothetically. Yes.

COUNCIL MEMBER DEUTSCH: Uh-huh. Got it. Okay. I just want to say-- I just wanted to say, actually, I want to complement BIC. I know that, in my district, there were several trucks that had the plug was under the truck that was-- they-- everything is supposed to be closed and all that when they picked up the trash, all the leakage came out and especially during the summer months, they get-- you know, they go against the leakage goes against the curb and just has a horrible smell. So after I

contacted the office, your office was extremely,
extremely helpful.

COMMISSIONER GENEL: Thank you. That's
good to hear.

COUNCIL MEMBER DEUTSCH: You took care
of the issues that I had in my district working with
the private carting companies. So I just want to say
thank you.

COMMISSIONER GENEL: Thank you.

COUNCIL MEMBER DEUTSCH: Yeah. We
had--

COMMISSIONER GENEL: Thanks for telling
me.

COUNCIL MEMBER DEUTSCH: We had a very
good experience working with your office.

COMMISSIONER GENEL: Thank you. Look
forward to working with you in the future.

COUNCIL MEMBER DEUTSCH: Thank you.

CHAIRPERSON REYNOSO: Okay. And then--
So, we did some research and we found [laughter]
35,000 was at the low end, but we also found a 2008
truck for 41,000. So, what we are seeing here is
that it is under 50K you could probably find a 2008
vehicle, for the most part. So just put-- It's

still money. It's still money. I don't want to act like it isn't. I just want to put it in perspective to this 200K is a brand-new shiny one and we looked at that too. There is some that are 250. There are some that are 300.

[Background comments]

CHAIRPERSON REYNOSO: And there was one now it's like 192 that was a 2018 truck. So, if you guys want trucks, you can give me a call. [Laughter] I just want to say I'm looking at it at a general website. I'm pretty sure the guys that buy trucks know how to get these trucks in a more-- in a smarter way than that. So, I'm assuming they can get better deals than I can. But I just want to, again, just put things into perspective. I really need that to be said. In 2013 they allowed for the standards to be in-- 2007 standards that were-- made sense because in 2007 was when the EPA--

DEPUTY DIRECTOR PRESTON: Those were the--

CHAIRPERSON REYNOSO: let me--

DEPUTY DIRECTOR PRESTON: highest standards available.

CHAIRPERSON REYNOSO: The highest standards--

DEPUTY DIRECTOR PRESTON: Yes.

CHAIRPERSON REYNOSO: available was in--

DEPUTY DIRECTOR PRESTON: Correct.

CHAIRPERSON REYNOSO: 2007.

DEPUTY DIRECTOR PRESTON: Right.

CHAIRPERSON REYNOSO: So we said 2007 standards in 2013 and then we said, you know what? We're going to give you until 2020. January 1st of 2020, right?

DEPUTY DIRECTOR PRESTON: Yeah.

CHAIRPERSON REYNOSO: January 1st of 2020. We are also going to put in a hardship waiver to give you an opportunity to do that in that time. NYSERTA was also giving out grants.

DEPUTY DIRECTOR PRESTON: Correct.

CHAIRPERSON REYNOSO: Um--

DEPUTY DIRECTOR PRESTON: At the beginning.

CHAIRPERSON REYNOSO: Yes. This business, this industry, there's about 80 companies that do this work, give or take, in this industry. It's very tightknit. Very-- Everyone knows each

other. This is not news to anyone in this industry that local law 145 exists. It's not news to them that the deadline is coming up. You've been doing countless amount of work. I went to the ha-- I went to the hardship waiver hearing. I spoke at that hearing. I actually got a very good testimony from two industry associations that actually said that we want our folks to be in compliance and encouraging that to happen. The biggest concern I heard was from the folks that do the landscaping and that, you know, they have, you know, like in 1940 Ford or something. So, I just want to just note that we have done everything in our power to really put this industry in a position where it can achieve this goal in a reasonable way. So, I want to thank you for your testimony and we're going to be hearing from two panels. Good. Good. So this is the industry panel. So we have Kendall Christiansen from the New Yorkers or Responsible Waste Management. Patrick Hyland from New York City Metro Truck Association. Phil Voss from Energy Vision and Steve Shengaras from-- What? Private Action?

[Background comments]

CHAIRPERSON REYNOSO: We're just going to say-- Yeah. NWRAC. You wrote private carters.

[Background comments]

CHAIRPERSON REYNOSO: Okay. Kendall, do you want to start?

[Background comments]

KENDALL CHRISTIANSEN: Council member, I'd be glad to-- This is on, right? Chairman Reynoso and members of the committee, particularly Council member Chin, welcome. My name is Kendall Christiansen. I serve as Executive Director of New Yorkers for Responsible Waste Management which is a consortium of approximately 25 locally owned and operated waste and recycling service companies licensed by BIC. We primarily serve and also supplement the department of sanitation's needs on the municipal side. I have a written statement that has been distributed, but I'm glad to join the discussion and offers some perspective from the industry. I returned-- Well, let me just start by saying that I reviewed the transcript from 2013 because I was not in this role of then and it was illuminating to see the discussion about the air quality omissions at that point. Council member

Vallone, your brother led a discussion for the first 10 minutes of the hearing about the impact on bikers and, I guess, this was an earlier draft of the law that didn't get implemented, but they were apparently showed up in force for the hearing, but there was also discussion about boilers and buildings and onsite stationary equipment, char boilers and restaurants, and other large-scale omission generators before they got around to talking about commercial waste vehicles. With respect to the BIC's testimony, I think it's important to remind the committee that it is very-- it's necessary to look at all the subcategories of companies that they regulate and the work that they do. I can only speak on behalf of the companies that are licensed to do commercial ways, traditional garbage is, as the Commissioner said, and that's about 70 to 80 companies that are active in that business. The industry structure, is now should be well known, is about 20 companies provide about 80-85 percent of the market service. Another 10 or 15 companies take that up to 95-98 percent. And then you've got a long tail of one and two truck operators the age have less than one percent of the work in the industry. So that's,

for starters. So the 80 companies, Chairman Reynoso, that you last referred to as only a subset of what BIC overall is regulating here and so it's difficult to sort of parceled these numbers, but by focus, I think Mr. Shengaras, as well, it will be really on the commercial trade waste groups. So, when I returned to work in the industry in 2016, this was already a topic of considerable concern and importance in the industry and, in fact, I want to complement BIC and making it so, but we did a survey in the fall of 2016, this is three years ago, and, at that point, found that, of 20 companies, these are the top 20 companies that responded. We found 40 percent compliance of their packer and [inaudible 00:51:20] litter trucks as a three years ago. I repeated that survey recently for the purpose of this hearing and I surveyed about the top 30 companies and God in the 15 to 20 company responses. And, again, these are the larger companies that handle the vast majority of commercial waste in the city. Putrescible and recycling, not C&D. And the top line results of back, I think, are instructive for the committee to know. The first is that overall compliance was about 85 percent of the tracks covered

by local law 145 were compliant as of April 1. About two thirds of those were new trucks, as of 2013. And I'm not a truck or omission expert, but my understanding is that 2013 is another significant year when there was an uptick in clean omission elements of diesel trucks beyond the 2007 standard. So, I think it's instructive to know that most of the trucks that I found in my survey are new after the 2013 model year. And approximately 75 percent of those trucks are packer trucks. 25 percent are container trucks. I found only less than 10 percent of trucks have been retrofitted. The economics of that may make that more plausible now for the trucks that are remaining. To your questions earlier, of the 15 or so responses I got, there were companies that were 100 percent compliant. Most of them had a very small number of trucks: one, two, or three that they are still working on for this year that are in the works to either be retrofitted, replaced, or, in some cases, obviously retired is they don't meet the standard. The total investment that I found was something, from the responding ease, was about 15 million dollars or so in investment in truck stirring that-- to comply. And so, the overall industry is

probably closer to 100 million. As I look back at the testimony from the 2013 hearing, I guess I would point out that my understanding of the deal that was struck, a compromise that was agreed to at that point was really what was proposed by BIC and ETF, based on the consulting studies that they had done at that time which was what was the most optimal way to achieve this sort of transition. And it is an accelerated transition. The law effectively accelerated the transition and fleet age wise probably 60 percent. 70 percent. Something on that order on one ordinarily might have been done in the industry. So that's-- I think that's important to know, as well. The last one I would make-- Two last points. One is that newer trucks generally mean not just a cleaner engine, but it probably means they already comply with the city's side card requirements which are still a few years away. They are highly likely to be covered in onboard cameras for driver monitoring and training and service verification and accident investigations and GPS is also a standard feature on new trucks, as well. So the city gets a bigger package than just a clean engine on the truck. The one, however, is that it was anticipated in 2013

carters will-- some carders would go out of business as a result of this requirement. We don't know exactly what that number is going to be, but it would not surprise industry participants 30 to 40 one and two truck operators used this opportunity as the time to exit the industry rather than pay for whatever it costs to comply, not just with this, but with the host of other requirements to maintain their viability as a business. So it's not surprising that those companies are some of the least responsive to BIC at this point. But it doesn't immediately raise any concerns about capacity in the industry. That the, again, the 30 to 35 larger companies have sufficient capacity to absorb a couple of percent of customers if those companies to exit the business. And then, finally, to look at what's possible and going ahead is that there is been some experience with C&D trucks in the industry going back several years ago. Early generation. It's now-- you know, C&D, as you know, is a standard nationally in the industry, but not yet in New York because of the lack of fueling infrastructure. But we've been watching very closely for the last year or two and have a number of discussions about what's coming next. And

electric trucks. Again, I'm not a truck may then, but it would not surprise me if 3 to 5 years from now they begin to have a presence in this market and could become significant over the next 5 to 10 years. So leapfrogging past whatever the next generation of clean diesel is, and I'm not aware of what that is leaping past C&D trucks to electric and putting together a plan with the industry that incentivizes and supports that. I've had some conversations with NYSERTA around that, as well. It would be a great opportunity to work together around resolving-- addressing this issue on a going forward basis collaboratively and not just through fines and penalties. Thank you very much.

CHAIRPERSON REYNOSO: Thank you.

PATRICK HIGHLAND: Good morning. I am Executive Director for the New York City Metropolitan Trucking Association. I would like to thank Chairman Reynoso and members of the city Council committee on Sanitation and Solid Waste Management for scheduling this hearing and allowing me to speak here today. The crux of the testimony I will be presenting this morning will speak to the unforeseen consequences of this legislation and the impact it

may have on construction delivery in New York City if action is not taken. I am here representing employers who want hire trucks, dump trailers, and flatbed trucks performing have the construction truck hire work here in New York City. For clarification, that falls under the class two registrants I believe the commissioner referenced before and that 3800 and truck class of vehicles. Approximately half of our membership are certified MWBE firms with growing fleets. These employers exclusively hire teamster, local [inaudible 00:57:25] drivers, and perform large-scale public works projects throughout the five boroughs. Some prime examples on second Avenue subway, Barclays Center, Moynihan Station, Javits Center expansion, Belt Parkway expansion, etc. These trucks deliver and haul away aggregate materials essential to these projects. As you are all aware, our membership must register all their vehicles with the New York City BIC in order to conduct business within the five boroughs. We all collectively understand that local law 145 was enacted six years ago. Full disclosure for the committee. Our association was engaged in discussions with the Bloomberg administration during that time, along with

other trade associations, and felt that the 2020 implementation date was fair and reasonable at that time. We acknowledged that as an association. Admittedly, when the business integrity commission started holding hearings on this law in 2018, I was taken aback about the impacts of this law on the industry. We had begun to survey our membership about their compliance with this law at that time and I can report that we have several members, some of which are certified MWBE's who will be significantly negatively impacted by this law. Approximately a third of our member vehicles have engines 2006 or older. When you break it down even further, what really stands out to us is that some of these companies have more than two thirds of their fleets with engines older than this. For these companies, and obviously could have devastating consequences. As soon as we realized the impacts of this regulation, we began doing gains BIC to voice our concern. Representatives of the agency explained that they were initiating a hardship waiver application process and that they were not looking to cripple the construction industry with this law. We engaged with our membership and constantly reminded

them to get their applications and by the twen--
December 31st, 2018 deadline. Many of our members
expressed their opinions and concerned about some of
the criteria BIC had established to secure a waiver.
I instructed them to get that application and on time
and that the Association will express those concerns
to BIC after the new year as the waivers are being
evaluated. That brings us to 2019. I spent January
confirming with the eyes the members who have
submitted their applications. I then proceeded to
formally request, on four different occasions, and
meeting to discuss these application parameters and
the potential impacts of this law on the industry.
Those requests were met with deafening silence. I
never received that meeting and I can confirm to the
city Council that members started getting their
denial letters last week. This has been very
frustrating for members of our association. So here
we are today and I hope city Council can understand
and respect the impacts of this law on project
delivery in New York City. I think BIC just thinks
that these small business owners will replace all
this older equipment with trucks that cause over
200,000 dollars per vehicle. I'm here today to

provide a reality check. They are not in a financial position to do so and cannot do so. I can assure you that when BIC set the parameters for this waiver process, they were totally unaware of the costs associated with doing business in the city. They did not consider union labor costs, real estate/rising rent costs, insurance costs, tolls, and pending congestion pricing, etc. Which is even more head scratching to us when you factor in that, before considering these waivers, BIC raised insurance requirements in 2019 on the small business owners which has resulted in some premiums rising in several thousand dollars per month per business. This law will significantly impact the amount of available trucks to perform this work and it goes without saying will result in a loss of good paying union jobs. Local law 145 will also have a negative impact on the Teamsters local 282 pension funds as these trucks are taken off the roads. Need I go on? I will conclude by saying that BIC did not engage the industry throughout this hardship waiver process and we question their ability to realize the impacts of the industry. Or what it's going to have on the industry. We hope that city Council acknowledges the

impacts this will have on the industry and we look forward to looking with you. Thank you.

CHAIRPERSON REYNOSO: Thank you.

STEVE SHENGARAS: Mr. Reynoso, members of the committee, thank you. Is this on? Hi. My name is Steve Shengaras. I'm the New York City Chapter Director for the National Waste and Recycling Association and we have prepared testimony that will stand on its own, but I did want to go over a couple of things that some of the bigger picture issues. It almost sounds like a tale of two cities here because the waste services industry that collects the putrescible waste, you know, we believe that 1900 trucks that was talking about, we believe that we are virtually in compliance and we-- and, again, compliance is a difficult word even to use in this setting. They could be out of some of the steps of compliance relative to big procedures. Their compliance deadline is January of next year, so, you know, we believe that our constituency use very well aware of this and is moving towards it. So first, you know, I just want to review the bidding. We work for in the private companies that collect the putrescible waste. In this case, those 1900 trucks.

Then we really need to encourage the committee to look at this law relative to the way that BIC regulates the different segments of the industry and I think that fits into some of the testimony you just heard. But when you narrow it down and you look at what's going on inside the putrescible waste collection industry and the roll off industry, you'll see that we are pretty good about getting to-- in compliance for next January. So, and again, we wanted to remind the committee that we supported the law and it was passed. We were in the negotiations. I think the first link on the website is David Beeterman's testimony from MWBE and what we wanted to mention and you made a lot of points about it earlier, about the seven year lead time, a truck back then cost 200,000 dollars. A new truck cost 350 to 400,000 dollars today and when you talked about the used trucks, a lot of those trucks that you're seeing are virtually-- there's a lot of folks still the industry by old equipment to try to run one type of equipment. So they will buy an old truck is, you know, before 2007 or 2008 because they are his equipment on that that they can put into their running trucks, their newer inventory. I doubt there

is very many really old trash trucks that, unless they have been rehabilitated to three times on the road, they just take too much wear and tear. If you are looking at the trucks the companies are buying, they are looking post-2013 particularly because of those kind of improvements that were made to the trucking industry around. The truck engine is created-- they created some filters and other things to improve the area missions. The improved tremendously. The manufacturer's lot they were here. The way to the street level. They were there. There were a lot of problems. It took two or three years to work out. So, most of the guys-- Most of the companies, most of the women owners, etc., will be buying trucks that are past the 2013 frame if they're going to be buying equipment. So we're very-- We agreed to the seven year lead time and we said two things in the testimony. It was a recognition that the rolling stock, those 1900 trucks, a huge amount of money to do that and that, in order to transition that, a fleet from-- and, again, you've got you rem there's a context here. This trade associ-- We had companies that reveled in running a 30 year old truck because they rehabilitated it every three to five

years and they kept it up to standards and it worked. Things have changed when new air emission standards came along. So, you know, we believe the seven year period that you sort of really put-- it wasn't like grace period, you know, a bad grace period where we argued for it for some bad reason. It was really part of the test of-- you know, the transition. It's a lot of money so-- to transition it. So, you know, we're going to be compliant by January, we believe. The other one is that, as you mentioned in your earlier comments, we were at the BIC regulation hearing on the waivers and you heard the testimony from the industry. The companies that are fully compliant, that we believe are on the road to being fully compliant in this industry had little stomach for the idea of giving waivers. You know why? It was actually a little bit disheartening that people are getting waivers. We don't-- The companies that stepped up to the plate and recognized the call of the law, we don't get that. And, again, that's a very different narrative and I can't speak for the construction and trades part of the business, but our guys got that message loud and clear and that's why we were very forceful in our comments. No waivers at

all. You know, the fewer the better. And the other idea was the-- I just want to mention about the lead in time, the cost to transition, working the technology and working it into the way we get stuff done. In New York City, it's a very price competitive market. Very competitive pricing to benefit the customers. In that model, even though that is going on, we have to-- you know, and most business places, we get a new law, a new requirement, we implemented into our business and we pass it along in our service and we move on with life. But there is a wrinkle in New York City with the rate And we would really like to see the rate proceedings, the biannual rate proceedings, commenced earlier to help accommodate, you know, the new price point with the addition of these trucks are having on the industry, as well as the other issues going on in the recycling markets and some of the other issues with tracking availability. Drivers and stuff like that. So we think that this would be one way to help alleviate some of the pressure in the price to-- in the trade waste. If the waiver, biannual waiver process is sped up. And it's all tied back to the fact in the acknowledgment that, when you transition a fleet of

1900 trucks to these compliant standards that had not been on that track in the past, it is a representative-- it has to be done at the cost of providing services for all the same reasons. The previous speaker spoke about it's very expensive to do business in the city and a very competitive model. So that's the nature of our testimony. In effect, chairman, we consider it a victory lap for the industry. This is a good one for us. We got this one done. That's our point of view.

CHAIRPERSON REYNOSO: I hear you. Thank you. Thank you.

PHIL VOSS: My name is Phil Voss. I'm Program Director at Energy Vision, a New York City based environment 501(c)(3) that, since 2007, has been studying clean fuels for heavy duty vehicles. I'd like to thank the Chair and the committee for this opportunity to testify. The purpose of local law 145 is to reduce pollutant emissions from trade waste vehicles, which are both an environmental and a public health issue. New Yorkers, especially in communities that see heavy trade waste traffic to observe a requirement providing the greatest possible protection. 145 standard is the EPA's 2007

requirement for heavy duty vehicle omissions or the best available retrofit technology to achieve those levels. For public health, the 2007 standards for health damaging nitrogen oxides or nox and particulate matter are arguably the most important. For nox, the standard is .2 grams per given unit of energy. Before particulate matter, it is .01 grams. Should this be the standard? In 2017, the California air resources Board, which 145 recognizes as a peer to the EPA, certified heavy into the near zero natural gas engines and both nine and 12 liters. Then nine liter model achieved reductions in nox between 35 and 95 percent against the standard and reductions in particulate matter of between 80 and 90 percent. The 12 liter achieved nox reductions between 25 and 85, relative to the 2007 standards and particulate matter reductions between 70 and 90 percent. Diesel technology is that achieve less dramatic reductions are also available. Surely, the 2007 standard should not be good enough for New York. Energy Vision's decade more of research in the clean heavy vehicles indicates that, to make maximum reductions and nox and particulate matter, and in greenhouse gases and do it now, compressed natural

gas trucks are the proven, cost-effective, and most road ready option. CNG refuse trucks represent 60 percent of new orders in the US and are successfully being used in Los Angeles, Toronto, Phoenix, Milwaukee, and other cities, as well as by major haulers like for public services and waste management. CNG immediately comments GHG emissions, greenhouse gas emissions, by 20 percent or more relative to diesel. CNG trucks equipped with near zero engines achieved greenhouse gas reductions of more like 30 percent. In addition, CNG vehicles can be filled with bio methane made from organic waste, also called renewable natural gas. Bio methane is interchangeable with fossil gas and is available on the market now. Made from bio gases released by decomposing organic waste, it's lifecycle greenhouse gas emissions are 80 percent or more lower than diesel and 50 percent or more lower than fossil gas. Because it's reduction is based on capturing methane from organic waste, depending on what it's made from, it can be net carbon neutral or even net carbon negative. Meaning that, making the fuel prevents more GHG emissions than come from burning it. Carters could potentially produce bio methane from

the same waste they collect or the city could produce it at waste water treatment plants like the project nearing completion at Newtown Creek. Engine technology is and fuels that improve significantly on the 2007 standards are readily available. The city and the private waste industry have the opportunity to raise the bar on admissions requirements to protect New York's environment and public health. Local law 145 should not be the end. We should continue to move forward on reducing emissions from trade waste vehicles and encourage the use of cleaner CNG trucks. For instance, by incentivizing their use under the commercial waste zone plan, along the way the use of other alternative fuel technologies. The industries should look beyond diesel to the cleaner options that are on the market now.

CHAIRPERSON REYNOSO: Thank you for your testimony. I just want to-- a couple of questions. First, I do want to say that 62 percent compliance for 2020 January 1st is higher than I expected it to be an aim to see that there seems to be a trajectory towards almost near compliance across the board. So I am impressed and actually I'm happy that the industry is getting to a place where they are going

to be fully compliant. So, I do want to say that I recognize that, so I agree that this is like a victory lap, if anything, for the industry and its ability to get in compliance with local law 145. The construction industry testimony is-- I want to be honest, it's news to me right now. I just want to ask just some questions about-- I get this a lot in constituents, I mean, and-- You believe that having a meeting with BIC related to the hardship waivers would have given you shot to be able to argue outside of paper as to why you should be getting these waivers for your companies?

STEVE SHENGARAS: Good question. I do think, when you discussed the parameters, some of the denials we're seeing-- a few of my board members actually got denied recently and they could not-- the language in the denial letter said they could not illustrate that the getting compliance would exceed, I believe, 30 percent of their gross revenue provided in their recent tax returns over the last few years. That was met by my board with-- I mean, how much money do they think we are making? Just to educate everybody here, local 282 driver makes 41 dollars per hour. Their benefit package exceeds 41 dollars per

hour. When you work over time, like a lot of these jobs, all right, that's time and a half. Double times on weekends. We pay night dif. We are 100 percent union. Some of the challenges with that on some of these large-scale projects-- and this is a trickle down as, I think, as to why you are not seeing some com-- as much compliance in our industry. As these projects have gotten bigger-- and I commend the state and the city for the amount of infrastructure work we are doing. We are playing catch-up with our infrastructure. The economy, for our industry, has been very good. Teamster pension funds is very strong right now due to that. But what it also results in is we are the sub sub. You know, you have these large conglomerates, you'll see, that bid on these projects. They will have tiers of subs that they will handle different aspects of the project. The trickle down in payments, the average company in our industry gets paid 80 to 90 days. All pension fund payments have to be within 60. This has led to numerous challenges and we are working with 282 and the trustees are trying to work with us as much as possible, but you have to understand their end, as well. This is member's healthcare. This is

member pensions. There is only so far you can go. This leads to interest payments that we have to absorb on narrowing, you know, profit margins in the city. So, I-- You know, the idea of 30 percent, it was just an unrealistic number. We would've liked to express that. Some things, I know-- I saw you at the hearing. Cost-benefit analysis we had asked for at that hearing. It fell on deaf ears. The 30 percent number is not realistic for our industry.

CHAIRPERSON REYNOSO: And so, when you are saying that 30 percent number, is saying that you don't believe that-- you believe that the cost of buying these new tracks will exceed 30 percent of the revenue you make in a year, let's say? Is that what you're saying? Or you think the 30 percent threshold is too-- is too high?

STEVE SHENGARAS: It's too high. It's too high. The profit margin is not there. You're carrying a lot of debt costs and a lot of financing costs. And if I could just speak to the older track discussion, I want to follow up on that. A, my members say for a lot of these Peter Built sans Macs, which we run, the retrofits far exceed the cost estimates that were provided today and are really not

feasible. The mechanics tell them, don't even bother doing them. Okay? So that is first. Second, the idea that you're just going to go online and buy used truck doesn't-- you know, these are serious business owners. They maintain their equipment, okay? They have to work under harsh conditions here with the road and we are in the industry of two to four runs a day on these construction projects. Some will do six a day if they are in the neighborhood of the project, getting this material in and out if the weather provides. So, you don't know who has been operating the truck. You don't know how it's been maintained. You don't know what it's been hauling sometimes, if you are going to buy it online. You want to go inspect the truck. How many available used trucks are available in this market in this region? Not as many as you may think. And, again, you are going to want to go north of 2013 for the admissions standards and you can look up those online. Those are going to exceed a buck and a quarter a truck. At that point, the owners will tell you, we might as well go now, but you have to finance that new. So some trying to get compliant have told me recently, I'm trying to sell. The resale market is not as strong. I'm

selling four to try to get two. If you could express that to the Council. They are trying. But at the same time, it's important to recognize, too, MWBE regulations have really worked in the construction industry for-- in our industry. The largest members we have, you'll see on the west side, Munoz Trucking, do a lot of the related work. [inaudible 01:17:16] Cornell. If you look at Eastside access, it was almost exclusively Black Rich Trucking. They're doing a lot of Javits. Carrie Francis works on the Belt Parkway. These are all our members. These are all 100 percent union. These are all minority. As those work opportunities have come in, and these contractors want to use them to meet their MWBE goals, they have a need to keep-- to expand their fleets. But it also requires them keeping those older trucks maintained and on the road to provide those jobs in service and meet those MWBE requirements. If you tell them to sell 10 or 12 trucks at once, you know, what is that going to do to MWBE? There's going to be a shift within the industry.

CHAIRPERSON REYNOSO: Did you get a-- Do you have an appeals opportunity within the waivers request or is it they shut you down and it's over?

STEVE SHENGARAS: The letters I have seen have said no. You are refused. There is no appeal.

CHAIRPERSON REYNOSO: Okay. And there is no appeal.

STEVE SHENGARAS: Yep.

CHAIRPERSON REYNOSO: All right. So, I'll have a conversation with BIC. There is clear requirements that they want. Parameters, I guess for them. They speak to very regularly and very strict on it specifically because of the timeline here. I hope that this is a case that the industry just figured it out too late, which is also what we don't want to do. We don't want to know, you know, go in because they figured it out last minute. They didn't know about it last minute and now they are deciding and they aren't trying, you know? The house is on fire. We rather that be something that was prepared for in a more meaningful way. It's very hard for us last minute to find ways to be helpful. If we would've known two or three years ago, maybe we could have started a process in a conversation, but right now we're talking about less than, what? Six? Seven

months away from the end? It gives us a limited opportunity to rectify it, I guess.

STEVEN SHENGARAS: Well, I would say that we kind of knew-- I mean, those-- they mentioned they were doing surveys on the trucks. We had an idea in 2018. We started to express that, as well. I think--- and let me say this. We have members that are 100 percent compliant. Okay? The president of our board, 100 percent compliant. Some of the members 100 percent compliant. Some, like I said, more than two thirds noncompliant. I think there's a myriad of factors for that. I think the strong construction industry, the strong economy right now, the strong capital economy of the city in the state as part of this reason. There is a need for trucks. There is a strong need right now for construction delivery of union construction delivery, which is a good thing. But when you-- You need to service that work and you are also carrying within the payroll-- similar costs associated. And I really want to hammer home here that the BIC insurance requirements for everybody to carry these umbrella policies, many of our members have those, but some did not in some of those larger MWBE firms

are telling me that 4 to 5000 a month additional on their insurance premium. Now you want them to carry financing costs on the trucks. It just-- You know you're trying to meet the general contractor request. You trying to put the Teamster driver to work. You are trying to pay the pension funds and their healthcare and everything on time, but at the same time you're being told, no. You've got to get rid of 12 trucks and take on 2.4 million dollars in new financing for your fleet. It's a simple economic decision in some cases.

CHAIRPERSON REYNOSO: All right. So I just want to outline for the hearings sake that I feel like you are more than an exception then the rules situation here. It looks like the industry has gotten-- mostly of gotten in compliance and most have figured it out. So, I think yours is a special case that has happened here and I want to be very careful about how we do with your situation so that it doesn't make it so that you are getting a favorite or inequitable support for your industry that other industries haven't been able to get. And so, we will talk to BIC about your-- their conclusion related to the hardship waiver situation. If it's the 30

percent that's too high, that we can really help with, but it's that you don't-- you don't make more than 30 percent, then that's a different conversation. So I will talk to BIC and we will follow up and see if there's an opportunity here to make right, but this is--- this is going to be-- what you do the next eight months is going to be very important to your industry, so I just want to note that we were hearing it, but it's eight months away.

STEVE SHENGARAS: If I can just follow up on that, I understand and we had spoken to your office. Your staff was very good on this about looking at this issue and we understand the concerns with looking at certain issues [inaudible 01:21:56], but I would just add two things. 30 percent of our class two vehicles is, by my quick math, over 1100 vehicles. That is a significant amount of trucks you would take off the road performing heavy construction in the five boroughs and I just want everybody to be mindful of that. And I did here today some thought to the landscapers and seasonal workers. Heavy construction doesn't run in the winter, either. These are seasonal workers, as well. This is a lot of union jobs.

CHAIRPERSON REYNOSO: Thank you. Thank you for your testimony. I appreciate it. Thank you guys. And we have one more panel before it's over. Ha Wung Chung, Melissa Sean, Adriana Espinoza, Justin Wood, and Tuk Oueole or Michelle.

[Background comments]

CHAIRPERSON REYNOSO: Melissa, do you want to start? Or Justin? Okay.

MELISSA YUSHAN: I'm happy to start. Yeah.

CHAIRPERSON REYNOSO: Okay.

MELISSA YUSHAN: Or Justin can start. Either way.

CHAIRPERSON REYNOSO: Yeah. Justin wants to start.

JUSTIN WOOD: I don't have a written statement yet because I wanted to sort of see what data emerged from this hearing, but one of the big things-- Justin Wood. New York Lawyers for the Public Interest and a member of the Transform Don't Trash New York City Campaign. And thank you very much for having this oversight hearing. Obviously, this is a very timely issue with the urgency of climate change and environmental justice at the

forefront of our minds. Just a few broad points. First of all, I think as others have testified in will testify, local law 145 is a very low bar and we are really excited for the city to have an opportunity to set much higher standards working in concert with parts of the industry as the commercial ways to zone system is implemented. That is going to give responsible haulers, socially responsible haulers, the opportunity to make more affordable, longer-term investments in technologies that are far cleaner than what we are talking about here, which is a very low bar of the 2007 diesel engine. So I won't reiterate what Phil Voss said, but other cities have rapidly transitioned their fleets. Los Angeles to like almost all CNG fleets. There is drastically lower emissions, noise. And we're looking forward to New York City's industry having an opportunity to do the same in the next three years. But to the question of data and who is in compliance now when we are only a few months out from enforcement, we want to thank-- You know, where hearing from New Yorkers for Responsible Waste Management. Others about sort of vague surveys of some of their members and 85 percent compliance rates. Maybe that's true. We

want to thank the business integrity commission went, at the end of December, early January, published on NYC open data a giant database of the entire BIC regulated sleep. So we can go through and look at the spreadsheet and actually see what compliance was just a few months ago. And, I mean, we want to humbly request that, hopefully, in the next few months over, as soon as possible, BIC will update that. But as of early January, some of the numbers, in terms of complying with this a very low bar we were seeing were quite different from what we just heard on the industry panel, to be frank. We looked at the 25 companies that make payments to New Yorkers for Responsible Waste Management which is an industry lobbying group that is been the most vocally, most stringently opposed to reform. It was less than 50 percent compliance in that fleet as of a few months ago. Again, and needs to be updated, but just for some perspective, this is publicly available data. We don't need to rely on surveys of five or 10 companies or fees selective in any way. Examples of members of this group are not-- these are not just small companies. There is companies like GPB waste owned by a 1.8 billion dollars private equity firm.

They had more than 50 trucks that weren't 2007 and they can certainly afford to meet this low bar. These are the same kind of companies that have 60 to 80 percent out of service safety rates. So we think there is a pattern there. Companies that are irresponsibly operating antique trucks often also have bad safety practices. And just, finally, you know, we also looked at the side guard compliance. Not exactly the topic of this hearing, but, again related. Again, compliance is really low. Side guard is a very low bar, very inexpensive technology that makes the truck safer. Again, the members of the industry group that is most stringently opposed to reform, less than one and four trucks in that BIC data reported having the side guards as of a few months ago. So, I'll wrap up. I know my time is up. But, you know, we look forward to having a refresh of that data, but we want to sort of challenge some of what has been said about how ready the industry is to meet is very low bar. Thanks.

CHAIRPERSON REYNOSO: Thank you.

TUK OUEOLE: Hello and thank you to chairman Reynoso and members of the committee on Sanitation and Solid Waste Management for the

opportunity to speak at this hearing. My name is Dr. Tuk Oueole and I am testifying on behalf of the New York City Environmental Justice Alliance. Founded in 1991, we are a nonprofit citywide membership network linking grassroots organizations from low income neighborhoods and communities of color in their fight for environmental justice. For decades, the New York City Environmental Justice Alliance has led efforts for comprehensive policy reforms to address the disproportionate burden of New York's solid waste management system on a handful of environmental justice communities. To handle nearly 35,000 tons of just putrid simple garbage, and that doesn't include construction or demolition waste, generated each day in New York City, waste trucks needlessly travel thousands of miles per night through multiple boroughs of New York City polluting our air with diesel fuel, clogging our streets, and diminishing our quality of life. The impacts are greatest in those few low income and communities of color where truck dependent transfer stations are clustered causing higher proportions of health consequences such as asthma, heart disease, and cancer. Not only do waste transfer stations dispose of 75 percent of their

waste in three communities, but they tend to house depots and garages in these communities, as well, essentially doubling the disproportionately high number of trucks already flowing in. And North Brooklyn, as part of an air quality monitoring project, citizens counted 203 trucks going by per hour. 30 percent of which were waste trucks. And in the south bank set a particularly bad corner, citizens counted 304 trucks going by per hour. 45 percent of which were waste trucks. Consequently, these neighborhoods experienced PM 2.5 omissions, five and seven times higher than ambient levels respectively. Exposure to air pollution, even at concentrations below regulatory thresholds causes chronic illnesses such as asthma and bronchitis and contributes to terminal illnesses such as cancer and heart disease. Local law 145, passed in 2013, is intended to reduce pollution from waste trucks by mandating the installation of omissions control technologies. However, the law does not incentivize a shift from diesel to cleaner fuels and technologies such as electric or hybrid trucks. We argue that mandating eventual compliance standards set over a decade ago as a relatively low bar and that the city

must take the necessary steps to ensure dramatic reductions in PM 2.5 omissions in EJ communities starting with setting and enforcing more rigorous standards appropriate so that climate crisis and air pollution and equity is that our city is currently facing. Thank you.

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

Hello. Thank you, Chair, and the committee for this opportunity to speak. My name is Daisy Chong and I'm the Deputy Director at ALIGN, Alliance for a Greater New York. When it comes to the commercial waste industry, we cannot overstate the need for immediate reforms. While local law 145 was an attempt to reduce pollution from dirty waste trucks back in 2013, the requirement of satisfying 2007 EPA regulations standards that well over a decade ago will not be enough to meet the city's ambitious environmental and sustainability goal. In fact, implementation of the law may allow haulers to use less effective retrofit technologies for older trucks and does not require clean alternatives to diesel that could significantly reduce pollution and greenhouse gas emissions caused by waste trucks. The

city must do more to address chronic problems and inequities in the private waste industry that playing communities, workers, and the environment. Old waste trucks are common on New York City's streets creating challenges to addressing climate change and meeting the city's 80 by 50 goals with a commercial waste system that is highly polluting, inefficient, and inequitable. The impact of hundreds of companies deploying over 4000 dirty trucks to collect waste along crisscrossing routes create serious threats to our environment and public health. A single block can be serviced by up to 26 different Carter's operating dirty trucks. The vast majority of waste is transported by heavy trucks to and from waste transfer stations and a handful of low income communities and communities of color and North Brooklyn, South Bronx, and Southeast Queens which suffer negative health impacts as a result. These communities suffer elevated asthma rates up to five times the city's average. I also want to stress the impact on workers in the industry, as we talk about industry owners. Workers in the commercial waste industry also bear outsized health risks associated with antiquated diesel engines, poorly designed

infrastructure, and inefficient truck routes.

Commercial waste workers inhale large quantities of diesel exhaust from old dirty trucks, facing increased risks of lung cancer, nervous system impairments, stroke, chronic bronchitis, and asthma among other elements. This is on top of other working conditions that waste workers face at work every day from exposure to hazardous waste to low safety standards that result in occupational injuries and sometimes fatalities. In addition, the hardship waiver and local law 145 creates an unacceptable loophole that allows commercial waste haulers to dodge accountability and compliance. The industry already has a history of poor fleet management standards that put the public at risk. According to the US Department of Transportation's vehicle inspection data from 2014 to 2016, 96 percent of all safety violations of New York City's largest haulers involved vehicle maintenance problems. The commercial waste industry does not have to operate in this way. New York City has the power and responsibility to transform this broken system with a comprehensive plan to reduce harmful omissions, lift working conditions, and protect communities. ALIGN

and our partners of the Transform Don't Trash Coalition are calling for an exclusive zone system that will bring about the greatest reductions of miles traveled and decrease in omissions and will result in a meaningful vehicle upgrade by waste haulers eager to be awarded the rights to collect waste in a particular zone. The benefits of this new system to not end here. An exclusive wastes that insist on will mean that the city can require fair rates and transparency for small businesses, better working conditions, and safety standards for workers and healthier communities. Our city can and must do more than local law 145 to transform our broken commercial waste system and ensure the industry's compliance to standards that protect workers and communities. Thank you for your--- for the opportunity to testify before you today.

CHAIRPERSON REYNOSO: Thank you for your testimony.

ADRIANA ESPINOSA: Good morning. My name is Adriana Espinosa. I am the Director of the New York City Program at the New York League of Conservation Voters. Thank you, Chair Reynoso for-- and the entire committee on Sanitation for holding

this important oversight hearing over local law 145. So, local law 145 was passed in 2013 as part of Mayor Bloomberg's clean-air initiative. When NYLCV carried this bill on our 2013 city Council environmental scorecard, it was a common sense environmental policy that was designed to allow for sufficient planning to make compliance attainable within the carter's capital cycle. I echo what other advocates have said here today that this is not a radical or aggressive bill at the time that it was passed. It was not something that should be overly challenging for businesses to me and it was designed-- it was meant to be to significantly improve air quality. However, despite this temperate bar set, compliance is very low. Given the reality of the climate crisis we all face, we should be looking into alternative fuels and finding ways to incentivize new zero omissions technologies. Instead, here we are, six years later, struggling to comply with the missions standards that, at this point, 12 years old. Under local law 145, BIC is allowed to develop a temporary waiver based on undue financial hardship. In reality, BIC's rules regarding the waiver are broad and allow for haulers to defer compliance for two years with the

ability to renew the waiver, seemingly multiple times, until 2025. Although the application criteria are strict, the resulting waiver is far too lax. As a city aiming to lead with bold action on reducing the mission, we simply cannot promulgate a waiver wide enough to swallow the majority of the environmental benefits that were the impetus for the law in the first place. Additionally, BIC has not made it clear how many waivers they will grant, who will receive them, and how many have applied. This lack of transparency leaves advocates without the ability to analyze potential loss of these benefits including impacts on a mission reductions and air quality improvement in environmental justice communities. One potential boon to local law 145, though, is the proposed commercial waste zones. According to DSNY's plan, haulers will have to be in compliance with the law and order to compete for a zone. NYLCV believes that commercial waste zones can substantially improve the waste industry and would certainly help to improve compliance with local law 145. But we also believe that though waste sound plan should push beyond this low bar and incentivize carters to green their fleet well beyond the 2007

standards. While compliance with the existing law should, of course, be a prerequisite to apply, NYLCV urges DSNY to give extra points or credits for haulers to commit to going further with alternative fuel technologies such as electric, CNG, renewable biogas. Unfortunately, commercial waste zones, though, don't apply to haulers of the construction and demolition waste and since these carters don't have the added incentive of commercial waste zones, more focus and outrage is needed to ensure that CNG cart-- C&D carters comply with local law 145. This is especially critical given that this makes up a much larger portion of the city's waste. And is heavier, thus meaning more trucks and more omissions. If implemented as originally planned, the resulted reduction, based on the number of trucks that were there in 2013, would be the equivalent of removing approximately 3041 829 cars from the road every year. We must do all we can to ensure that these reductions are achieved. The waste industries compliance with local law 145 just seven or eight months out from enforcement is unacceptable. New York can and must do better. The industry has had years to plan ahead for this law to take effect and we need to take

further steps to improve air quality, not simply provide waivers from obligations that have been on the box for many years. Thank you again to the Chair Reynoso for your leadership and first signing a light on this important issue. We look forward to working with the sanitation committee, BIC, and DSNY to realize a fair and sustainable waste system for New York City. Thank you.

CHAIRPERSON REYNOSO: Thank you.

MELISSA YUSHAN: All right.

CHAIRPERSON REYNOSO: Melissa to close.

MELISSA YUSHAN: Yeah. To close. I kind of feel like my testimony is a really good summary bringing it all together, so-- and I have some visual aids, so hopefully will end on a high note. Good afternoon. My name is Melissa Yushan and I am a senior staff attorney in the Environmental Justice program at New York Lawyers for the Public Interest. Today I am here with my colleague, Justin would to stress the importance of local law 145 and admonish the industry for being far behind where they are required to be according to this important city law. NYLPI has been advocating and litigating over the serious environmental justice repercussions from the

way our city collects and processes our waste for more than two decades and I have worked on waste regulation for more than five years. We think Chair Reynoso and the sanitation committee for holding this important oversight hearing to shed light on the critical environmental justice issue of air pollution caused by ancient waste trucks who crisscross low income communities and communities of color at more than twice the rate of other neighborhoods in New York City. We all know the history of local law 145. It was passed by the Council and signed into law by Mayor Bloomberg in 2013 as part of the mayor's initiatives to greatly reduce air pollution in New York City. By any account, this law was not radical or as revolutionary as many advocate had initially hoped, but at least represented the first step in pushing him industry far too content to continue to operate on the backs of low income communities and communities of color to raise their standards and start to clean up after themselves. As NYLPI stated in 2013 before local law 145 was passed, by accelerating the rate at which we stand debris haulers convert to 2007 compliant trucks, this law would eliminate nearly 600 tons of particulate matter

admissions in New York City by 2030. This would have tremendous public health benefits as a rapidly growing body of research has linked particulate matter exposure with negative health effects. Other environmental and EJ organizations added their voices to highlight that, despite the law being modest in its goals and allowing an extended amount of time for compliance, still represented meaningful hope of reduced air pollution, particularly in communities where transfer stations and track depots are clustered. The venture of the committee on environmental production who presided over the hearing in 2013 indicated, as much as you have alluded to, Chair Reynoso, the final version of the legislation was the result of, quote, very extensive negotiations with members and representatives of the trade waste industry to ensure that the law would not drive anybody out of business, end quote, but would still eventually lead to reduction in harmful air pollution. The reason advocates and community members supported local laws 145 passage so strongly is because they see real life detrimental impact of higher level of PM 2.5 on their children, their elderly, and other vulnerable community members. As

we have discussed on numerous occasions, most private waste processing facilities in New York City are clustered in low income communities and communities of color, especially those in North Brooklyn, the South Bronx, and Southeast Queens. In fact, in 2018, 73 percent of all new construction demolition waste was handled in just for community district in these areas. What we haven't mentioned as much is that these neighborhoods or those adjacent to them, also tend to be where the same waste management companies house their truck depots or garages. This means that all of the diesel trucks utilized by New York City's waste companies traveled through the same communities at much higher rates than other communities. In fact, if you look at the heat map here, which indicates where the headquarters and truck depots of all companies who own and operate at least three trucks out of compliance with local law 145, you will see that a large majority of these out of compliance trucks come from and returned to North Brooklyn. The same area where approximately 40 percent of the city's waste is dumped. The rest of my testimony goes on to express our grave concern about the waivers as being a loophole that would

potentially allow these tracks to continue to impose their pollution and reduce air quality on our EJ communities. We testified that the BIC hearing in June 2018 saying the bar should be set very high for any waivers because the law sets the environmental bar so low for haulers, but the final role of the waivers to renew until at least 2025, 12 years after the law passed and six years after it went into effect. NYLPI reviewed diesel omissions regulation waivers from 14 different states and cities and nine of them grant renewable waivers for heavy diesel vehicles, much less a five year renewable waiver. And so, we really strongly push back against any sort of renewable waiver loophole in the situation. We look forward to working with Council member Reynoso and the other esteemed members of the sanitation committee, BIC, and DSNY to continue to push and incentivize these companies to be in compliance with a pretty old law and look for ways to bring them into a visionary sustainability mode. Thank you.

CHAIRPERSON REYNOSO: So, I think a couple members have questions. I just wanted to ask one thing. I'm trying to be as objective as possible here. It's either they are in or they are out at

this point. Whether they are compliant or not ends up being a second thing for us, right? Like at the end of the day, the movement here is to get clean trucks on the street. If you don't have a clean truck, BIC is going to go after you and you are going to lose your ability to do that work in the business well end up going to businesses that tend to have cleaner trucks or do that work. But even I'm surprised at-- I never thought they would get 62 overall and they are there. So, I do want to say that I am, after this hearing and hearing what they had to say, I'm impressed that their numbers are that high. I guess I had really low expectations and 62 feels like it's a-- but I do feel good about that given that there is a months left. So I'm going to air on the sides of the fact that this industry is, obviously, able to reform itself when forced to and that it was a lack of-- it was a choice, decision that they were doing that before. So, I want to say that I think that that's a positive I'm going to give them. Then the waivers situation, I wanted to ask-- that's the question I wanted to ask. You heard the numbers now and the numbers were, I believe, 83 waivers requests of which 25 were granted. How do we

feel about the waivers now? Is that number high? Is that number low? Just wanted to ask that question and whether or not that's a problem long-term. And I agree. I don't want any waivers. I want zero. It makes no sense that anybody would need a waiver considering how much time and how-- I believe, how little we are asking. What we are doing with buildings right now-- the largest buildings in the city of New York and asking them to be in compliance. When they see this, they would laugh at the requirements that we are giving to this industry compared to what they are of about to have to go through in a short amount of time. So, but I do want to ask-- so I'm on the same page. No waivers, but are these waivers too much? And, trust me. I will be doing my part to make sure they don't get an extension. Or do you feel like, you know what, considering--

MELISSA YUSHAN: I think of financial hardship waiver for any new, progressive regulation is important for small businesses and I think it needs to be a part of it. I to think that these businesses have had seven years of lead time to try and figure out, make a financial plan, go to banks,

talk about getting loans, look into the NYSERTA loans and that should be plenty of time and I think a two-year waiver should be the maximum. I think a renewable waiver until 2025 is pretty ridiculous. And, one more note, the new commissioner mentioned that they would consider a financial hardship waiver application with a new license or registration application. I think that should absolutely be off the table. If you are asking for your first license or registration from BIC, but you don't have a truck that is compliant with the law, you should not receive a license or registration. Period. End of story.

CHAIRPERSON REYNOSO: Yes. I agree with that. That I agree with 100 percent. So, I wanted to acknowledge that we were also joined by Council member Cabrera and he stepped out. And I want to allow for Council member Vallone to ask a few questions.

COUNCIL MEMBER VALLONE: Thank you, Chair. Just wanted to add my point. Thank you for advocacy, but as a tip, I would suggest to not limit the scope of who is affected. I have a neighborhood in the district with a waste transfer station and

there it is, but I'm not here in my neighborhood included in that.

MELISSA YUSHAN: This does not indicate waste transfer stations. This is just the depots, too. So with--

COUNCIL MEMBER VALLONE: Yeah. I--

MELISSA YUSHAN: waste transfer stations, it would be even more.

COUNCIL MEMBER VALLONE: I appreciate that, but let me continue on the point which is we have our share of truck traffic. We have our share of power plants. We have our share of suffering. I grew up in a neighborhood surrounded by old coal power plants. I now have a lifelong disease called sarcoidosis which I cannot take a full press. My children have all autoimmune diseases as a result. My point is still forget the rest of us. We are all suffering. You don't have to limit the testimony as to certain neighborhoods. There is not a New Yorker that would join in having a cleaner quality of life. So, I think my story from my district has been continuous for five years. They say, hey, we are in this conversation and we would like to be part of that conversation because every one of our calls from

College Point and Flushing from all the Willits Point developments, the transfer stations and trucks trying to get to Clearview Expressway, we are as fed up as anybody else. Is just to say, hey, you have more allies than you realize and the conversation is bigger than what you are limiting it to. So, thinking.

MELISSA YUSHAN: Thank you for elevating the voice and the needs of your constituents.

Yeah. If I could just react to that, as well. Thank you.

MELISSA YUSHAN: Now you're good.

JUSTIN WOOD Okay. Thank you, Council member Vallone. I think, you know, as you know, the waste equity law that passed last year had designated for neighborhoods which we tend to reference a lot. It also had citywide benefits. You know, thank you for pointing out to us really a lot of the policy we are talking about going forward is something that would benefit the entire city. And College Point, Astoria, lots of communities have a cumulative burden from all of those power plants, all of those truck-intensive industries. And I think, in particular, whether we are talking about local law 145 or the

need for state and city in private partnerships to develop the CNG infrastructure or the electric truck infrastructure to make the is more common and whether it is municipal fleets or private fleets, a lot of the policies we are excited about passing this year, the commercial waste zone bill, we know Council member Reynoso is working hard on, these are all going to be citywide benefits. So, thank you for making that point.

CHAIRPERSON REYNOSO: I agree. So, I'm grateful for that, too, that, you know, the voice is related to environmental justice keep growing and I agree 100 percent that, you know, my district is not the only one suffering from asthma, the only one that is suffering from pollution. It's the extreme case, but we should bring justice to all. So, I really appreciate this hearing. I think we learned a lot. I'm looking forward to January 1, 2020. Take care and have a good day.

[gavel]

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 May 29, 2019