COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
CITY COUNCIL
CITY OF NEW YORK

---------------------------- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

---------------------------- X

June 19, 2018
Start: 1:15 p.m.
Recess: 3:59 p.m.

HELD AT: Council Chambers - City Hall

BEFORE: Antonio Reynoso
         Chairperson

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

APPEARANCES

World Wide Dictation 545 Saw Mill River Road – Suite 2C, Ardsley, NY 10502
Phone: 914-964-8500 * 800-442-5993 * Fax: 914-964-8470
www.WorldWideDictation.com
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

Kathryn Garcia
Commissioner for the New York City Department of Sanitation

Council Member Levin

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

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

Leslie Velasquez
Manages Environmental Justice Programs at El Puente Teg[SP?]
Clean Up North Brooklyn

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

Council Member Lander

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

Miquel Martinez
New Yorker- Member of Laborers Local 108

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

A P P E A R A N C E S (Continued)
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

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

James Curbeam
Teamsters Union Local 813

Dior Doward
Founder of GreenFeen

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

Cappy Collins
Pediatrician in East Harlem

Rolando Guzman
Deputy Director for Community Preservation of St Nicks Alliance

Stefanie Wenzel
Resident of East Williamsburg Brooklyn

Omar Freilla
Founder and Coordinator of Green Worker Cooperatives

Danny Peralta
POINT Community Development Corporation out of Hunts Point

APPEARANCES (Continued)
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

Priya Mogalker
New York City Environmental Justice Alliance – NYCEJA

Eric Goldstein
National Resources Defense Council- NRDC

Janelle Qualis[SP?]?
Legislative Campaigns Manager for New York Working Families

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

Michael Heimbinder
Board Chair of the Newtown Creek Alliance
CHAIRPERSON REYNOSO: Gavel. Thank you all for attending today’s Sanitation and Solid Waste Committee hearing on INTRO 157. My name is Antonio Reynoso and I chair this committee. I want to take a moment before we begin to speak about history and justice. For decades my community, a low-income community of color has suffered from a long list of environmental injustices. Including the bakery being built right through the middle of our neighborhood. Operation of toxic industrial uses and the reason we are here today. The siting of twelve waste transfer stations in my district. My district has 38% of the city’s waste capacity and we deal with consequences on a daily basis. Everyday thousands of trucks fly through our neighborhood, creating hazardous conditions for pedestrians and bikers while spreading polluting toxins into our air. My district suffers from some of the highest asthma rates in the city. With Woodhull Hospital taking in the most emergency asthma cases of any health and hospitals facility in the city of New York. As a representative for this district I cannot stand idly by while my folks suffer. I cannot stand by while the rest of the city
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

uses Williamsburg, the south Bronx and southeast
Queens as a dumping ground. Council member Levin and
I introduce this bill. The last session was the goal
of elevating the burden of these communities. After
introducing this bill, we met the fierce opposition
from the industry which is not surprising considering
the track record of these companies. Private
sanitation is one of the least regulated sectors in
the entire city. There trucks are old and polluting.
Safety standards are almost nonexistent. Wage theft
is coming and trucks traveling in the most
inefficient way creating unsafe conditions on our
roads and poisoning our air. Not even two weeks ago,
a private sanitation truck being operated by a drunk
driver plowed through nine cars in Borough Park. A
crash like this is not an unusual event in the
private sanitation industry. I want to be clear as
we work through this bill, I met with the industry
more than I met with the advocates. I hope they
would recognize the negative impacts that they were
having on local residents and work with me on
addressing this issue. Instead what we got was a
full core plus from the industry to undermine our
efforts to bring about basic fairness to our
constituents. I was repeatedly threatened by the industry that they would not improve conditions until I withdrew my legislation and now almost five years into this, these companies have done nothing to clean up their act. In fact, things have gotten worse. As traffic fatalities in the city decreased overall, we have seen crashes among the top twenty carters nearly double since 2014. There has also been no improvement in recycling rates. Even as the city has expanded recycling requirements for commercial businesses. This is true even amongst the folks that we consider to be the good players. Such as, Action Carting, whose recycling rates at the Bronx facility decreased 23% between 2016 and 2017. The industry has acted in bad faith through this entire process and I am pleased that we are moving forward with legislation that will finally curtail some if the injustices our communities have been subjected to. Justice is what we are talking about here. No community wants a transfer facility in their neighborhood, but nobody wants to stop producing trash either. How can someone look at a system where three low-income communities of color show that burden of two-thirds of the cities waste processing
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

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

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

actually used. So, there are permits for 46,000 tons. Of that 46,000 tons which the city allows for us to use, we only use 20,000 tons. Which means that the trash would not be pushed to other neighborhoods. We will simply be capping the ability for trash to come into our neighborhoods. My district will still have an access of about 4,000 tons of capacity after this bill is passed. Which means even after that happens, we will still be taking on 4,000 more tons of trash. The south Bronx will still have 2,000 tons of excess. So, we’re saying 6,000 tons of trash that goes unused will still exist in the Bronx and in Queens. To be clear, Williamsburg will be processing a disproportion to share the city’s waste for the foreseeable future. We are simply asking for no more than we have now. Slide 8, through the provisions outlined in this bill, we will also be able to promote quality facilities. We will be able to promote quality facilities. These facilities often have terrible working conditions and are poorly run. Just this past March, a five-alarm fire broke out facility in Queens which shut down the Long Island Rail Road and required nearly 200 firefighters and 24 hours to get under control. This legislation will
provide opportunities for those transfer stations that recycle and use sustainable waste export methods. We want the good transfer stations to say open. We want the good transfer stations to continue to provide jobs. The bad ones need to go. Slide 9, one of the most important aspects of the city SWMP plan, or solid waste management plan, SWMP is short, SWMP, Solid Waste Management Plan was the commitment to open four marine transfer stations across the city. By doing so, the city could relieve some of the burden in these communities like mine, while also producing modern, up-to-date facilities that export waste by barge, which is less impactful on communities that long-haul trucks use by most transfer stations. However, the city has already opened two of these MTS’s and we are still receiving the same amount of waste as we did prior to the opening of Queens 12. There has actually been a slight uptake in this throughput. While I fully support the MTS’s, without them the overburdened districts would be receiving even more waste. It is important to acknowledge that they will not fully accomplish the equity goals set forth in the SWMP. INTRO 157 is a long overdo step to bring environment
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

to justice to the front-line communities. I look forward to hearing the testimony today from the administration, community advocates, and the industry and I thank you for that time. Now we’re going to call on the Department of Sanitation for their testimony. Captain Garcia, the Commissioner of Sanitation. Oh, and I’m sorry, I was going to say, we’ve been joined by Council Member Chaim Deutsch and Council Member Stephen Levin. Council Member Stephen Levin is a prime sponsor of the bill, so I want to allow him a few moments to speak on the bill, thank you.

COUNCIL MEMBER LEVIN: Thank you very much. Thank you, Commissioner, for the courtesy. I want to thank our Chair of Sanitation Council Member Antonio Reynosa for convening today’s hearing to discuss this much needed and long overdue piece of legislation. I also want to thank him for his tireless commitment to waste equity in New York City and his tireless commitment to this piece of legislation. INTRO 157-B would bring clerical relief to communities impacted by the over-concentration of waste transfer stations. As the chair said, transfer stations in north Brooklyn, south Bronx, and
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

if we compare that to our fleet of DSNY trucks, where there has not been a fatality since I believe 2014, that comparison is truly stark. In my district, north Brooklyn we still remember the tragic death of Neftaly Ramirez killed on his way back home from work at Paulie Gee’s in Greenpoint. We have to do better. Trucks routinely fail federal safety checks. Hundreds of thousands of dollars in wages go unpaid and safety concerns persist. We need reforms, which is what brings us to Intro 157. This bill would help relieve overburdened communities by cutting transportation capacity in the over concentrated districts in north Brooklyn by 50% and 33% in south Bronx and southeast Queens. These changes would also protect other communities from shouldering more of [inaudible 18:50] by placing at 10% city wide waste capacity cap and other districts to prevent them from becoming overburdened. I really want to thank our chair Antonio Reynoso again for his tireless commitment and I also want to acknowledge community groups outrage who is here. I see my friend Allison Cordero who is here and all the outraged folks in north Brooklyn for keeping our feet to the fire as your elected representatives. I just want to thank
[inaudible 19:14] for public interest and [inaudible 19:19] from environmental justice who have really made this a priority bringing environmental justice to our communities across New York City and with that I’ll turn it back over to Chair, thank you.

CHAIRPERSON REYNOSO: Thank you Council Member Stephen Levin. Commissioner? We’re going to swear you in.

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

COMMISSIONER GARCIA: I do.

CLERK: Thank you.

COMMISSIONER GARCIA: Good afternoon Chair Reynoso and members of the City Council Committee on Sanitation and Solid Waste Management. I am Kathryn Garcia, Commissioner for the New York City Department of Sanitation. With me today is Robert Orlin, Deputy Commissioner for Bureau of Legal Affairs and Gregory Anderson, Chief of Staff for the Department. Thank you for this opportunity to testify on INTRO 157-B which would reduce permitted capacity for private transfer stations in neighborhoods historically overburdened by waste
In 2006, the New York City Council adopted, and the New York State Department of Environmental Conservation approved the city solid waste management plan. I don’t like the acronym the SWMP. This is a fair five borough plan to sustainably manage New York City’s waste and offer flexibility and resiliency in the case of a natural disaster or other emergency. The plan provides New York City with new world class infrastructure and mandates a shift from waste export by long-haul truck to a system of marine and rail transfer stations spread throughout the five boroughs. In total, the plan will reduce truck traffic associated with waste export by more than 60 million miles per year, including more than 5 million miles in and around New York City. It will slash greenhouse gas missions by 34,000 tons annually. After the closure of the Fresh Kills Landfill, almost all New York City waste was exported by long-haul truck from privately operated transfer stations. Because of zoning and siting restrictions, these stations were and still are today predominantly located in three neighborhoods. In north Brooklyn, southeast Queens, and the south Bronx. The plan is based on the concept of borough
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

equity, that no borough should be responsible for managing another’s garbage and it will dramatically reduce truck traffic associated with waste collection and hauling in these historically overburden, poor, and minority communities. The plan called for the creation of eight rail or barge-based transfer stations along with the use of an existing energy from waste facility in New Jersey. Together, these nine facilities make up a resilient and reliable network for the export of waste. They also create new waste transfer capacity that allows the city to permanently reduce permitted capacity in transfer stations in these overburdened communities. Today, seven of the nine long term facilities outlined in the plan are operating and construction of the southwest Brooklyn marine transfer station and the east 91st marine transfer station will be completed over the coming year. Completion of these facilities is the final step toward implementing the cities long term waste management program under the plan and will realize our goal of creating a fair five borough waste management system. The plan also recognizes that private solid waste transfer stations are an integral part of New York City solid waste management
system handling more than 20,000 tons of residential and commercial waste and commercial and demolition debris every day. These transfer stations perform a vital service for New York City everyday and as we no longer have any disposal capacity of our own, they ensure the reliable and expeditious export of our waste to disposal facilities elsewhere New York state and across the east coast. These transfer stations fall into three categories. First are the putrescible waste transfer stations which handle refuse and may also receive organics and recyclables. Second, are construction demolition waste transfer stations which handle waste materials from construction and demolition projects for recycling or disposal. Third are fill material transfer stations which handle dirt and other fill material. This category is not covered by INTRO 157-B and they are not included in my testimony today. Local Law 40 of 1990 granted the department regulatory permitting and enforcement authority over waste transfer facilities. After that law was adopted, we enacted a stringent and comprehensive set of operating rules governing the use, conduct, and operation of putrescible and non-putrescible transfer stations. We also adopted
strict siting rules which restrict both the siting of any new transfer stations and the ability of existing transfer stations to increase their daily permitted capacity. The department adopted its rules after an extensive and transparent public review process and careful consideration of the need to balance the cities commercial waste management needs, with a concern to the communities where many of these facilities are located. As a result of these regulations, there have been no additional transfer station permit capacity added in Brooklyn one or in Queens twelve in more than a decade. Additionally, the departments permit, and inspection unit aggressively regulates the activities of all private transfer stations operating throughout the city by making unannounced visits to conduct thorough inspections of every putrescible and CND transfer station on average once per week. The vigorous inspection and enforcement efforts by the department have contributed to an overall reduction in the number of transfer station permits in the city by nearly 2/3 since Local Law 40 was enacted in 1990 to just 38 putrescible and CND transfer stations operating today. Every year New Yorkers generate
more than 3 million tons of residential waste in recyclables and another 3 million tons of commercial waste in recyclables. While the department's primary focus on the collection and disposal of residual waste, a number of our plans and policies address the commercial waste system. Under one New York the plan for a strong industry, Mayor de Blasio laid out an ambitious goal of sending zero waste to landfills by 2030. Through a combination of new policies and programs, legislative reforms, and partnerships with a private sector, we are making great strides towards this goal on both the residential and commercial waste streams. In December 2016, the department promulgated new commercial recycling rules to make recycling easier and more understandable for businesses to follow. In the past, the department's rules designated recycled material for source separation based on different business sectors of our city. The current rules that we began enforcing last summer now make recycling easier and more consistent for businesses. Today, New Yorkers are required to recycle the same things at work and in commercial establishments as they do at home. We also require certain food service establishments to separate the
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

food waste they generate for separate collection.

Local Law 146 of 2013 requires that select food waste generating businesses separate out their organic material to ensure its diversion from landfills. The law provides a phased in approach intended to foster the expansion of organics processing capacity needed to make organics diversion viable over the long term.

Last year the department designated the second phase in of food generating businesses required to source separate their organic waste. As processing capacity in the region continues to evolve and grow, we will expand this requirement to more food service establishment. One New York City also calls for dramatic improvements to air quality in New York City. Including by reducing admissions from heavy duty truck fleets. Local Law 145 of 2013 requires that all private waste collection trucks be equipped with an EPA certified 2007 or later engine or best available retro fit technology by January 1, 2020. Combined with new federal admissions requirements this regulation will dramatically reduce submissions of harmful particulate matter and other air pollutants by the private hauling industry. In addition, we are working towards the implementation
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

of commercial waste zones in New York City. This initiative represents a dramatic overhaul of the private waste hauling industry that will create a safe and efficient system that offers low cost, high quality service while achieving our zero waste goals.

In 2016 the department in close partnership with the business integrity commission began working to develop an implementation plan for commercial waste zones. Over the last year our team has held 150 meeting with more than 100 different stakeholders, including private carters, industry associations, business groups, labor organizations, environmental justice advocates, and elected officials. The concept is simple, instead of up to 50 haulers operating in a single neighborhood on a nightly basis, there will be just a hand full. These companies will be selected through a competitive bidding process that will identify the haulers that can provide the best service at the lowest price for each area. The resulting contracts will include standards for customer service, safety and labor conditions to raise the bar for the hauling industry and ensure all players operate on a level playing field. With fewer trucks on the streets and shorter
routes, zone collection will also mean less unsafe driving behavior and worker fatigue and improve traffic and air quality. A zone system will also dramatically reduce truck traffic associated with this industry by 60% or more while maintaining high quality and low-cost service to New York City businesses. It will also be safer, fairer, and more sustainable than the system that rains today. This initiative will improve the quality of life for New Yorkers living and working across the city, but these benefits will be particularly felt in the neighborhoods with the highest concentration of transfer stations. The exact communities we are discussing today. We are on track to release the implementation and plan this summer. I will now turn to the legislation that is the subject of today’s hearing. INTRO 157-B which would reduce permitted capacity, a private waste transfer station in four designated districts. The bill would reduce permitted capacity at transfer stations in Brooklyn Community District 1 by 50%. It would reduce capacity in Queens Community District 12 and Bronx Community District 1 and 2 by 33%. The anticipated reductions would take place after October 1, 2019 and
would be implemented at the time a transfer stations permit is renewed. The bill also allows for certain limited exemptions to the reductions in permitted capacity for activities consistent with the cities goals. It would allow these limited exemptions for processing recyclables and organic waste and for diverting construction and demolition debris to beneficial use. The bill would also fully exempt facilities that export waste by rail and have onsite rail infrastructure. In addition, the bill would allow facilities to increase their permits by up to 20% in the future to accommodate additional processing equipment for recyclables or organic waste. These exemptions reward facilities that make investments to help us achieve our zero waste goals and create a more sustainable waste management system. Last August, the mayor announced the administrations support for this bill and I am proud to stand with the sponsors in support of this important legislation. INTRO 157-B represents the final step envisioned under the solid waste management plan and it will bring much needed relief to these communities that have born the burden of our waste management infrastructure for far too long. In
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

closing, I want to thank the sponsors of this legislation for their relentless efforts to bring relief to these overburdened communities. Moreover, I want to thank the activists and organizers, many of whom are here today, for their work over the last several decades to fight for equity and justice. My predecessors and I have testified before this committee several times over the last three decades on this topic and I know this relief cannot come soon enough. I am now happy to answer your questions.

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

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

CHAIRPERSON REYNOSO: So about 46,000 — what is the average daily throughput in these private facilities.

COMMISSIONER GARCIA: 20,603 tons.

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

COMMISSIONER GARCIA: Correct.
CHAIRPERSON REYNOSO: Okay, uhm how much excess capacity currently exits in the system? The exact number is 26,000 tons, I guess, I can answer that question. I did the math.

COMMISSIONER GARCIA: If you did the math for me, that’s fine.

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

COMMISSIONER GARCIA: I don’t know, but I would say it’s going to be at some point after a snow storm.

CHAIRPERSON REYNOSO: After a snow storm.

COMMISSIONER GARCIA: Yeah.

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

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

CHAIRPERSON REYNOSO: It very rarely goes extremely high unless it’s like an emergency, like a snow storm —
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

COMMISSIONER GARCIA: If they don’t collect for a few days, private sector often will miss collection, so then you end up collecting everything on the same day.

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

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

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

COMMISSIONER GARCIA: 26.

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

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

CHAIRPERSON REYNOSO: So, out of the 46,000 tons citywide, 33,000 are coming from just these three communities or in these three communities.
COMMISSIONER GARCIA: Yeah, a little bit, I’m probably rounding down but yes.

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

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

CHAIRPERSON REYNOSO: The siting rules first.

COMMISSIONER GARCIA: So, we restrict the siting of transfer stations and there are very specific rules in terms of what may or may not be put in particularly, there actually by these districts. The buffer distance for example in Brooklyn one would be 700 feet. The distance between transfer stations would be 400 feet and then for districts – that’s the top. Then the bottom of the range is there’s a 400-foot standard on both of those and then there is the requirement that for any new transfer station in Brooklyn one it would only be in an M2 or an M3. While if its in a district outside of the ones in the legislation and rules, it could be in an M1. Though
this really hasn’t happened. We’ve seen a continued 
decline in the number of permits in the city. 

CHAIRPERSON REYNOSO: Okay, so a lot of 

these I just want to put into perspective. 

Industrial business zones or industrial areas in the 
city, many poor communities abide or abut a lot of 
these transfer stations because there are places 
where no one wanted to live in the past. So, it took 
upon poor people from the Bronx and from Brooklyn to 
have to live next to industrial parks, so they can 
get affordable rent. So, I want to make sure that we 
put like a historical context in perspective as to 
why near industrial business zones in the city of New 
York, there’s so many poor people or at least Black 
and Brown people. So, I just want to talk about a 

little bit of history there for us. Uhm, what are 
typical types of violations for these transfer 
stations? 

COMMISSIONER GARCIA: The most typical 
vViolation is going to be around parking and about 
around having trucks sort of three-hour storage, 
detached trailer, parked on a sidewalk, double parked 
vehicle, that’s by far the majority of the 
vViolations. Uhm, but you know, they could also take
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

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

COMMISSIONER GARCIA: There really isn’t.
I mean its – uhm, what we see is that particularly in
many of the – for the transfer stations that are in
Brooklyn north and in the south Bronx that are in M3
zones, [inaudible 36:58] in Queens 12 are on larger
properties and therefore its easier for them to
comply. They have much more land. They have
adequate queuing space, there operations are away
from their property boundaries. Thus, you have much
more limited nuisance conditions. So, if your front
door is on a sidewalk, its very different than if
your front door is 500 feet away from the street, but
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

CHAIRPERSON REYNOSO: Okay, so it’s pretty even across the board whether we would consider them a small or a large –

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

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

COMMISSIONER GARCIA: I don’t know the answer to that. No.

CHAIRPERSON REYNOSO: Okay, so two MTS’s opened and there hasn’t been a significant amount of throughput that has moved around even though the foundation of the MTS’s or the Marine Transfer
Stations and the SWMP plan was to figure out a way to relieve these communities.

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

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

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

CHAIRPERSON REYNOSO: That is what?

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

CHAIRPERSON REYNOSO: So, you just said that the MTS’s have allowed for you to move trash, cities trash, to the MTS’s which relieve some capacity, but then it has been supplanted that
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

capacity by other methods of trash by the private companies.

COMMISSIONER GARCIA: Yes.

CHAIRPERSON REYNOSO: Okay, alright.

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

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

COMMISSIONER GARCIA: Uhm, so absolutely. So, as we’ve talked about, we changed the rules for commercial businesses to just simplify them and so we have worked very hard to begin doing enforcement of those businesses to make sure that people are source separating, they’re recycling and I know that also, this has been in somewhat in partnership with the business integrity commission who has brought cases against private charters around mixing and so we will continue to do that but we are pleased to see this go into effect and we are working towards getting broader compliance from the commercial sector.
CHAIRPERSON REYNOSO: And I know we asked about — previously asked the question related to violations in these stations. What about 311 complaints. Do you keep track of how many facilities receive 311 complaints?

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

CHAIRPERSON REYNOSO: Alright, but do you —

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

CHAIRPERSON REYNOSO: Okay, so if there is a 311 — you’ll get me that information?

COMMISSIONER GARCIA: Yeah.

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

COMMISSIONER GARCIA: I don’t know the answer to that, so I don’t want to speculate on what the complaint data might say, but we do respond to all 311 complaints.
CHAIRPERSON REYNOSO: And since the recycling requirements have changed in commercial businesses, have you seen any change in the commercial diversion rates?

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

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

COMMISSIONER GARCIA: So, one of the challenges is that our baseline diversion rate was always just a modeled number because we until very recently did not have any regulatory authority over any paper processors or anyone who was a pure recycling facility. So, I didn’t have any idea what tonnage was going through there. That will get
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

CHAIRPERSON REYNOSO: Is it because we don’t have the information?

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

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

COMMISSIONER GARCIA: Well, I mean they might have taken recycling to facility that I didn’t know a tonnage was moving through there. So, no and I honestly don’t think they are over regulated. I think that considering what we know about the private industry today and some of the challenges that they seem to face in operating safely in the city of New
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

CHAIRPERSON REYNOSO: Are you familiar with Sanitation Salvage?

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

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

COMMISSIONER GARCIA: No.

CHAIRPERSON REYNOSO: Who—what agency—

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

CHAIRPERSON REYNOSO: It’s illegal to do what?

COMMISSIONER GARCIA: To ride the back of a truck.

CHAIRPERSON REYNOSO: At all?
CHAIRPERSON REYNOSO: So, you know that in a lot of these cases, the private sanitation workers have an enormous amount of stops that they got to get through and through that riding step or the back of these vehicles is the only way they’re going to get that job done in a reasonable amount of time.

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

There’s no way in 12 hours they get a thousand stops done without having two workers in the back of a truck and a driver and those are what I consider the bad players Commissioner. The ones that make it so that these workers have to do more hours. That these workers have to hire people off the books, that these workers on unsafe trucks, unsafe facilities, and I’m trying to address that issue and what I want to do is try to figure out a way to get the best players to get the most work and get these bad players, that I consider bad players that are doing the cities workers out of the market completely. When we talk about that and the fact that you, as the Department of Sanitation are not responsible for that and that there is no city agency necessarily that’s responsible for overseeing that outside of the state, is concerning because again, there’s a narrative out there that the industry is over regulated but the city does not regulate them when it comes to these issues especially that seeing a supervisor from Department of Sanitation sees a truck with two people on the back of it. There not going to stop that truck.
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

CHAIRPERSON REYNOSO: How many so, if you don’t mind me, how many hours a day does a sanitation worker from the city of New York — uh, how many hours do they work?

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

CHAIRPERSON REYNOSO: Right, and your trucks, what is the oldest truck let’s say right now?
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

COMMISSIONER GARCIA: I can’t say, like most of our truck — all of our trucks are compliant with either 2007 standard or Bart[SP?] Technology. Most of my, the vast majority of my trucks are post 2007.

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

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

CHAIRPERSON REYNOSO: Five or six years —

COMMISSIONER GARCIA: Is my average, like I’ve got some like brand new and —

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

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

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

COMMISSIONER GARCIA: No, but we did — I know that the business integrity committee did just ask the industry for the information to see if
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

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

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

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

COMMISSIONER GARCIA: Yes.

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

COMMISSIONER GARCIA: Uh, I don’t have that authority.

CHAIRPERSON REYNOSO: You don’t have that authority?
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

COMMISSIONER GARCIA: And I don’t believe the business integrity commission has that authority either.

CHAIRPERSON REYNOSO: Alright, but if we have commercial refranchising we would be able to ask them to have newer trucks which is better for the workers when they have new trucks? Or we’re assuming that it’s better for the workers to have a newer truck, I guess.

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

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

COMMISSIONER GARCIA: We’re not picking up straw separately.
CHAIRPERSON REYNOSO: Yeah, okay.

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

COMMISSIONER GARCIA: No, no truck just for straws.

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

COMMISSIONER GARCIA: Within that, yeap.

CHAIRPERSON REYNOSO: But the point here is that we want to make sure that we bring about environmental justice to these communities. I want to talk about another community that got environmental justice. It was Statin Island had something, it was called the Fresh Kills Landfill. There were stories, which now I know are not true,
that you could actually see the landfill from space. Uhm, that’s not true now, but they shut down the landfill in Staten Island are building an amazing park, a beautiful park, a huge park and in turn, that community got environmental justice appropriately so by shutting down the Fresh Kills Landfill and making it into a park, and in doing so all that trash moved to three communities of color. Uhm, the Staten Island district that the Fresh Kills Landfill was shut down for, that is a predominately White district. Would you agree with that statement? That south Staten Island is mostly White?

COMMISSIONER GARCIA: It is definitely Whiter than the north side of Staten Island.

CHAIRPERSON REYNOSO: Yes, south Staten Island is Whiter than the north shore of Staten Island. Alright, so I want to pass it over to Council Member Stephen Levin. I just want to acknowledge the fact that we have also been joined by Council Member Cabrera from the Bronx.

COUNCIL MEMBER LEVIN: Thank you very much Mr. Chair. Thank you, Commissioner. I just have a few questions and I know that the Chair covered a lot of the important ground. In foreseeing the impact of
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

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

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

COMMISSIONER GARCIA: You know based on
what we’ve seen so far, the answer to that would be
no, based on the legislation and what we’re building
and what has been sort of produced, even sort of this
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

COUNCIL MEMBER LEVIN: And then on the MTS’s, what’s the total capacity of MTS’s aggregate?

COMMISSIONER GARCIA: Well, the MTS’s at Staten Island, which is also our facility is 10,706 tons.

COUNCIL MEMBER LEVIN: Okay, and that’s all putrescible?

COMMISSIONER GARCIA: That’s all putrescible.

COUNCIL MEMBER LEVIN: Now in response to the Chairs question. You said that you’re not seeing a reduction in throughput from the private sanitation transfer station because —

COMMISSIONER GARCIA: In your districts.

COUNCIL MEMBER LEVIN: In our districts, due to the MTS’s, so if residential capacity is moving to the MTS’s, what is that being back filled? Just new commercial —
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

COMMISSIONER GARCIA: New commercial accounts and their as competitive —

COUNCIL MEMBER LEVIN: Where were they before?

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

COUNCIL MEMBER LEVIN: These would be carters from — all the carters within the five boroughs?

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

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

COMMISSIONER GARCIA: Its likely throughput that’s coming from the five boroughs but I’m saying there’s nothing inherently — if you know, Long Island’s putrescible station was charging
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

COUNCIL MEMBER LEVIN: And the MTS’s, will they be taking any private carters or –

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

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

COMMISSIONER GARCIA: From what we have seen based on what we’re projecting in terms of what this current bill says. Uhm, is we believe that the city would be able to handle its growth as well as its building industry. That there would be a place
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

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

COMMISSIONER GARCIA: Yes.

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

COMMISSIONER GARCIA: Correct.

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

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

COUNCIL MEMBER LEVIN: Okay.
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

COUNCIL MEMBER LEVIN: Hmm, hmm, okay. Uhm, can you explain a little bit more about why the administration supports a rail and recycling exemption? I think it's fairly obvious on its face, but —

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

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

COMMISSIONER GARCIA: And then recycling is like we want to make sure that materials are being beneficially reused. We think that’s important just in general to not be landfilling all of the cities waste and so, we wanted to try and incentivize the
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

COUNCIL MEMBER LEVIN: And how about organics?

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

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

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

COUNCIL MEMBER LEVIN: Okay, uhm, I obviously very much appreciate uhm, DSNY working with us for over a very extended period of time on trying
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
to find the right balance with this legislation.
Uhm, and you know we think that this bill achieves
that balance and so we just want to — I just want to
acknowledge our great appreciation for the amount of
staff time that your staff put into this and working
with the Chair and myself to find that right balance.

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

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

COMMISSIONER GARCIA: Thank you.

COUNCIL MEMBER LEVIN: Thank you Chair.

CHAIRPERSON REYNOSO: I want to thank you
for your time Commissioner. I appreciate you coming
here and supporting the bill and for your testimony.
I hope a couple of your folks can stay here to listen
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

to the rest of the testimony from all sides. Thank
you for your time again.

COMMISSIONER GARCIA: Thank you.

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

CHEN BOW-TENE[SP?]: Hello everyone, my
name is Chen Bow-Tene, sorry I only speak Chinese,
Cantonese. So, Ms. Fall will be translating for me.
I’m a resident at 609 Metropolitan Avenue where I
have lived for ten years. While I have lived there,
there are constantly trucks whether it be dump
trucks, garbage trucks, that always pass by my
residence. It is very noisy, a lot of pollution in
the air. Of the ten years that my husband and I have
lived at 609 Metropolitan, after five of those years,
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

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

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

CHAIRPERSON REYNOSO: Well, thank you for your testimony and that’s exactly what we’re trying to do here in passing INTRO 157. I really appreciate you taking the time to come to city hall and putting forth your testimony. Living on Metropolitan, which
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

CHEN BOW-TENE: Thank you.

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

MELISSA USHAN: Thank you. Okay, good afternoon. My name is Melissa Ushan and I’m a Senior Staff Attorney in the Environmental Justice Program at New York Lawyers for the Public Interest. NYLPI has advocated and litigated for environmental justice in New York City for more than two decades. NYLPI’s environmental justice program has focused on the topic of today’s hearing trying to bring equity into our cities waste system throughout the history of this issue moving through the council and I have worked in the area of waste regulation myself for more than four years. I would like to thank Chair Reynoso and the sponsor of this important legislation, Council Member Levin, as well as the other members of the sanitation committee for the opportunity to discuss the troubling problem of the inequity in our cities waste system and for
continuing to support and advanced waste equity legislation. This bill represents the first step towards much needed and longer waited relief for the communities in our city that have born the brunt of our garbage for too long. I would also like to thank Commissioner Garcia and DSNY for their efforts to find a way to work together to bring more equity into our cities waste processing system and their support of INTRO 157. The fact is that waste is one of the most unequally distributed environmental burdens in our city and one, the council has the obligation to finally address by passing INTRO 157. The journey leading us to this hearing where the council is once again considering a proposal to address these inequities has been a long one. As the Commissioner said, the solid waste management plan approved in 2006 specifically calls for reduction in private transfer station capacity in four city districts. Mostly comprised of communities of color and Council Members are presenting these overburdened communities have been trying to pass a waste equity bill since at least 2011. Here we are twelve years after SWMP was ratified and three years after the last hearing on a previous version of this bill and the neighborhoods
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

CHAIRPERSON REYNOSO: Hold your breathe.

I’m going to add another minute. I’m going to make it three minutes because its obviously ridiculous. I don’t want everyone speeding through their testimony. I want to be able to hear people. So, we’re going to do three minutes. So, you got another minute.

MELISSA USHAN: So, slow down?

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

MELISSA USHAN: Time flies when your having fun. Okay, uhm, so I was listing the noxious effects of living in these communities, which include asthma and respiratory health problems due to idling diesel burning trucks congregating around the transfer stations, foul odors, toxic leachate and
vermin that these garbage facilities so notoriously produce. By reducing permitted capacity in north Brooklyn, southeast Queens and the south Bronx, INTRO 157 shows these communities that they have not been forgotten. This legislation follows through on the city's commitment to finally cap the amount of waste it sends to these neighborhoods and it is a first step to actually bringing them some relief from their decades long barrage of garbage. The bill also helps the city accomplish its zero waste goals. INTRO 157 includes incentives for facilities to increase recycling and organics processing capacity that can nudge New York City’s abysmal recycling and diversion rates a bit higher and closer to those of leading cities. Finally, incentivizing expansion and investments in the use of rail and barge to export our waste will not only reduce the city's greenhouse gas submissions but may also start to improve our notably poor air quality and reduce the especially high rate of particulate matter pollution that is the norm in these communities. INTRO 157 delivers overdue protections to communities that have been waiting for decades for some sort of action. With the passage of INTRO 157 as a first step, we look forward to
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
continuing our work with the Council and DSNY in
implementing system wider forms for our waste system
through the upcoming zoning system, which we believe
will pick up where this important legislation leaves
off and move us towards true waste equity in the
city. Thank you very much.

CHAIRPERSON REYNOSO: Thank you Melissa, thank you.

LESLIE VELASQUEZ: Hello everyone. My name is Leslie Velasquez and I manage Environmental Justice Programs at El Puente. El Puente is a community-based organization in focus on building leadership for peace and justice in Williamsburg southside in Bushwick. Since 1982 El Puente has provided holistic programing centered on leadership development for young people and their families involving health, education, the arts, and activism. We’ve also led several successful campaigns for environmental justice and we have specifically worked to address air quality and waste equity. As a long-standing community organization and a champion of environmental justice, we are happy to discuss policies like INTRO 157, that will improve environmental conditions for [inaudible 1:11:18].
North Brooklyn is disproportionately the most waste burden community in New York City handling nearly 40% of the city's total waste. This burden is made even worse in our community by the clustering of other truck-intensive infrastructure, like highways and the bus depot. Consequently, our neighborhood suffers from extremely poor air quality. Last year, El Puente led an air quality study, which involved community volunteers to monitor PM 2.5 levels in four parks in Williamsburg southside. Each park had peak PM 2.5 levels four to six times higher than the maximum levels recommended by National air quality standards. The study also involved counting the number of trucks around each park and in one park, our volunteers counted an average of 218 trucks per hour. As a result of this pollution, compared to the rest of the city, our community has higher rates of emergency room visits for asthma and some of the highest rates of asthma in children. In our survey of park users, the air quality study, 23% of park users surveyed reported having asthma. In some, the uneven distribution of waste facilities has predictably led to disproportionality poor air in communities like ours and in turn, severe health
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT disparities. It is imperative that the city remedy this injustice for the wellbeing of current and future generations. INTRO 157 is a step in this direction. We applaud Council Member Reynoso’s leadership on this issue and for being a tireless advocate for waste equity, thank you.

CHAIRPERSON REYNOSO: Thank you Leslie.

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

Reynoso and Commissioner Kathryn Garcia. Thank you all. This bill acknowledges a reality that our community has known for a long time. Waste is unfairly concentrated in southeast Queens, the south Bronx, and north Brooklyn with 40% coming through north Brooklyn. It is not easy to live in these neighborhoods. That means if you’re walking on the street, you need to be extra cautious to avoid a truck jumping the curb on a tight turn, running a stop sign, or driving the wrong way down the street to speed up their route. It means your car gets hit regularly and no one takes responsibility. It means old trucks spilling toxic leachate onto the streets and spraying diesel fumes into the air. The stink is so strong that you can’t open your windows and kids can’t play outside. The young and elderly get sick more often and have significantly higher instances of asthma than other neighborhoods. 157-B is a step forward to what’s recognizing that the burden placed on these neighborhoods like ours is unjust and that no other neighborhood should have to experience it. It is a step forward in the fight to preserve equal access to a healthy environment, no matter how rich or poor you are or what color your skin is, and this
is just the beginning. We need to overhaul the private waste haulers. Employees and pedestrians are dying on the streets with absolutely no consequences due to a lack of training and reckless driving encouraged by company management. Private haulers create fake unions and still money from their employees. Meanwhile, their owners live lavish lifestyles. These companies break the law and hurt people with impunity. In 2016, we released a report, profits before safety, which documented 1200 violations of permit conditions city and state law in a single week, and not a single fine was issued. Once we have a cap, we need to establish a new way of keeping these bad actors accountable. We wholeheartedly support this bill and urge you all. Let’s not stop here. Until we can stop the abuses of the private car hauling industry, no neighborhood will be safe.

CHAIRPERSON REYNOSO: Thank you Teg.

Thank you. Jen?

JEN JOHNSHANPSIA [SP?]: Good afternoon.

I want to thank you for allowing me to be here today and I want to think my districts Council Member Antonio Reynoso for continuing to be an advocate for
environmental justice and waste equity for our community. My name is Jen Johnshanesia[SP?]. I’m a native New Yorker originally from Long Island City. I moved to North Brooklyn when I was 19-years-old and have been living and working in north Brooklyn for the past ten years. I’m here to represent my community which handles nearly 40% of New York City’s waste. It’s no doubt that capping the amount of waste for overburdened neighborhoods, such as mine will significantly improve the severe environmental harms that we’ve been experiencing for so long. With the high number of waste transfer stations as neighbors comes the high number of trucks coming through our community an increased number of risks and dangers my neighbors and I experience on a daily basis. My community and I compiled a short video to show you the violations and issues that we face on a daily basis. So, I’m going to play that as part of my testimony. So, these are the doors that Brooklyn transfer. This means that kids living nearby can’t go outside and play because it smells so bad. This means that families can’t open their windows. It’s a problem that the community has been dealing with for over 20 years. This is a perfect example where the
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

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

JEN JOHNSHANPSIA: Yes.
CHAIRPERSON REYNOSO: For testifying about the conditions that they were working under in five star.

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

CHAIRPERSON REYNOSO: Yeah, and I just want to say that we had a rally, we had a rally to fight for union jobs two days later and they were reinstated into their jobs. So, it just shows that one, if your going to testify here we’re always going to have your back. Especially, if your talking about safety conditions and what you think is a problem, but it is also like I show that we continue to fight for high quality jobs in this industry and that we don’t allow for employees to scare or use scare tactics or threaten employees when they come here to testify about their working conditions. So, I want to thank Clean Up Brooklyn for everything that you’ve done in organizing and bringing attention to this issue and [inaudible 1:20:48], thank you so much as well and of course for your legal representation.
always for NYLPI. So, thank you for this panel and I think Council Member Brad Lander wants to say a few words.

COUNCIL MEMBER LANDER: Thanks very much Chair Reynoso. I won’t go on to long, but I just wanted to come and express my solidarity with you and Council Member Levin and your constituents in your community with the advocates from north Brooklyn, with the workers in the private sanitation industry. I’m proud to be a co-sponsor of 157-B and it is time for this council to do everything we can to move forward. Obviously, the inequities that communities in New York City face. A total unfairness and where we process our waste and what that means for people’s health and quality of life is really unacceptable. It violates the idea of the cities fair share siting system established in 1989, and we haven’t done anything meaningful about it. This 157-B will be a strong step forward and I also hope that we will continue to push forward hard toward the district model to make sure that we can reduce unnecessary truck trips. Really achieve environmental and sustainability goals and protect workers. Obviously, what we have been seeing through public reporting and
other worker organizing in recent days. It’s just appalling. So, thank you guys for pushing us to do better. I hope we will be able to move forward quickly with this bill and then continue to make progress in cleaning up the commercial waste industry, thank you.

CHAIRPERSON REYNOSO: Thank you Council Member Lander and I think you made reference here to a worker that was run over by a truck and the truck driver and the helper, because this is a third person on the truck, said that he was a homeless man that jumped in front of the truck when he was actually being employed off the books by Sanitation Salvage. One of the stations that would be affected, they have something that we call fake unions, that go in there to take opportunities away from real unions, like the teamsters and the laborers that have been doing this for years. That actually represent their workers.

They have a fake union, they don’t care about safety, they’re willing to lie about off the books worker. Those are the type of people we are targeting. We are going after those folks. I want to make sure that I’m clear that I’m going after locations like that, that put profits over their workers. Like, we
wont’t allow that to happen in the City Council and this legislation would help start address that on top of commercial waste franchising. So, I know that you want more, and I’m focused on that and I just want to make one last reference to the video, this is not a waste transfer station in an M3 zone that’s like really deep because if the truck was doing that, if the truck was doing that in an M3 zone, where there are other trucks and there’s space and things like that, it would be more justified. This is across the street from their home. They live in 120 Themes and what’s the address of that? 115 Themes because literally two houses away, or two houses numbers away from them and they’re not the ones on the corner, so I want to mindful of that. The waste transfer station that you see there is across the street from their home or right next to their home. This is not one in the middle of you know, the middle of nowhere where it makes sense where you would have trucks doing what they have to do. This is right next to a residential home. We’re trying to change that in north Brooklyn, south Bronx, and southeast Queens. So, I want to thank you for your testimony and your time.
JEN JOHNSHANPSIA: Thank you.

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

CARLA CRUZ: Good afternoon. My name is Carla Cruz and I am testifying on behalf of greater New York Lecet. We are the labor management front of the Mason Tenders’ District Council and we represent over 1000 hardworking members of laborers Local Law 108. I want to start by thanking Chair Antonio Reynoso for the opportunity to testify today and to voice our concerns regarding INTRO 157. Over the last several years, our organization has worked closely with you and the council over this issue and we look forward to continuing this work to come to a solution where we can both reach the waste equity INTRO 157 seeks, while also protecting the quality jobs that organized labor has collectively bargained for in the private waste industry. Our members including those from our sister locals, Local 78 and 79, work, lift and support families in the five boroughs. Our membership is made up predominately of
people of color. Many of whom are residents on the identified overburdened districts. They too are affected by pollution and will benefit from clean air and waste equity. Our opposition has never been to fair distribution of the cities waste or to the relief of the communities that are most effected by the consequences of unequal distribution. Or opposition has always been and continues to be the short side of plan that Council has proposed for possible displaced workers. Especially those who work for employers who provide careers, rather than low wage jobs from New York residents. Creating waste equity and fair distribution does not need to cost job opportunities for hard working New Yorkers. Local 108 has made incredible strides in the industry when it comes to wages, benefits, and standards. More importantly, union shops provide the training and safety measure needed to work in such toxic and dangerous environments. This bill does not protect the crucial gains meaning one of the most dangerous occupations in this country. This bill penalizes workers for the absence of real reform to the industry. We believe we can do both. We can bring
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

CHAIRPERSON REYNOSE: Go ahead.

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

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

CHAIRPERSON REYNOSO: Thank you for your testimony.

KENDALL CHRISTIANSSEN: Good afternoon Chair Reynoso and members of the committee. My name is Kendall Christiansen. I’m here as Executive Director of New Yorkers who are responsible for waste management. Which is an organization locally owned and operated waste service companies that provide comprehensive collection, processing, and disposal services for the waste, recyclables, and organics generated by New York cities businesses. I have two statements to submit, one is on behalf of High-tech Resource Recovery, which is a transfer station and recycling facility in north Brooklyn and the second is on behalf of New Yorkers for response of waste management. My testimony is organized as series of questions. Much like those that you can Council Member Levin asked of the Commissioner. The only point I would make is I encourage you to look at
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

CHAIRPERSON REYNOSO: Thank you Kendall.

STEVE CHANGARIS: Mr. Chairman, Steve
Changaris. I’m the New York City Chapter Director
for the National Waste and Recycling Association. A
50-year-old trade group for Americas private Waste
and Recycling industry. We represent – we have many
members who own these facilities who collect the
trash with the subject of the hearing today. I’ve
submitted the testimony that for the record, making
sure we cover all the points, but I just want to go
over some of the bigger talking points and issues
that are in that testimony for your review. We’re
here because of you know, we own these facilities and
the carters use these facilities and they’re — you know service their communities. They do this for their families, they do this for their businesses and their companies and its important work and day in and day out. We believe that the 157-B is not the best or appropriate way to address transfer station capacity reduction that was envisioned in the solid waste management plan. Its outside the scope of the environmental assessment and the state regulatory and planning process with [inaudible 1:31:25] and the city solid waste for you rather a facility planning review and I think if you listen to the line of questioning that the community today, there was sense that you’re asking the department and the Commissioner and your talking amongst yourselves that well, this isn’t going to hurt. This is going to work out. These are going to accommodate all these various needs that the planning process anticipates, and I would submit that it doesn’t, and I know its well meaning and I know it’s the intent of the legislature to move this bill but the proper way to address this issue is through the planning process and to make sure that the environmental assessment and the environmental impact statements are done.
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

The other issues in here let’s see, we know that process is delineated in the July, and its in the record. We submitted it as an attachment. In the July letter from INTRO 495 from last year. It’s a thorough analysis of why we believe there’s a full blown environmental assessment needed that leads to the environmental impact statement and in addition to that, we have foiled the environmental assessment and we’ve gotten — its not available, its not ready. One of the other things that we summit in the testimony is that, if those reviews were done. The very kinds of questions that you asked the Commissioner, all that would be modeled and understood. All those impacts would be understood. One of the big questions in the testimony is that, you say, well because we’re only reducing it a little bit and we’re doing this and no one’s going to more, we’re under capacity. The bottom line is nobody knows where those trucks are going to go and where that waste is going to go because it hasn’t been modeled and it hasn’t been studied thoroughly by the Council.

That’s why there’s that planning process and Sequa and that we have SWMP process and all that, well thought out and well-reasoned kind of process. So,
if I might, you know if the jobs build. You say will you take away capacity, it’s a small amount, the stations going to survive, that’s an unknown thought. It could be the critical mass that causes that station to close and then the permit surrendered, and the waste goes elsewhere. So, all the testimony, all the points are in there. We’ll continue to work with you as best we can, and we think there’s better ways to get this done.

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

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

CHAIRPERSON REYNOSO: So, now you’re in the Harlem River Yard?

KENDALL CHRISTIANSEN: No, I work for Action Carting 32nd and Bronx.

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

KENDALL CHRISTIANSEN: Uhm, there was, it was removed at the end of our property it begins and
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
goes through New York post into Waste Managements facility.

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

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

CHAIRPERSON REYNOSO: So, we’re trying to exempt those facilities that have rail. We’re trying to see if we can expand recycling, so the changing from straight putrescible to some recycling. We’re also going to give them 20% increases. So, I just want you to know that in the work that we did, we paid attention to what we consider good players of which Action Carting and Waste Management are both players that we think do well by their workers as you can see. You guys have good employment, you have good pay. You know, they’re not giving you 18-hour
work days, unless you ask for which is illegal actually. So, no they’re not giving you 18-hour work days. So, my point being is that what we want to do is figure out a way to keep supporting the Action Carting and the Waste Management but eliminating the sanitation salvages of the world and you are not sanitation salvage by any means. No way shape or meaning. I hope that everyone in this room has read the ProPublica articles, all three of them and I want to give a shout out to Kiara Feldman[SP?] for the work that she did and finally highlighting in a real way the atrocities that are going on to people that don’t have unions representing them. I think your privileged to be able to have a job where you do, where you have a union represent you, that’s real. A lot of other workers don’t. So, we’re trying to figure that out and this is our first step in trying to make that happen. I also know that Miriam has organizations that they represent that are part of that group of good players, but we wanted to make sure that the bad players get held accountable and until we don’t start pushing this legislation, we’re not going to be able to do any of that. So, I want to thank you for your time here. I know you are in
opposition but I’m letting you know that I’m not in opposition with the work that you’re doing, and I don’t want you to lose your jobs. We’ve done everything we can to talk to Waste Management, to talk to Action Carting to make sure that we do the best we can to protect good players and you can ask about that.

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

CHAIRPERSON REYNOSO: So, and we’ll continue to have a conversation and I want to make sure that that’s the hard part of what we’re trying to do here. We have an issue with environmental injustice with asthma rates and the trucks polluting the streets of only very small specific communities and then we have the jobs that come that type of job.
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

COUNCIL MEMBER CABRERA: Mr. Chairman?
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

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

CHAIRPERSON REYNOSO: Yes, I’m sorry bro.

COUNCIL MEMBER CABRERA: Maybe because I’m not for the bill.

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

COUNCIL MEMBER CABRERA: Its five minutes, no I won’t need that much time. Thank you, Mr. Chairman. Thank you for holding this very important hearing because I know there are many sides to this issue. I just want it to be on the record that I fully support the companies here and all of the laborers. Many of the laborers that are working in these companies — they were given an exceptional opportunity to hear some of the stories and I commend you. You have your own home now, your own house in and the stories I’m sure if we were to give an opportunity to many people here will be replicated. One of my biggest concerns number one, we have — a lot of these businesses I invested literally hundreds
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

CHAIRPERSON REYNOSO: Thank you Council Member Cabrera. Justin Wood, James Curbeam[SP?], Dior Doward[SP?], Reverend Dan Rodriguez and Dr.
JUSTIN WOOD: Thank you Chair Reynoso and members of the committee. So, I’m Justin Wood. I am the Director of Organizing a Strategic Research at New York Lawyers for the Public Interest and a lot of the arguments about why this is a very necessary and overdo bill. Many of us remember being here I think it was four years ago and even before that, there were previous version of this bill. So, I’m not going to make those arguments again, but I do want to because I spend a lot of time looking at the facts and want to try to make sure we stick to facts in this conversation. To correct some of the miss information that we’re hearing from the for-profit waste industry and I have – they didn’t really deliver it, but I have copies of Mr. Toscano’s testimony and the so-called New Yorkers for responsible waste management here. Uhm, so in the many years since you Council Chair Reynoso and your predecessors in the council have been fighting for waste equity to just make this gross inequality a little bit better. We’ve had a chance to see how things will work out if we just leave it alone and
don’t pass this bill and things are getting worse on a number of fronts, not better and those are the facts. So, in southeast Queens, where we’ve had a marine transfer station. Thankfully, taking Department of Sanitation waste for a number of years now and that’s a good thing. We want those trucks going there and we want those good union jobs at that marine transfer station. We want that waste going out by barge. Southeast Queens has actually had a big increase in the amount of waste being trucked into that environmental justice community by the private companies. So, we can’t just leave it alone. We desperately need this legislation. I also want to highlight the direction that recycling has gone in. Uhm, we’re fully on the side of workers represented by the laborers, teamsters, and other legitimate unions. We’re also really aware that recycling and organics processing recycling the huge amount of our waste stream that’s organics creates five to twenty times more good green jobs then simply trucking this waste in and out of environmental justice communities to landfills. Unfortunately, the private waste industry is going in exactly the wrong direction with recycling. We just finished adding up all of this
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

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

CHAIRPERSON REYNOSO: Thank you, I
appreciate it.

JAMES CURBEAM: Good afternoon.

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

JAMES CURBEAM: Good afternoon. My name
is James Curbeam. I’m here to represent the
Teamsters Union Local 813. The private sanitation
union in this city and also president and business
manager Shawn Campbell. I’d like to first off thank
this council for allowing me to testify for my union
today. The Teamsters Local unions represent
thousands of New York City workers in this industry
including the Department of Sanitation workers.
Private carting, construction, and demolition
workers, transfer station workers, and recycling
workers. We want every job in this industry to be a
good job. That means safe jobs, dignified jobs, and
also a family sustaining job and jobs that our
workers can retire from with security. Most private
transfer station workers that work in this industry
has to hold unacceptable working conditions with low
pay, with few prospects. Recent media coverage has exposed how many sanitation companies treat their workers that operate garbage trucks. Think about how you treat workers that work in the transfer station now. That they could actually house and hide from the public eye. You heard today from other folks that testified that this will cause union jobs. They will be lost. That’s a joke to most workers in this industry because of the sham unions that you have talked about Council Member Reynoso. Sanitation salvage, Mr. T, Five Star, Borough wide, Liberty Ash and many more use these sham unions and these sham unions I call out today like 890, Wise 124, United Service workers Local 339 and there are more out there that pops up on a daily basis. They protect the employers, not the workers. The gold standard of transfer stations are to the Department of Sanitation Marine stations. Safety is the priorities. Workers have a contract that they are paid a fair wage and have good healthcare and pension benefits. Most of all, they are treated with respect. They are treated like humans. When those facilities were announced as a part of the solid waste management plan, the whole point was to stop this send over all the trash to the
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

CHAIRPERSON REYNOSO: Thank you for your testimony.

DIOR DOWARD: Good afternoon. So, I just wanted to just kind of preference my testimony with this idea that thank you for speaking about workers and laborers and one of the things that we want to do is have a large investment in worker owned cooperatives because we believe that that is the way that we’ll be able to support this new plan moving forward with community members that actually represent EJ Comernies[SP]. So, thank you for the opportunity to testify. My name is Dior Doward[SP?] and I am the founder of GreenFeen which is a Bronx-
based environmental consulting firm that uses hip hop to teach sustainability through compost education and green technology. And so, at GreenFeen we adopt the principals of environmental justice and have recently started a worker owned cooperative designed to process organic waste locally. GreenFeen Organics is a graduate of Green Workers Cooperative located in the south Bronx and our goal is to collect and process organics locally to ignite community-based solutions that secure waste equity for Bronx residents. GreenFeen envisions a society where resources and benefits are equally shared and where people play a role in community decision making and proportion to the degree they are affected. We are fighting for our south Bronx where future generations have clean air, well resources and community-controlled schools, safe streets, green space, good jobs, and more control over the wealth that their labor actually create which is why we started a Worker owned Cooperative. Sometimes inspiring changes comes without reward or recognition and so the south Bronx has long dealt with an unfair share of the cities garbage from truck traffic to the smells, to the noise of the transfer stations. Our
Committee on Sanitation and Solid Waste Management

Community is forced to live within the toxic burden caused by all five boroughs and as known as a result of racial zoning that is why that has happened. That is why as a Bronx president I took the class with Green Workers Cooperative because I shared similar goals of green development. So, it’s time for the city to step up and take measures that would protect the Bronx from anymore garbage. We support INTRO 157 and see it as a part of a larger vision for an equitable waste system that does not put all of the burden on just a few low-income communities and communities of color. The disproportionate numbers of waste transfer stations in the south Bronx is an EJ issue that community members and stakeholders are trying to overturn, which is why I keep talking about Worker Owned Cooperatives. Grass Routes organizing presents its own set of challenges, like finding commonality among national groups with different frameworks. However, this bill allows us to practice engaging in an alternative system where our collective interests are represented in different ways. I’ll leave you with the rhyme for the time because we do our hip hop. So, we send jobs to other states. When we export our waste. So, it’s time to
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
raise the stakes and pass 157A, I know its B now.
Let’s keep food out the trash and make them rats mad.
If we don’t feed em, we won’t need em. Compost my
liberation system freedom. Thank you.

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

DIOR DOWARD: Yes.

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

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

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

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

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

DIOR DOWARD: Yes, 100%.

CHAIRPERSON REYNOSO: Alright, thank you
for that. I appreciate that. I haven’t heard that
yet so, thank you to GreenFeen.

DIOR DOWARD: Yes.
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

REVEREND RODRIGUEZ: Good day distinguished panel. I’m Reverend Daniel Rodriguez from the Greater Allen A.M.E. Cathedral in Jamaica Queens. I am here today as part of a collaborative team of concerned civic, community, clergy, council, and corporate members of this fine city. I join in the hopes of bringing some measure of beneficial accountability and waste equity to the practices of an industry that is if left unchecked can prove to be health challenging to the communities impacted.

INTRO 157 is responsible legislation and a collaborative effort developed to protect overburdened low-income communities of color of receiving any more trash. It seeks to reduce the amount of garbage permitted in these communities of the city which includes the south Bronx, north Brooklyn, and southeast Queens while capping the amount of garbage that can be processed in all other community districts in the city. It’s a compromising bill that doesn’t say not in my back yard, but instead says, not all in my back yard. It also incentivizes the transfer stations to recycle more which provides an opportunity to create more and better jobs while encouraging the use of barge and
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

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

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

CHAIRPERSON REYNOSO: Alright, thank you for that. I like that, I’m going to steal it. I’m telling you now.

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

CHAIRPERSON REYNOSO: Okay, so thank you William Baker, absolutely. Thank you.
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

CAPPY COLLINS: Good afternoon. Thank you for the opportunity to speak. Thank you to the council. My name is Dr. Cappy Collins, I’m a pediatrician and I work with families in east Harlem.

Air quality is a major factor effecting the health of children. Especially in communities with this proportion that burdens of traffic and poor housing and poverty, and east Harlem is one of those communities. The parents I work with are doing what they can to preserve the health of their children. Asthma is a big problem. With higher rates in east Harlem then almost anywhere in the country. Parents can take care of doctor’s appointments, keeping up with medications, that’s within their power. They cannot control the garbage trucks idling on the streets, crisscrossing the streets and barreling up the avenues as they haul thousands of tons of waste per day through their neighborhood on route to disposal sites and other impoverished neighborhoods in the south Bronx. Combustion exhaust contains hydrocarbons, soot, ozone, and carcinogenic chemicals like benzine. It makes asthma worse. I can’t prescribe a medication for this and families can’t protect themselves from the polluted air they
breathe. We need help and help is at hand. As a community of New Yorkers, we can make the air better through legislation. Limiting the maximum capacity at our waste transfer stations is a first step towards clean air. I urge the Council to support INTRO 157 and continue building a just city that allows children and families to thrive. Thank you.

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

CAPPY COLLINS: Congratulations.

CHAIRPERSON REYNOSO: I think about all the trucks. I cross streets differently. I don’t go down major tour ways because I think he is going to breathe all that air in. I didn’t notice all that before. Now I notice it every second. So, I appreciate you coming out and making that testimony and being here. I just want to say to the Teamsters, I try to push a law that would make it illegal to have these fake unions. That you need to do more to show that you’re a union then what they were doing
and like the life 890, but it’s a state issue. So, I don’t have the authority as a Council Member to modify that law. If I did, I would try to change it and I would be the first person that bill, just to let you know. That’s a big problem that we’re going to deal with long-term here. All these fake unions coming in and being able to have the same footing as you or the laborers so, we got to start working on that as well. I’m more than happy to join a campaign in the state to make that happen. To modify that legislation. So, I appreciate everyone for their time and we’re going to the next panel. Thank you.

Rolando Guzman, Stefanie Wenzel, Omar Freilla, Danny Peralta, and Priya Mogalker[SP?], I tried Priya, I’m sorry. I’m terrible at these things. So, Rolando, we’re going to start with you and go down as well.

ROLANDO GUZMAN: Hi, good afternoon. My name is Rolando Guzman and I’m the Deputy Director for Community Preservation at St Nicks Alliance. I’m here testifying on behalf of coalition of organizations in north Brooklyn that came together after the whole environmental injustice. So, the opening of so many waste transfer stations in our community. We are here supporting this legislation
right now. We believe this is not only right, but it’s a great message for other communities that it’s going to prevent other communities of color of ending up like north Brooklyn. North Brooklyn I say this right now, it’s an environmental tragedy. We have an oil spill that is the largest in the northeast of the United States. We process almost 40% of New York City garbage. Our kids — our elementary school playgrounds, there pretty much next to truck routes. We have one of the highest rates of asthma in the whole city and neighbors complain about the noise, about the lack of air quality, about traffic safety issues. Uhm, I just want to say something to the people from the trade, the second panel, that happened here, and I would like them to come and the message is clear. Just bring your kids through north Brooklyn. Just bring them to the south Bronx. Just have them stepping for a half an hour in any corner where those trucks are going and just take them home and see how that goes. I think that this is your message. This is — we’re trying to have a tail of two cities and just go from Manhattan. Just go to subway rights to other communities where you have a total different environment and we think that enough
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

CHAIRPERSON REYNOSO: Thank you Rolando.

STEFANIE WENZEL: Hi. My name is Stefanie Wenzel. I was born in Brooklyn and I’ve been a resident of east Williamsburg Brooklyn since 1997 on Barrett street. My Council Member is Antonio
Reynoso and I’m very proud to see him here today representing our district. My son is now pre-k student at PS 147 which I should mention is the school for environmental engineering and I am an artist who works with the students at the school on art projects related to environmental sustainability. The school is three blocks away from our home, which we love. The park that we visit every day after school one block down from PS 147 is adjacent to a cement factory which currently does not mess down its cement dust. The air quality is compromised for not only my son, but the entire community around Gilbert Ramirez Park. PS 147, the young one’s leadership school which shares the same building as PS 147, residents around the Morgan Stop and Metro stops on the L train and beyond. In addition, we have a waste transfer station which was mentioned in the video that you saw earlier and in addition to a slew of waste transfer trucks that park over night on Evergreen Avenue, right next to PS 257, and the baseball and playground that students and residents frequent. Not only are the particulates that are unsafe from these trucks to our health, but it is the routes in which these trucks take that are not
actually truck routes and additionally compromise our safety. Cement trucks cruise down McKibbin and take a right onto left - right or left onto Bushwick avenue which is not an approved truck route with little to no regard for the pedestrians trying to cross the street simply to get to school. This is also in addition to the waste transfer trucks. This is just a snapshot of my neighborhood, but I am here to represent the larger community of north Brooklyn as well as - that is overrun and overburdened by too much carting. North Brooklyn has 19 waste transfer stations of the total 58 citywide. So that means we’re carrying 33% of the total load in one concentrated area. Its unfair, its unsafe, its unhealthy and I’m just here to testify that I love my community and I would love to see it thrive and all of in north Brooklyn deserve a healthy and safe environment in which to do that. Thanks.

CHAIRPERSON REYNOSO: One of my staff members is going to come see you in a few, we want to take your contact information down as well, even though I think I have it but just in case we don’t. We’re actually doing something on the cement side, or
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

STEFANIE WENZEL: Oh, yeah, totally.

CHAIRPERSON REYNOSO: We have something

that we’re trying to do there because again, I can’t
regulate the cement industry but there’s something
else we can do, so we’ll be reaching out to you on
that part. Thank you for your testimony here today.

STEFANIE WENZEL: Thank you.

OMAR FREILLA: Good afternoon Chairman
Reynoso and Council Member Levin. I want to thank
you for having the opportunity to be here. My name
is Omar Freilla. I’m the founder and coordinator of
Green Worker Cooperatives. We’re a south Bronx based
organization in Hunts Point and myself have lived and
grown up in the south Bronx and we live and work in
Hunts Point, it’s been 18 years. About 15-years-ago
I started our organization Green Worker Cooperative
really motivated by the subject of this – this
hearing. Our work is about helping people to start a
worker cooperative. So, just the kind of work that
Dior mentioned from GreenFeen you know, our focus is
about helping people who have ideas. Who want to
create a green business, do it in a way that impowers
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

workers, keeps money in the neighborhood and as everyone has a say. You know, that is a worker owned business and that is something that we help people to do and it was inspired and created because I had a long history just being in the community and seeing and hearing these arguments all the time. Being in situations like this where it's this idea that the environment and our health and our safety is at odds with jobs and people always ask well, if we don't get — if your saying that these companies are bad, then what else is there? What are the options? And too often for too long, we’ve been put in this position. Being that we are a poor community that we get put into this position where we’re expected to take whatever job is thrown at us from whatever business owner whose really only motivation is to get as much money as they can out of their business and have no regard for the workers that are there and the community that’s surrounding them. So, that’s why we’re about creating business where people actually have a say and they own the business, and if you do that, then you take more care not just of the work of the business itself but the community that the business is a part of. You don’t gash your own
neighborhoods. You don’t run roughshod over the community that you live in because you hear from people all the time. Unless your being forced to by the owners of the business. So, for us, this is why its really important to create opportunities where we restrict the negatives and emphasize and create opportunities for the positive work. So, the work of GreenFeen and creating composting, we’ve got a number of worker owned businesses that are all doing different kinds of work. There are artisans who are recycling and creating opportunities out of crafts. Others that are doing composting like GreenFeen and others and its really exciting and we’re thankful that the city has been supportive of the worker coop initiative in doing that and we want to see and are creating more opportunities in every sector and want to be able to have opportunities where we can create jobs for people in doing this kind of work and move beyond this idea that we have to take whatever there is on the argument of the owners that you know, there is no other options. We’ve got lots of options and we’re creating them ourselves. Thank you.

CHAIRPERSON REYNOSO: I Really appreciate the Bronx being here too, by the way. We need as
much support from the Bronx as possible. There is a lot of love in Brooklyn for this legislation, not so much in the Bronx. So, anything that you could do to help us you know, get some folks convinced to support this bill would be helpful.

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

CHAIRPERSON REYNOSO: Alright, appreciate that.

DANNY PERALTA: Good afternoon. My name is Danny Peralta and I represent the POINT Community Development Corporation based out of Hunts point. For the last twenty years, our organization has been dedicated to youth development and the economic revitalization of Hunts point. Our community primarily with our youth work and our cultural work. We have also been very active in our environmental justice movement with our community. You know, we are one of the most, obviously we keep talking about it. We are one of the most environmentally overburdened districts in the community in all of New York City. The biggest contributors obviously to this is the pollution that comes from the waste industry, right. Our community handles roughly 40%
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

of the cities waste which we spoke about already and
obviously a lot of the respiratory illness, asthma is
all related to this particular matter 2.0 pollution,
you know, still. In 2016, we did a study with our
young people where we stood on the corner for a
couple hours at a time and recorded on average about
304 commercial trucks per hour. That’s one every 24
seconds coming into our neighborhood, moving around
our neighborhood, where we have largely residence and
young people. Uhm, also our volunteers also measured
that the ground level asthma inducing the particular
matter 2.5 is 5% higher than the average for the
area, just in this immediate time. Obviously, you
know the [inaudible 2:08:54] of the industry go
beyond the pollution. We spoke a little bit about
our sanitation salvage who is our unfortunately one
of our neighbors a couple blocks away and the death,
the tragic death of Mouctar Diallo as well as Leon
Clark by the hands of one of the drivers. Again,
something that is not new to us. Something that
we’re still dealing with. You know, we feel like
INTRO 157 is long overdue obviously. It is something
that again, will hopefully help take the overburdened
districts of our communities of wasting and
processing the waste at such a high level and we also see that it is again a rode to something that will be changes similar to some of the things that some of the colleagues spoke. I want to just kind of step away from this piece right now and just speak you know, again a little bit to about that narrative that we keep hearing. That this is about residents versus employees in an industry which is obviously very false. We’re not here representing that. We’re here representing all people. We know that the workers that come through these communities and work in these spaces, again they do represent our community as well, so we’re not against that. We just don’t want to deal again with this overburden. We also want to — I just want to make a plea here as well. I know that you said the Bronx is not represented very well in this piece particularly. Officials have kind of stepped away from this for sure and we want to make sure that again, somebody who — I’ve done youth development for over twenty years now. If folks feel like they need their hand held in this situation, please send them my way. I will help support them in this time when they need that extra push to make the right decision. Not only for our community but for
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

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

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

CHAIRPERSON REYNOSO: I appreciate that.
PRIYA MOGALKER: Good afternoon. Thank you for the opportunity to testify and for saying my last name, you did great. My name is Priya Mogalker, and I’m here on behalf of the New York City Environmental Justice Alliance, founding in 1991. NYCEJA is a nonprofit citywide membership network linking grass roots organization from low income communities and communities of color and their struggle for environmental justice. I’m proud to be here with one of our members. [Inaudible 2:11:45] earlier and a lot of our allies in the room. For decades NYCEJA’s led efforts for comprehensive policy reforms to address the disproportionate burden of New York solid waste system on a handful of environmental justice communities. New York City creates roughly 23,000 tons of trash every day. Garbage trucks travel needlessly thousands of miles throughout the city polluting our air with diesel fuel, clogging our streets and diminishing our quality of life. These impacts are greatest as has been mentioned many times. In those few low-income communities and communities of color where truck dependent transfer stations are clustered. Not surprisingly these same communities deal with many sources of pollution and
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

the negative health outcomes thereof. Such as asthma, heart disease and cancer. NYCEJA has long advocated for the city to help reduce truck traffic in our communities by cutting the amount of waste sent to private land-based waste transfer facilities. Currently, over 60% of citywide waste throughput is handled in just four community districts. In north Brooklyn, the south Bronx, and southeast Queens and although the Department of Sanitation has taken steps to shift residential waste export to the three operational city owned export facilities. The marine transfer stations in the north shore of Queens, the Hamilton Marine Transfer Station in Brooklyn and the Staten Island Rail transfer station. Uhm, these are important step to reducing vehicle traffic and pollution EJA communities. But at the same time, still about 75% of commercial waste still ends up in the truck in facilities. Many of which hold permits as has been mentioned before that would allow them to nearly double their waste throughput. The toxic impacts of these facilities are well documented and have been testified by many of our members and colleagues, so I will just say that INTRO 157 is a critical first step to addressing the longstanding
environmental racism by the commercial waste industry. The bill alone is not a cure all. It will help however, to cut the permitted capacity at facilities located in overburdened communities and protect these communities and other low-income communities of color from handling in more waste in the future. NYCEJA hopes that this protective bill will help spur the future policies that will truly address waste equity, such as requiring that commercial waste be diverted to the city owned marine and rail transfer stations and that the commercial waste zones will require higher standards for land-based facilities to reduce impacts on communities and the environment. Thank you, Chair Reynoso and Council Member Levin, for commitment to advancing waste equity and for the opportunity to testify.

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

PRIYA MOGALKER: We’re working on it.

CHAIRPERSON REYNOSO: We need to be united. That’s an important thing that if we’re all together fighting for the same cause, its easier for us to make this stuff happen. We can’t leave people
out there on their own trying to figure this out, but
I want to thank you for coming and for the panel for
testifying so thank you, appreciate it.

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

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

ERIC GOLDSTEIN: Okay,

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

JANELLE QUALIS: Good afternoon Committee
Chair Reynoso. Uh, Chief and prime sponsor, is Levin
still here. Hello, hello? And members of the
committee. Huge thanks for allowing me the time and
opportunity to testify before you today. My name is
Janelle Qualis and I am the legislative campaigns manager for New York working families. My apologies in appropriating the laborers orange today. Obviously, that was not intentional and I’m actually going to provide testimony on behalf of my principal Stefan Eddell[SP] who’s the project director over at New York working families today. Uhm, so uhm, working families, we stand in complete solidarity with the environmental justice, labor, community and public health advocates in support of INTRO 157 today. A bill that will provide meaningful relief to communities that have shouldered the burden of handling far more than their fair share of the cities waste for way too long. Working families is deeply committed to fighting for a city that works for all New Yorkers across race, class, ethnicity, and geographic location. To that end, an essential part of this is a solid waste management system that treats all New Yorkers fairly. That protects our communities from unnecessary or excessive environmental harms while also rewarding industry actors that treat their workers and their neighbors well. In that regard, we have much work to do to make that goal a reality. It is disturbing that we
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
have created a system in which just three communities
overwhelmingly working class and of color are still
home to upwards of three fourths of the cities
private waste transfer station capacity and handle
over 15,000 tons of garbage every day. Residents of
these communities are subject to bad neighbor
facilities in an endless stream of diesel trucks that
pollute their air, clog their streets, and diminish
their quality of life. This is a gross inequity that
demands a remedy. Another aligned effort that
compliments this one is the cities expiration of how
to implement an exclusive zoned franchise for
commercial waste collections. Exclusive and rational
zones and contracts with a single hauler in each zone
selected through a transparent bidding process will
reduce the number of truck trips. Improve
contracting and regulation, improve safety for
workers in our communities and open the doors for
innovation. Zoning creates incentives for
investments that are needed to achieve high diversion
rates and therefore less burden on communities that
host waste transfer processing. INTRO 157 provides
concrete relief to these communities by making modest
reductions to the permitted capacity of transfer
stations in the most impacted neighborhoods. This will take trucks of the roads in these communities without the cities ability to meet its solid waste management needs. By timing the reductions to occur after the cities cleaner, safer and more modern marine and rail-based transfer stations become operational, INTRO 157-A ensures that there is ample capacity to achieve reductions. So, in conclusion, I just want to say that waste equity is a critical first step to transforming the entire commercial waste system from a polluting inefficient system that exploit workers in low-income communities to a fairer, more sustainable system. For these reasons working families firmly supports INTRO 157 and strongly urges the Council to pass it, thank you.

CHAIRPERSON REYNOSO: Thank you Janelle. I appreciate it.

ERIC BRUZAITIS: Good afternoon Chairman Reynoso, Council Member Levin. My name is Eric Bruzaitis. I am a member of the outrage steering committee and I’m also the Chair of the Community Board 1, Brooklyn Community Board 1 Transportation Committee. I want to thank you very much for holding this hearing and allowing me to testify today. I
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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

truck traffic in north Brooklyn and not less. Its important that we have this fair share distributed across the city now, or at least in October of 2019, but it needs to go forward now to reduce the burden on a community that has been dealing with this environmental injustice, not since the closure of Fresh Kills Landfill but actually much before. Those of you who don’t know the history of north Brooklyn, it was the economic engine of the United States from the founding to up until about World War II, and because of that there’s a lot of environmental degradation, somebody mentioned the oil spill before and communities of color, poor immigrants have been living cheek and jowl with these problems for decades. We need to switch that script and hopefully this legislation will do a lot to carry that forward.

I am concerned about - I’m happy to see Commissioner Garcia in favor of this. I am dubious about her enforcement goals. I don’t know who’s going out to these waste transfer stations once a week, but they’re not doing anything about it and we need women in Black for the budget that go out. So, four is not enough. Thank you very much.
CHAIRPERSON REYNOSO: Thank you. Thank you for your testimony and yeah, long before the transfer stations were there, we were dealing with incinerators in these communities. So, your right, that the trash issue has existed long before Fresh Kills got shut down. But thank you for your testimony Eric and thank you from Community Board One and the work you do in the Transportation Committee. You’re a breath of fresh air out there.

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

view to the discussion today. My testimony today will outline our strong support for INTRO 157. The neighborhood surrounding Newtown Creek hosted disproportionate number of truck-based waste transfer stations relative to the rest of the city. Collectively, these transfer stations handle almost 40% of the over twelve million tons of waste moving through New York City annually. This is the densest concentration of waste transfer stations in the five boroughs and its clustering negatively impacts community health and public infrastructure. Since the first modern oil refinery was found on the creek in 1867, the water way has served as a conduit to a host of industrial businesses. Almost 9 million tons of supplies and product were floated on the creek at the peak of shipping in 1950. Since then, heavy industry has waned even mixed of wholesale handling and distribution uses. The concentration of truck-based transfer stations however, is a relatively new occurrence. They represent the more recent air of improvisation that came after in cities disposal options, like landfilling and incineration were shuttered without a backup plan for export. During this time, the 90’s and early on transfer stations
popped up in industrial zones like the south Bronx and Newtown Creek and we’ve been stuck with this clustering ever since. Even though a more centralized [inaudible 2:25:07] way shed infrastructure makes sense. Today’s legislation represents a small step back to a more efficient and equitable strategy for handling solid waste. Today, I’m here to support a piece of legislation that will eliminate unused permitted capacity in the cities three most overburdened communities and subsequently ensure that new capacity throughout the city will be handled at marine transfer stations within each borough. Moving essential bulk materials by barge is the best practice that is more efficient economically and environmentally. A single barge has the same capacity as 28 to 56 long haul tractor trailer trucks, depending on the material. Compared to other transportation modes, barge transport of bulk materials is safer in terms of worker injuries and generates far fewer remissions of [inaudible 2:25:47] matter, hydrocarbons, carbon dioxide, CO2, Nitrous Oxide, on a per ton mile moved bases. While today’s legislation is a step in the right direction, Newtown Creek Alliance hopes our leaders will take additional
steps that will send correct market signals towards the reduction of waste export. Job creation and more specialized types of product recovery and increased reliance on maritime transit. Thanks again for your leadership and the opportunity to speak today.

CHAIRPERSON REYNOSO: Thank you. Thank you for your testimony and Eric, I don’t know what it is, but it seems like your closing us out often. I’m going to move you up. I’m going to work on that.

You’re going to be the first person to speak in the next one.

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

CHAIRPERSON REYNOSO: There you go.

ERIC GOLDSTEIN: Thank you, Mr. Chairman.

I’m Eric Goldstein from the Natural Resources Defense Council. I’ll summarize a written testimony. The cities system for handling commercial waste is completely broken. INTRO 157-B is a long overdue step in the right direction. It’s a modest step forward. It includes many features designed to ensure that sufficient capacity is preserved for both existing waste loads as well as unanticipated increase. The bill’s restrictions apply to permitted
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

capacity at these transfer stations which is far higher than the actually daily tonnage that these facilities receive on an ongoing basis. Of course, there are exceptions for organics handling in calculating the capacity limits. There are exceptions for waste handled by barge or rail. Every legitimate issue has been addressed by you and Council Member Levin and your staff over the many years in which this legislation has matured. But even this modest initiative has been a long time coming. As far back as 1989, New York City officials recognize the burdens of unequal distribution of undesirable projects like waste facilities when they included the fair share provision in the New York City charter. Fred Schwartz, who was the charter commission chair, told the city council we chose a process remedy, but our goal was a better distributional equity and despite these fair share goals, equity in terms of distribution of waste transfer stations has never happened. In deed the closure of Fresh Kills Landfill in 2001 led to an expansion of land-based transfer stations in already overburdened communities and then in 2006, New York’s official solid waste management plan also promised to
remediate this inequity in commercial waste handling, but little has changed. Take a look at the headlines on the cover of my statement. They go back almost 30 years. I particularly like one. Poles ask feds to cut trash influx in three neighborhoods. That was 17-years-ago. It's been 29 years since the adoption of the fair share provision. How long do these three communities, north Brooklyn, southeast Queens, and the south Bronx have to wait to be given some modest level of environmental justice. Even passage of 157-B will only be the first of several needed reforms. Without a complete revamping of the entire systems such as that envisioned by the sanitation departments plan for commercial waste zoning, New Yorkers will continue to be plagued by the pollution, traffic, pedestrian threats, diminished recycling, poor wages and working conditions for employees that currently characterize the private carting industry. To break this long standing [inaudible 2:29:12] NRDC strongly supports INTRO 157-B. We thank you and we thank Council Member Stephen Levin for your determined leadership and spearheading the efforts to get this bill enacted into law.
CHAIRPERSON REYNOSO: Thank you Eric, I appreciate your testimony and with that we conclude this hearing. Thank you [GAVEL].
CERTIFICATE

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

Date April 1, 2018