

Business Integrity Commission Public Hearing
October 18, 2017

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TRANSCRIPT OF THE HEARING
REGARDING MAXIMUM RATES CHARGED BY A
LICENSE FOR THE COLLECTION, REMOVAL, DISPOSAL,
OR RECYCLING OF TRADE WASTE

WEDNESDAY, OCTOBER 18, 2017

10:00 A.M.

100 CHURCH STREET
2ND FLOOR,
NEW YORK, NEW YORK 10007

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HEARING CONVENED AT 10:11 A.M.

PRESENT:

DANIEL D. BROWNELL,
Commissioner/Chairman

SAL ARRONA
Director of Policy

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MR. BROWNELL: So why don't we start in the front row.

MR. CHANGARIS: Steve Changaris, National Waste and Recycling Association, with the Chapter.

MR. MOSS: Andy Moss, Waste Connections.

MR. BERGAMINI: Ron Bergamini, Action Carting.

MR. TOSCANO: Thomas Toscano from Mr. T Carting.

MS. KIM: Jean Kim, TLM Associates, representing Action Carting.

MS. MARJOMAN: Amy Marjoman, Recycle Track Systems.

MS. SHORT: Anna Short, Align.

MR. DRIT: Mark Drit, RoHo Compost.

MS. FERNANDEZ: Shakira Fernandez, RoHo Compost.

MR. BLAND: Justin Bland, Department of Sanitation.

MR. NIASSE: Elha Niasse, No More Junk.

MR. BROWNELL: Okay. So, why don't we do this. I'll read my remarks. We have a few people that want to speak. Obviously, the rate

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cap is the topic. And the BIC people, maybe not those people, will stay around afterwards, because we would actually like to speak to some of the people about some of the other issues. And obviously, you have issues to speak about. But obviously, the reason why we are here now, is because of the rate cap.

Good morning. My name is Dan Brownell. I am the Commissioner and Chair of the New York City Integrity Commission, otherwise known as BIC. Thank you for attending today's meeting. BIC is conducting this hearing as required under the rules of the City of New York. BIC must hold a public hearing every odd year before October 31st, regarding the maximum rates charged by the private trade waste carters for collection, removal and disposal of trade waste, also known as the "rate cap." BIC published the hearing notice in the City Record on September 18, 2017. We also disseminated a copy of the notice via e-mail to all New York City local elected officials, all 59 community board managers, several media organizations in the City and other interested parties. Lastly,

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we made available a copy of the hearing notice on BIC's website.

Today's hearing gives the interested parties, including trade waste carters and the customers they service, an opportunity to present their positions on the rate cap, so that the Commission may gain a better understanding of the current state of the commercial trade waste industry and how the current rate cap impacts the industry.

The New York City Rules state some of the factors that BIC may consider when evaluating the rate cap, which include: The Producer Price Index, commonly referred to as the PPI, available data on the trade waste industry, and any other factors that may be relevant to assessing a fair and reasonable return to licensees and the protection of customers from unreasonable charges. The rules also state that the proponents of a change in the rate cap must, "bear the burden of demonstrating, on an industry-wide basis, that existing rates are inconsistent with the standards for maximum rates." Thus, we are here to listen to you

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with regard to this issue. We hope that your statements will be supported by studies, and other forms of empirical data.

The first issue at hand is the viability of the current rate which was put in place in 2016. According to the data reported by the licensed carters in the quarterly Customer Register, the majority of commercial customers are charged well below the current rate cap, and in fact, a large majority are still charging customers below the current 2016 rate cap. And I realize that's not the only issue here.

The Commission is also aware of the arguments raised by the private carters that a healthy and robust, competitive industry, does not need to be artificially controlled via a rate cap, and that the private carters are not charging their commercial customers at the rate cap. The trade waste hauling industry is experiencing changes now and will continue to do so in the coming years. Any decision with respect to the rate cap must take into account these changes.

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2 For example, some of the recent changes
3 affecting the industry are the new commercial
4 recycling rules and the new commercial organics
5 collection rules. Additionally, we understand
6 that some private carters are already making
7 capital investments to their fleets in order to
8 comply with the vehicle emission law which goes
9 into effect the beginning of 2020. Taken
10 together, these new standards will require
11 private trade waste carters and their customers
12 to work together to meet the City's
13 sustainability goals.

14 This hearing is not the end of our
15 fact-gathering process on this issue. We will
16 continue to have more discussions with
17 interested parties after this hearing. We look
18 forward to continuing to work with the industry
19 through the Trade Waste Advisory Board. After
20 we have gathered all pertinent information, we
21 will then be in a position to decide how to
22 adjust the rate cap, if at all.

23 A court reporter is present today and will
24 record the hearing. The hearing is also being
25 video recorded. You may present an oral

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statement or submit written comments. BIC will carefully consider all the comments it receives today at the hearing and all written comments it receives until November 18 of 2017.

We will begin calling those whose wish to speak this morning in the order in which you have signed in. Please state your full name and the company or organization that you represent.

Is there anybody that would like to speak that is sort of on a time constraint? We will start with that. We don't have that many speakers. I don't think it's going to take that long. Otherwise, I will just go based on the order in which people signed in.

Sal, who is first?

MR. ARRONA: The first speaker is Thomas Toscano from Mr. T Carting.

MR. BROWNELL: So what we would ask is if you would speak clear, speak a little slower than you think you should. Because that way, it's amplified. It will be just easier to understand. All right. Come on up.

MR. TOSCANO: Good morning everyone. I am

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Thomas N. Toscano, currently the CFO and soon to be CEO of Mr. T. Carting Corp. I am also a licensed attorney, and I am very familiar with the regulations of the carting industry.

As has been stated at the prior rate cap hearings and this one, the New York City market for waste and recycling services is nearly perfectly competitive. Customers can and do solicit many bids and change carters freely. The days of no customer choice due to the cartels are long gone and will not return, unless franchising is implemented. In fact, the BIC has told the industry that a very small percentage of customers are even at the rate cap. There is no better argument than that for its elimination.

I know the next question, and that is, why we need a raise if many customers are not even at the rate cap? The reasons are twofold. First, New York City is continuing to increase regulations and recycling requirements imposed on the carters. These regulations include requiring all trucks to be 2007 emission compliant by 2020. This regulation itself cost

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2 my company over \$8 million, most of which was
3 borrowed in truck notes.

4 Second, the recycling regulations require
5 us to put more trucks on the road.

6 Simultaneously, the recycling commodities
7 prices that we receive have recently collapsed,
8 causing a significant loss in revenue for the
9 very same commodities we are being asked to
10 recycle. This drop in prices was partially
11 caused by and exacerbated by the requirement
12 that we collect glass, which no one in this
13 region seems to have an outlet for. In short,
14 the carters are being asked to collect glass,
15 have it contaminate the other commodities (that
16 reduces their sale price), reduce the life of
17 the recycling equipment that separates the
18 commodities for sale (again increasing costs),
19 just to throw it out at the end of the process.
20 In addition, the City is now ramping up its
21 organics recycling requirements, necessitating
22 further investments by the carters. Everything
23 I just described to you has not had its full
24 economic impact yet, as most of these
25 developments are recent.

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2 While all of these new regulations are
3 being implemented and carters are being asked
4 to invest, the City is strongly pushing an
5 effort to franchise the industry. A company
6 that invests to comply with these regulations
7 may lose its entire business if a franchise
8 plan is adopted. To balance the equities in
9 what the City is asking, these companies need
10 to be given the opportunity to recoup the
11 investments that are due to these requirements.
12 History shows us that it is highly unlikely
13 that this discussion on the rate cap will be
14 had again for the next two years. Carters need
15 maximum flexibility and pricing to cover the
16 regulatory and commodity contingencies they
17 will likely face over these next two years.
18 Ideally, the rate cap should be eliminated.
19 Alternatively, it should be raised by more than
20 20 percent.

21 Thank you.

22 MR. ARRONA: Our next speaker is Steve
23 Changaris from the New York City NWRA Chapter.

24 MR. CHANGARIS: Good morning,
25 Mr. Commissioner, members of the staff and

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2 guests. My name is Steve Changaris. I am the
3 New York City Chapter Director for the National
4 Waste and Recycling Association. We work with
5 the private carting companies, landfills, etc.
6 that manage and help take care of the City's
7 waste.

8 What I would like to do is, you know, say
9 that, you know -- just a little bit of the
10 overview. I have four key points. We have
11 written testimonies we have already submitted
12 for the record. You know, we have hard working
13 men and women in this industry. There has to
14 be a face put on this. This is a rate cap that
15 supports an industry that does a vital service.
16 We serve upwards of 200,000 commercial entities
17 in the City, and it takes a lot of effort to
18 keep the trucks running, the employees paid,
19 and the companies in business tomorrow to be of
20 service to bring on new equipment and new
21 programs to benefit the marketplace and to
22 fulfill the directives of the Department of
23 Sanitation and the City Council as it comes
24 to -- and of BIC, as it comes to solid waste in
25 the City, and recycling.

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As I mentioned, we have four key points. As my predecessor before me and as the association has stated out the position, over time, it's boilerplate for us now. And we encourage for the rate cap removal entirely. We believe it's a system that was put in place many years ago. It's unnecessary today. The most important thing in the marketplace today is the fitness and integrity held by the industry. Because of the licensing and the background check that BIC does, and the oversight of the market, when you have good companies going good things in the marketplace, you don't have to worry about price gouging and other things like that.

So, we believe -- and I think even so with the former Commissioners and others who have done work in this place, recognizes that the rate cap has outlived its usefulness. So we encourage that to go away.

It's ironic, because as much as we talk about the rate cap going away, I am now going to offer a new idea for the Commission to think about. And then I am going to go on to make a

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2 another case, which is interesting as well.
3 But the new idea for this testimony is a
4 concept that the Commission install a minimum
5 rate. The premise of, you know, first off, as
6 we have said, we are not keen on any kind of
7 economic regulation of the marketplace. But if
8 the -- if the situation in the City is such
9 that we cannot move away from it, we would
10 think that the Commission should pay some
11 attention to installing a minimum rate. And
12 the reason for this is because we are very
13 concerned about not being able to recoup the
14 basic cost of running a business in the City
15 today. There are so many pressures going on
16 today between the legislature, the regulatory
17 and in the marketplace, that we are not sure
18 that all the costs are fully being accounted
19 for when we are servicing the customer. We are
20 not sure all the licensees are fully accounting
21 for the cost of servicing the customers. And
22 if they are not properly charging for these
23 services at a minimum rate, then they are not
24 able to properly capitalize their business and
25 reinvest in their business to be here tomorrow.

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And that's a little bit of the conflict, because we know a lot of companies are doing that, and we are very aware -- we are very concerned about this impact of charging below what is a minimally reasonable number to provide service in this City.

So, you know -- and as much as we have made the case to remove the rate cap and we have added another rate tool to install a minimum rate that you can't charge below for the collection of trade waste, we are now going to discuss, you know, a rate cap bump. We are going to put on the table a request for a 20 percent increase. The rationale for this is that we are at a very capital intensive stage of change. We are bringing on new trucks that meet the new standards of the emission rules of the City. And whether we are buying new trucks or whether we are retrofitting existing inventories, those are all added costs and pushing the envelope below the ability -- our ability to pay for it.

The other thing that fits into this general request for the 20 percent bump, is

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2 what's mentioned by other speakers and
3 mentioned by other to follow -- the new
4 retro-recycling organics initiatives. We are
5 already putting more trucks on the road to meet
6 the harmonization requirements of the
7 regulations. And we not only have the 400 or
8 so accounts, or the 300 accounts that are
9 currently collecting organics, but we have
10 every expectation to believe that the
11 Department of Sanitation is going to push that
12 envelope further in the coming months. So we
13 are going to have to provide more of that
14 service to more of our customers. So we
15 believe those two things alone are enough,
16 between the truck and the capital expenditures
17 and then the additional requirements of the
18 licensees to work with our customers. Those
19 two alone justify the bump. But we also wanted
20 to make sure we pointed out in the testimony,
21 there is a whole list of boilerplate costs
22 between tolls, gas, labor, helpers, drivers
23 mechanics, across the board. And they always
24 seem to be going up. And we would like to
25 encourage the Commission to pay attention to

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2 those kinds of costs as they go into
3 considering a rate bump for the group.

4 The other one that we wanted to mention
5 today -- and we will call it by name, the
6 Chinese National Sword Program. That's a
7 recycling initiative. It's a new Chinese
8 initiative that is going to create new
9 heightened import restrictions on our export of
10 recyclables to that important market. And it
11 challenges our whole scheme in how we view our
12 management of recyclables. It's not -- it's
13 two questions here. We are struggling with the
14 concern of making our recyclables clean enough
15 to meet these really restricted standards. And
16 then, if we can't do that, we are faced with
17 the dilemma of what we are going to do if we
18 can't meet that standard. And that brings all
19 kinds of unknowns and makes the business logics
20 very uncomfortable. We don't know if these
21 materials are going to be a further expense to
22 clean them up more to meet the standards. We
23 don't know if we are going to have to subsidize
24 the creation of a new market. We don't know
25 how much more it's going to cost to work with

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2 our customers, and generators to make sure that
3 they produce quality recyclables that we can
4 process. We don't know the cost of the
5 equipment that it's going to take to clean up
6 the recyclables to get them to these new
7 standards. And then, of course, the worst of
8 all cost is if we can't move these recyclables
9 at all. How do we manage them if we have to
10 dispose of them?

11 So we are working hard to understand the
12 China Sword and the new Chinese recyclable
13 import restrictions. You know, intensely now,
14 we are gearing up -- right now, the Chinese are
15 very involved in a domestic political
16 development. But the next rationale for us is
17 the issuance of import licenses. And no one
18 doubts that there are going to be issues. We
19 just don't know the quantity and -- how many
20 will be issues. And we are going to monitor
21 that for the weeks to come and as the import
22 policy kicks in, full bore on July -- on
23 January 1st of next year, you know, anything
24 goes. We are very concerned as an industry.

25 So we appreciate the Commission's review

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of the rate cap. We hope this Commission will take into account all these unknowns and see to it that the industry can get this 20 percent rate cap increase, so that we can continue to work and provide our services to our customers in the City of New York.

Thank you.

MR. BROWNELL: Thank you.

MR. ARRONA: Thank you, Steve.

The next speaker is Ron Bergamini from Action Carting.

MR. BERGAMINI: Thank you everyone. Good morning. My name is Ron Bergamini. I am a CEO of Action Environmental Group. That's the parent company to Action Carting here in New York. It's the City's largest private hauler. I am very proud to be part of this industry that performs such a vital service. There are many professionals, I can assure you, in this industry, that care deeply about the service that they provide - from the driver to the board member. And this commitment and dedication is critical to meet the growing complexity of the industry, and it does get

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more complex.

Today, competition is thriving, and the customer has more choices than ever. Accordingly, there is no need for a rate cap. The City of New York, particularly the Business Integrity Commission, frankly, should think about, and deserves a lot of credit for where the industry is now. The rate cap was a reasonable concept at one point. However, we believe that time has passed.

I've testified at a handful of these proceedings over the years. Today is different, in my view, because of the change we are seeing in the last couple years, and we are about to see in the next few. Which is why the repeal of the rate cap is timely. But think about this, starting two years ago and moving forward over the next two years at least, we are facing unprecedented challenges, as was alluded to, on what accountants like to call "cap ex." And that is buying more collection vehicles and equipment. A garbage truck today costs an excess of \$300,000. And it costs that much because the trucks are better, and we want

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2 them better. We added a lot of equipment to
3 them. We added better safety. And in fact,
4 the City, rightly so, is imposing these higher
5 emission standards. These rules are well
6 intentioned, but they are putting major
7 financial constraints on the industry. Big,
8 small companies, it doesn't matter. We have
9 always supported these rules. From the
10 legislature, we sported them. In fact, we
11 think they should apply to all trucks. But the
12 challenge is, someone has to pay for this.
13 Collectively, we have to pay for this. You
14 cannot ask companies to adapt stricter
15 environmental standards and not pass on the
16 cost. The customers understand that. I think
17 the residents understand that. Think of the
18 cars that we drive. The fuel has always gotten
19 better. In the last 20 years it keeps getting
20 better, and we pay more for them. That analogy
21 works here. The difference is, we are required
22 to get rid of old trucks. We don't get to
23 choose to and have them fade off. As a
24 consequence of that, our company, our cap ex
25 cost will be 70 percent higher than last year,

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2 this year and next year. To give that a little
3 context, over 50 percent of our earnings goes
4 back to cap ex. That's not sustainable. Our
5 industry should be about 30 percent, and even
6 that's high. But now, we are well over 50.
7 The City has passed new commercial recycling
8 laws. We have always supported them. But the
9 cost of recycling is often more. In today's
10 market, it's considerably more as Tom and Steve
11 alluded to. The results of this new law, we
12 have to put more trucks on the road. Putting
13 aside the environmental irony there, these
14 trucks require more drivers, helpers,
15 mechanics. We pay people middle class wages.
16 We at the industry pay people middle class
17 wage. We want to continue to do that and we
18 don't want to be handcuffed as to what we can
19 pay those folks. When you are forced to look
20 for people that aren't of a quality you want,
21 performance and safety suffer.

22 The new and growing organic recycling
23 program also imposes additional cost.
24 According to the Citizens Budget Committee,
25 which for full disclosure, I am a trustee, but

1 I had nothing to do or very little to do with the
2 report, "Can we have our cake and compost it too?"
3 On February, 2016, the City will spend on
4 residential compost \$177 to \$251 million
5 annually. Surely, we are going to spend more
6 money as well. To be clear, I am not
7 advocating against the organic program, not at
8 all. It's worthwhile. I am saying, "You
9 cannot compost and have your cake too."
10 Someone has to pay for it. And you hear a lot
11 about not enough composting infrastructure in
12 the City. Without flexibility and pricing, I
13 think it's unlikely that we are going to get
14 that.

15 So public officials, elected officials
16 have been talking about great change in the
17 industry. I see that. I don't see an industry
18 where that is not happening. There's
19 breathtaking technological change everywhere.
20 This industry is embracing that -- on board
21 computing, cameras in trucks. These are good
22 things. The Safety Committee that I am lucky
23 enough to be on, we are talking about these
24 things. We want these. But it costs more
25 money. It results in better service and safer

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roads for New York City.

So my suggestion is to keep regulating the industry smartly, as I think has been done. The rate cap is not needed. And the alternative should be substantially increased. We all want top-notch environmentally stable equipment, safer work conditions. Allow us to provide this. This is a world class City. My personal favorite City, notwithstanding the traffic I was in to get here today. So help us. The industry has grown tremendously. It's full of professionals who want to provide better service. But it's all going to cost more money.

Thank you.

MR. ARRONA: Thank you, Ron.

The next speaker is Andrew Moss from Waste Connections.

MR. MOSS: Good morning. Thank you for the opportunity to appear here today. I am Andrew Moss of Waste Connections. Waste Connections is the only New York Stock Exchange listed, publicly owned company that collects garbage and recyclables in New York City. We

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are the third largest solid waste management company in North America. We operate in 39 states, and five provinces in Canada, and not one of these North American jurisdictions, be it state, province, county, city, town, village, is a rate we charge a customer in any way in an open market system, limited by a governmental agency.

In all these non-franchised markets, vigorous competition between corporations creates the natural incentive to provide customers with high quality service at an affordable rate. If someone does not like the service we provide or the price we charge, they can simply look for another service provider.

Market forces drive customer and company behavior. The rate cap has two main distorting effects. As everyone is aware, it costs money to pay our workers and buy our trucks. It's not a secret that this money comes from our customers who pay for our service. If one customer's price is limited by regulation as to how much he can be charged, another customer's price may then be distorted to help subsidize

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that capped customer.

The other distorting effect is recycling. Excluding what you have heard about China today, historically, recycled goods have more value than garbage. If we are allowed to charge market rates for garbage, there would be a natural incentive to recycle more and your recovery rates for recycled items would rise as a consequence.

There are other aspects of the rate cap that impact our ability to provide specialized customer service. For instance, we cannot charge for specialized services such as weekend or holiday collections. While the customer cannot be billed for these extra days, we still pay our workers double or triple time their hourly rate. And if a customer requires us to go into their building to bring the garbage out to the curb, we cannot charge for this extra service either. This hard rate cap stifles innovation and promotes marketplace inefficiencies. A customer cannot be charged extra for a paper rather than an e-mailed invoice, which is the practice of many other industries. A customer

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2 also cannot be charged extra for sending a hand
3 collector to receive his or her payment.

4 Finally, the rate cap does not allow for
5 line item charges, such as fuel surcharges that
6 other transportation industries charge their
7 customers. As an industry, we are already
8 required to have our invoices approved by the
9 Commission. The answer should be to let us
10 line item all our services, and let the
11 customers decide what they need and what they
12 want to pay for. Disclosure and flexibility
13 are the answer, not a hard rate cap.

14 As you've also heard, there are a number
15 of other operating costs that we experience.
16 We provide good paying -- good paying jobs for
17 our hard-working union employees. Their wages,
18 as per our collective bargaining agreements,
19 have increased 4.0 percent in the last two
20 years. Along with good wages, we provide
21 medical, dental, vision, life and disability
22 insurance for our non-union employees. Medical
23 insurance is scheduled to increase by 15
24 percent in 2018. And for our union employees,
25 our welfare fund contributions have increased

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by 5 percent from 2015 to 2016. And an additional also 22.5 percent for the period from 2016 to 2017. Our pension fund contributions have also increased. All in all, our union benefits increased 7.74 percent over the two-year period since the last increase.

As Steve Changaris has mentioned, tolls, postage, other expenses, day-to-day operations, have gone up.

But as you have heard here today, trucks, the capital cost, the need to put the trucks on road. The cost of a 32-yard rear-load packer has increased as well, over the last two years. Now, we are paying over \$370,000 for a new packer truck in 2017.

As we have stated on our company website, and BIC Safety Symposiums for Waste Connections, safety is our number one corporate value. That is why on every new truck we purchase, we add additional safety features that cost more than a simple garbage truck, and as Ron mentioned, we think every licensed carter should have on their equipment as well.

Our trucks are mounted with high intensity

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2 lighting packages and side guards, Qwik-Tip
3 automated loading systems, which will save on
4 the wear and tear of our workers. And while we
5 believe these safety investments and the
6 training in their usage are vital in what we
7 know is a dangerous -- very dangerous
8 occupation, there is only one way to pay for
9 these improvements, and that is through the
10 rates we charge our customers.

11 And as you have also heard today,
12 Regulatory Compliance, Local Law 145, as the
13 Commission is aware, which requires 2007
14 emissions standards for all commercial waste
15 vehicles by 2020, has resulted in an
16 accelerated capital investment for our company,
17 and all companies, I would imagine, to meet
18 this mandate. At a cost of over 370,000 per
19 truck -- I am just going to run through a
20 little math here -- if a company is -- so a
21 company, when it puts a truck on the road, has
22 to pay wages, fuel, insurance, disposal. And
23 after all those expenses are paid, what's left
24 is your cash flow. It's your EBIDA number.
25 It's your earnings before interest payments,

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2 depreciation, taxes and amortization. For a
3 healthy company that's making 15 percent, some
4 are making 10 percent -- so for 370,000 if you
5 are at 10 percent, you have got to earn
6 \$3.7 million in revenue to pay for that new
7 truck. If you are doing 15 percent, it's 2 and
8 a half million in gross sales. That's -- and
9 again, that's all for equipment. And again,
10 these expenses are -- that's a tremendous
11 amount of capital investment that's going on to
12 meet these emission mandates. That's a lot of
13 new revenue that has to be generated to pay for
14 these trucks. There is no other way to do it.

15 The other regulatory increases, as well,
16 the recycling regulations, we are going -- we
17 have added one recycling route. We are going
18 to have to add a second one. Again, these
19 recycling routes, they are expenses without
20 associated revenue, and that's more -- again,
21 that's -- you can multiply -- you can just add
22 a zero to the expense at the end. That's how
23 much revenue you need to recoup those expenses.

24 Again, if you are doing 10 percent on
25 \$400,000, you need to do \$4 million in revenue,

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just to get back to where you were.

A lot has changed in the City. Vision Zero has lowered the speed limit from 30 to 25 miles per hour. That's a 20 percent reduction. While we endorse Vision Zero's goal of reducing traffic deaths to zero, the resulting speed reduction has meant an increase in the time a truck spends on its routes collecting garbage. Additional bike lanes, traffic at night is now the -- traditionally, garbage trucks go out at night because there was less traffic. Now it's just as crowded at night as it is during the daytime. So everything has led to -- increased safety awareness, longer routes, increased cost, again, without associated revenue to go with it.

So, organic collection again, is looking at -- there is a hearing later this month on organic collection. That should be expanded. But due to its heavy weight, organic waste collection is an expensive service, and should either have a separate rate or not be regulated at all.

As the Commission is aware, we are not

1
2 allowed to charge for specialized containers
3 unless we provide it for the service. Compost
4 is collected in either 64 or 35 gallon toters
5 which cost approximately \$100 per unit and only
6 have a two year life expectancy. At 200 pounds
7 a toter, the maximum we can charge by weight is
8 \$24.76. Organic collection requires
9 specialized trucks that cannot be used for
10 regular waste or recycling collection, due to
11 the material's high moisture content.

12 Furthermore, because organic stops are so
13 scattered and specialized, route density that
14 is ordinarily found in garbage and recycling
15 routes cannot be realized. When these factors
16 are combined with high disposal and operating
17 costs, there is little to no incentive to
18 expand the service beyond what is otherwise
19 mandated. We only offer this service as an
20 add-on for customers that request it as part of
21 their overall service. For us, as things stand
22 today, it is not a market we are looking to
23 grow.

24 I did not mention this, but 35 percent of
25 our customers are at the rate cap. So, for us,

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2 we believe it is a substantial number. These
3 customers, frankly, have no incentive to produce
4 less garbage, since they cannot be charged an
5 additional fee. If the rate is allowed to
6 increase, they may decide to become more
7 diligent about recycling. Of course, they are
8 always free to seek another carter to serve
9 them at a lower cost. The result is a more
10 efficient market place.

11 As my testimony has hopefully shown, not
12 only has our operating cost risen, but there is
13 a dramatic need to spend money on new
14 equipment. There is only one way to pay for
15 this equipment, and that's through what the
16 customer pays to us.

17 It's time for the rate cap either to be
18 eliminated or substantially increased.

19 I am happy to provide the Commission with
20 any documentation I have discussed here today.
21 Thank you for your time and your consideration.

22 MR. ARRONA: Thank you, Andy.

23 Our next speaker is Vandra from Vokashi.
24 Vandra, did you bring any written testimony?

25 MS. THORBURN: It's on my phone. I am

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going to e-mail it to you.

So, my name is Vandra and I have a small compost collection service. You may remember. I started about seven or eight years ago and I started in the home, as a household collection. But I developed, actually, through the sort of co-working (sic) spaces. They were the first sort of small business to come on and take my services. So in a way, my business has grown to the providing of service to the kitchenettes in offices. So I try very hard, and I don't service any restaurants or any of the -- what I think are the traditional compost, you know, trash routes that you do. I just want to make that disclaimer.

However, it is -- my testimony is really quite short, really. And the -- it has to do with the rate hike. And I sort of support lifting it, actually. I think it should be lifted. But my particular reading of Section 502 has to do with the third part. Rate one is 18 dollars. Rate two is 12, and rate three is exempt. So am I in the exempt waste, you know, grease and the C and D and stuff like that?

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And so, what I would like to propose is that organics be considered as one of the exempt waste lines. So that it, in fact, gives us a space to do the sort of necessary piloting and research and alternatives to handling the organics world. And I personally think that we want to find more small, medium, community-based composting initiatives.

By the way, I do all my composting at Marine Park Golf Course at the end of Flatbush Avenue. Over the years they have allowed me to sort of grow my composting station. So if you want to come out and take a round of golf, you can come and have a little look at my composting as well.

And so, anyways, I really want to urge us to be thinking about other ways of managing locally our compost collections. And I am also in here and I have been speaking to other small compost players about the need to develop a micro-hauling -- a micro-hauling industry to manage the organics collection. And at the end of the day, I would really like to see the rules and regulations actually allow for some

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exchange between the micro-haulers and the commercial hauling industry.

I think that's it. Thanks.

MR. ARRONA: Thank you, Vandra.

At this point, those are all the speakers who had signed up in advance. Is there anyone else in the room who wishes to speak at this time?

MR. BROWNELL: Anybody else? So, the whole rate cap is far from a black and white issue. It never has been. There is no question that things have changed in the 20-plus years that it was created. As much data as you can provide us, because we know the PPI alone is not sufficient. As I said in my remarks, between the new emission rules which of course the industry already has to be geared up and starting to get ready for, you know. Full compliance has to be by January of 2020 and of course the recycling rules. There are really lots of things to talk about. One of the -- so we are going to do what we need to do. As I said, provide us with whatever you can provide us. Because certainly, our objective is not to be unnecessarily

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2 and overly burdensome to the industry.

3 Obviously, there is a concern, of course,
4 to be fair to the consumers. You know, Vandra,
5 the whole issue of composting, you are not the
6 only one to suggest that. And that may very
7 well be a great idea. And so as I said, we
8 will do what we need to do in the short term
9 with regard to this. I think there is no
10 question, maybe not so much in a hearing format
11 which is a little bit of a stiff structure.
12 But certainly sort of a round table discussion
13 including Council Member Reynoso, whose
14 committee we report to, is certainly going to
15 have some ideas and input on this. Certainly,
16 Kathryn Garcia from Sanitation and others
17 from the Department of Sanitation have their
18 own thoughts and ideas. I think that's, you
19 know, a productive thing to do, you know, to
20 start throwing out all the other issues we have
21 got within the next year, to really sit down
22 and look at that. As I said, that is somewhat
23 different than what we are going to be doing in
24 a short term. And in a short term, as much
25 data as you can provide us, we would really

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appreciate.

So if there is nothing further, I want to close that -- this hearing to sort of a formal aspect of this hearing.

Just very quickly, since we have people here from the community and the industry. Everybody knows, of course, as of October -- August 1st, the recycling rules are now being enforced. Sanitation has done a terrific job, you know, mainly focusing on the generators. We focus on the industry. Just in the last three days, we have observed three different carting companies that have illegally commingled the garbage -- nobody here. So we will be putting together the rest of the evidence and writing up violations for those. But what we need, since we are small -- the thing that we really rely on and we have gotten some, are tips from people in the community. If you are aware of a carting company that is not following the rules -- so if you see a business, you know, not properly separating things out and putting them out on the street and then the carter comes along and just throws

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2 it all in the back of the truck, we would
3 really appreciate it if you would let us know.
4 We are going to put on our website -- and Sal
5 is the initial person that you'll speak with.
6 You can give us the complaint anonymously if
7 you like. We would prefer that you give us a
8 name and contact person, because then we can
9 get back to you. If we have further questions,
10 we can ask you. I promise you that you will
11 never be exposed to anyone as having been the
12 person that provided the information. Because
13 what we will do with your information is do our
14 own investigation, where essentially you are
15 not necessary. If the carter, you know, wants
16 to adjudicate the violation and go to oath, you
17 won't be a witness. We won't need to use your
18 photographs if you took photographs, or your
19 videos if you took that with your phone. We
20 can do that all ourselves. But otherwise, what
21 we are stuck with is going out and trolling the
22 streets and following carters randomly. And of
23 a certain sense, a lot of carters, you know,
24 are really doing this properly. It just really
25 helps us to focus our limited resources on the

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2 carters that are not following the rules. And
3 so -- and I throw that out to the carters as
4 well. If your people see another company that's
5 not following the rules, provide us with that
6 information. I mean, why should you be
7 expending the time and energy to do it properly
8 when somebody else is just, you know, not doing
9 it? And that's the only way these rules are
10 going to work. So I implore you to do that.
11 We are all in this together, in terms of
12 improving recycling in the City. As much help
13 as we can get from the public, we appreciate.
14 And the other advantage of giving us your name
15 and contact information, is when we get done
16 with our investigation, we will call you back
17 and tell you the results of our investigation,
18 so that you know, because you should know. So
19 again, I throw that out there and really make
20 that request that as much information as you
21 can provide us -- and by the way, with regard
22 to a generator, which Sanitation really focuses
23 on, you can either tell us and we will tell
24 Sanitation, or they are on Sanitation's
25 website. There are people there to focus on --

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because again, well, they have more resources. Resources are still tight. And so, it just helps everybody to do this as efficiently as possible.

Is there anything else? Again, this is now -- the hearing is over. Is there any other issue that anybody wants to talk about, either now or later? We are always free and happy to talk to people about any concerns or issues you have. Yes.

ATTENDEE: Is this tip line that you are mentioning available on BIC's website already?

MR. BROWNELL: It is. I think it's up already on the website. Sal is the guy --

MR. ARRONA: It's already on the website.

MR. BROWNELL: And again, you don't have to tell us your name if you don't want to. We are very good at, first of all, keeping you out of it, in terms of being exposed. And please tell other people that you know. If somebody says, you know, there is this thing with this carter -- whatever, please encourage them to give us a call.

MR. TOSCANO: Quick question on the rate

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cap. Is there a timeline as to when they think they are going to finish the review?

MR. BROWNELL: Well, we put -- November 18th is the deadline. Obviously, that's a soft deadline. If somebody needs a couple more days, we are always happy to get more information. I think -- when did we do it in 2016? By January? Yeah, it's other than -- I can't really give you a hard and fast date on that.

Any other questions or concerns of people? And again, we have a website. We are always happy to even hear complaints about us. That's one of the ways we get better.

So, anything, we are always happy to do that. All right. Thanks very much everybody.

(Time noted: 10:59 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF QUEENS)

I, Antonette Gordon-Salmon, a Notary
Public within and for the State of New York, do
hereby certify:

I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true record of such proceedings to
the best of my ability.

I further certify that I am not related to
any of the parties to this action by blood or
marriage; and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 18th day of October, 2017.


ANTONETTE GORDON-SALMON

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