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PUBLIC HEARING ON
THE COMPREHENSIVE COMMERCIAL WASTE
MANAGEMENT STUDY

-----X

198 East 161st Street
Bronx, New York

December 2, 2002
7:16 P.M.

MINUTES of PUBLIC HEARING, held at
the above-mentioned time and place before
Stefanie Gerber, a Notary Public of the State
of New York.

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2 A P P E A R A N C E S:

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4 PANEL MEMBERS:

5 Harry Szarpanski, Assistant Commissioner,

6 Department of Sanitation

7 Steven Lawitts, Deputy Commissioner,

8 Department of Sanitation

9 Sarah Dolinar, Department of Sanitation

10 Daniel Harkins, HDR

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MR. SZARPANSKI: Okay,
everybody. We're going to get started.
Good evening. My name is Harry
Szarpanski. I'm the Assistant
Commissioner for the Bureau of Long-term
Export with the New York City Department
of Sanitation.

I welcome the opportunity to appear
before you tonight to let you know about
the comprehensive study on commercial
waste management in the City of New
York. The study will be undertaken by
the Department with the assistance of our
solid waste management plan consultant,
Henningson, Durham & Richardson, also
known as HDR.

I am joined by a representative of
HDR, Dan Harkins, at the far end as well
as people from the Department. We have
Deputy Commissioner for Administration
Steve Lawitts, Sarah Dolinar and Vaughn
Arnold of my staff.

My comments tonight will be brief.
The real focus of this public meeting is

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2 your comments on commercial waste
3 management issues that affect your
4 communities.

5 In a nutshell, the commercial waste
6 study will move forward in the following
7 way. The Department, through HDR, will
8 develop a scope and conduct a study. The
9 broad outlines of the study are set forth
10 in the Administrative Code as it was
11 amended by Local Law 74 of 2000. If you
12 are not familiar with it, a copy of Local
13 Law 74 is available as a handout
14 tonight.

15 Also available tonight are copies
16 of a preliminary report, issued by the
17 Department in June of this year, which
18 contains the data necessary to perform
19 the analyses required in the commercial
20 waste study.

21 The commercial waste study will
22 perform the tasks outlined in Local Law
23 74, including analysis of the
24 effectiveness of procedures and criteria
25 for the issuance and/or renewal of

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2 operating permits for putrescible and
3 non-putrescible solid waste transfer
4 stations in minimizing potential adverse
5 environmental, economic and public health
6 impacts on the communities in which they
7 are located; the manner in which
8 regulations relating to transfer station
9 operations, private carter and long-haul
10 transport vehicles are enforced; the
11 means and potential effects of limiting
12 the number and capacity of transfer
13 stations in the city; the size and type
14 of vehicles that should be authorized to
15 transport solid waste to or from transfer
16 stations and fuel-type requirements for
17 such vehicles; whether transfer stations
18 and city-owned marine transfer stations
19 should receive and process both
20 residential and commercial solid waste
21 and the options for transporting such
22 solid waste to and from such transfer
23 stations, including an analysis of
24 potential adverse impacts; and potential
25 adverse impacts on communities in which

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2 large numbers of transfer stations are
3 located.

4

5 As part of the study, the
6 Department and the HDR team are required
7 to and will solicit and consider the
8 views of the elected officials, the
9 city-wide recycling advisory and borough
10 solid waste advisory boards and the
11 public, including residents of the
12 affected communities, environmental
13 advocacy organizations, transfer station
14 operators, private carters, business
15 entities and academicians, and respond to
16 substantive issues raised.

17

18 To obtain these views, we have
19 scheduled a public meeting in each
20 borough as well as a meeting with the
21 Citywide Recycling Advisory Board and the
22 five borough Solid Waste Advisory
23 Boards. We will also reach out to the
24 other groups listed above.

25

26 We will conduct these outreach
27 efforts between now and December 16. For
28 this reason, we ask that we receive all

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2 written comments that you would like to
3 be considered as part of the scoping
4 process on or before 5:00 p.m. on Monday,
5 December 16.

6

All written comments should be
7 mailed or faxed to me at 44 Beaver
8 Street, 12th floor, New York, New York
9 10004, and the fax number is
10 212-269-0788. This contact information
11 has been printed on the comment and
12 question cards that are available here
13 tonight.

14

Based on all the comments received,
15 HDR is expected to complete the draft
16 scope for the study by the end of
17 December. The draft scope will appear on
18 Sanitation's web-site and a comment
19 period will be established to obtain
20 comments on the draft scope that will be
21 considered before a final scope is posted
22 on the web-site.

23

The study itself and an
24 accompanying report are expected to be
25 completed in March of 2004 and issued to

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2 the Mayor and City Council. It's
3 important to note that the commercial
4 waste study will be designed to meet a
5 number of planning goals.

6 The study will enable the city to
7 assess and plan for management of both
8 the residential and commercial waste
9 streams and will assist the Department in
10 developing a new solid waste management
11 plan. Equally important will be the
12 recommendations developed in the report
13 on ways to minimize the potential adverse
14 impacts on the city's residential and
15 business communities and the
16 environment.

17 Well, we have an opportunity for
18 everyone to speak tonight. If you do not
19 wish to speak but would like to provide
20 us with written comments, please complete
21 one of the comment cards we have provided
22 for your use.

23 We have a stenographer keeping the
24 record of the testimony, so please state
25 your name clearly. And if there are

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2 elected officials, they will have an
3 opportunity to speak first.

4

5 So thank you for coming out
6 tonight. And is there anyone who wishes
7 to speak? Anyone here wants to say
8 anything? Hi, Angie. Anybody else want
9 to say hi?

9

10 MS. GELLER: There is someone
11 signing up to speak.

11

12 MR. SZARPANSKI: Okay. We'll
13 wait. If after tonight anybody thinks of
14 something they wanted to say but didn't,
15 just write to us at the address in the
16 literature. Thank you.

16

17 Omar Freilla, you are the next
18 speaker.

18

19 SPEAKER: None of you have
20 anything to say?

20

21 MR. SZARPANSKI: They're waiting
22 for you to break the ice.

22

23 SPEAKER: Oh.
24 MR. SZARPANSKI: There is a red
25 button. If you push that, that will turn
on the mike.

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SPEAKER: Okay. I mean, the room is not that big so. . . Good evening. My name is Omar Freilla from -- that's O-M-A-R F-R-E-I-L-L-A. I'm the program director for a community-based organization in the South Bronx located in Hunts Point called Sustainable South Bronx, and we are an organization that works to create opportunities in the South Bronx that improve the environment, creating open spaces, creating jobs in the community that aren't in industries that are in the process of causing pollution problems in the communities and finding alternatives to existing pollution problems.

For our organization -- I should also add I myself am a resident. I live in Hunts Point, in the Hunts Point community, and every day I see the things that I want to mention briefly -- I will be pretty quick. We will submit more written comments before the deadline, which I think you said was December 16?

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2 MR. SZARPANSKI: December 16,
3 yes.

4 SPEAKER: We basically really
5 have one demand, and that is what we
6 would like to see is the shutting down of
7 the truck based waste transfer stations
8 in the city, in the South Bronx in
9 particular. The South Bronx is where all
10 of them are located for the Bronx, and
11 aside from the South Bronx there are only
12 two other communities in the city where
13 there's such a high concentration, being
14 Jamaica, Queens and in Brooklyn, in the
15 Greenpoint, Williamsburg area.

16 So for us, what we see is that we
17 are living with a case of what we
18 consider to be environmental racism
19 where -- environmental classism where we
20 have all these waste facilities that are
21 concentrated in just a few communities
22 that are all low income communities and
23 communities of color. And because of
24 that we're living in a situation where
25 our community in the South Bronx and

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2 Hunts Point, you know, we know it as
3 asthma alley. We have one of the highest
4 asthma rates in the country, six times
5 the national average right now. That's
6 just for hospitalizations. Every time
7 someone has to get to or winds up in the
8 emergency room for asthma, that's what
9 that number is all about.

10 And for our community that's the
11 situation that we're living with, where
12 asthma is an epidemic in the community
13 and everyone, it seems that everyone has
14 it. 30 percent of the kids at PS 48,
15 which is a local elementary school in
16 Hunts Point, has asthma. And for us
17 that's just outrageous, that that number
18 can reach that high in any community, but
19 we see it particularly because we have
20 this high concentration of polluting
21 vehicles that go into these facilities.

22 So that's why we really feel it's
23 important to end the type of
24 infrastructure that relies on trucks, on
25 diesel trucks, which is what these

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2 vehicles are relying on. They are
3 relying on diesel fuel. So we feel that
4 it's important to transition to a form of
5 infrastructure that doesn't rely on
6 trucks, whether it's barges, whether it's
7 rail. There's opportunities that are out
8 there.

9 We're part of a coalition that's
10 called the Organization of Waterfront
11 Neighborhoods, which I am sure you are
12 familiar with. We have been advocating
13 for a long time for the reopening of the
14 marine transfer stations all around the
15 city. That's something we still stand
16 by, and we recognize that there are
17 opportunities in the Bronx for the
18 movement of waste that don't rely on
19 trucks, so we want to see that push
20 forward. Whatever it is, we want to make
21 sure that we're not -- we don't continue
22 to use trucks as a means of moving
23 waste.

24 Now, with that being said, there
25 are a number of things that the people

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2 have talked about. There's -- the people
3 have talked in the Bronx about the
4 reopening of the marine transfer
5 stations, which is something that we
6 advocated. People have also talked about
7 the possibility of moving by rail. The
8 Bronx certainly has the capacity to move
9 by rail. There are currently two
10 companies that have access to rail lines
11 in the South Bronx. They're in the Port
12 Morris, Mahaven area. And those are
13 Waste Management, Inc. and Allied.

14 And I just want to say, because we
15 don't -- I don't want to call for -- I
16 don't want calls to go out there for not
17 going the marine transfer station route
18 and going the rail route without it being
19 said that currently of those two
20 companies, Waste Management has basically
21 dominated the rail access in that area,
22 in the Harlem River Rail Yard. And from
23 what we have always heard and what we
24 see, Allied's access has been limited by
25 Waste Management's action, and there is a

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2 history there that I am only somewhat
3 familiar with but that begs the question
4 of where's the Trade Waste Commission in
5 terms of examining the practices of Waste
6 Management and its relation to Allied and
7 the domination of the business.

8 We don't want to see a situation
9 where we wind up creating a monopoly,
10 allowing Waste Management to develop a
11 monopoly and being able to hold a deck of
12 cards where they are not only
13 transporting all of the Bronx's waste,
14 but they're also on the other end,
15 they're the only ones who are operating a
16 landfill in the Northeast. So we don't
17 want that kind of a situation because
18 that puts the city in a very bad
19 situation. And Waste Management is also
20 a company that is known for being
21 anti-union and for having, in the Bronx
22 at least, a very poor standard of paying
23 its workers a livable and working wage.

24 So we want to make sure that
25 whatever option the city pursues in the

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2 Bronx and for the rest of the city is one
3 that doesn't rely on trucks, provides
4 alternatives to trucks, it's one that is
5 worker friendly, that doesn't create a
6 situation that's promoting a company
7 that's depressing wages for its workers,
8 and is also creating safe working
9 conditions.

10 Aside from that, I would also like
11 to add that on the -- there are many
12 different types of waste that are being
13 handled. There is -- within the spectrum
14 of commercial waste, there's putrescible,
15 there's non-putrescible, construction,
16 demolition and recyclables.

17 With respect to the construction
18 and demolition, most of the C&D
19 facilities in the Bronx are located in
20 Hunts Point, and of -- and those
21 facilities are ones that we feel are very
22 sketchy in terms of how their operations
23 are currently -- in terms of their
24 current operations and the safety
25 practices.

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There are numerous construction and demolition facilities around the country that are enclosed, that don't expose residents, people who live around them and workers, to unsafe practices. The ones in Hunts point are all open air.

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You know, we have companies, they don't -- they have no roofs on them,

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there are no -- there are no -- there's

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no equipment that's fixed to the ceiling

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where that's something you have in other

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construction and demolition facilities

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around the country.

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West Orange County and Upstate New

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York has an enclosed construction and

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demolition facility. So for the sake of

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those of us who live around them, within

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just a few blocks -- people have an image

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of Hunts Point of being this completely

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industrial area. You know, I only live

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maybe four blocks from the nearest waste

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transfer station, and that's four blocks

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too close.

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I live around the corner from our

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2 office, and our office is right on Hunts
3 Point Avenue, and every single day I will
4 see at least one, at least one vehicle,
5 one long-haul trailer carrying waste,
6 municipal waste going up and down Hunts
7 Point Avenue. Hunts Point Avenue is not
8 a designated truck route. So we're
9 experiencing it both on the proximity end
10 to the facility and the proximity of the
11 trucks to us because they come through
12 our streets whether it's legal or not.

13 So what we're really asking for, in
14 addition to moving to a non-truck based
15 infrastructure, is to create a situation
16 where the truck, where the C&D, if it's
17 not possible to combine them and move
18 them in the same type of facilities as
19 you would putrescible, to at the very
20 least insure that these are enclosed
21 facilities where you don't have dust
22 that's being produced that's going out
23 into the community, to insure that, you
24 know, those of us in the neighborhood
25 have a better quality of life and are

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2 able to breathe a little better.

3 I think that was all I had to say.

4 I don't know if anybody else here is so

5 motivated and moved in spirit to add

6 anything. But, you know, I would just

7 close by saying I live in the community.

8 I see the trucks that are coming in and

9 out of these facilities all the time.

10 There's plenty of opportunity for

11 alternative fuels, just something else to

12 add, along with the waste facilities,

13 waste moving by non-truck. For those

14 that say it can't be done that way, say

15 with the construction demolition

16 facilities, at the very least let's move

17 for an infrastructure where we have

18 alternative fuels, whether it be natural

19 gas, electric.

20 Natural gas seems to be the trend

21 in the industry, at least for a

22 heavy-duty vehicle like that. And

23 there's also plenty of opportunities for

24 the composting of organic waste. There's

25 many facilities that are very high, high

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2 level facilities in terms of their
3 capacity that could handle, you know, an
4 immense quantity of waste and at the same
5 time produce something that's actually
6 sellable, in this case compost.

7 And in addition to that produce
8 something where you're actually
9 generating electricity or at least more
10 natural gas vehicle, and anaerobic
11 digester technology is something that's
12 currently available to do that sort of
13 thing.

14 So there are opportunities that are
15 there, and we shouldn't just be accepting
16 a position where the Mayor just a few
17 months back cut the recycling program for
18 glass and plastics, presumably because
19 there wasn't a market available. Well,
20 this is something that's certainly a
21 means of reducing waste in the city and
22 getting something out of it in the end.
23 And that's all I had to say.

24 MR. SZARPANSKI: Thank you very
25 much for your comments, Mr. Freilla. Is

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2 there anybody else who wants to say
3 anything? In that case the meeting is
4 adjourned. Thank you.

5 (A recess was taken.)

6 MR. SZARPANSKI: We're going to
7 reopen the meeting. We have a speaker,
8 Carlos Padilla.

9 SPEAKER: I apologize for being a
10 little late. My name is Carlos Padilla.
11 I am the president of South Bronx Clean
12 Air Coalition and some member also of the
13 South Bronx Air Coalition. We have been
14 involved in the waste issue and
15 incineration issue and a lot of the
16 issues that are effecting the environment
17 of our community, both on a service level
18 and on an environmental racism level,
19 which is probably the only way they know
20 how to deal with us in our communities
21 these days.

22 Let me speak about the coalition
23 for waste. You know, we're into the
24 tomato, tomato business here, which
25 basically is putrescible waste is

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2 putrescible waste. Have you ever smelled
3 a DOS truck or smelled a commercial waste
4 truck? Basically they all smell the
5 same.

6 We're saddled unfairly with a lot
7 of these commercial waste by
8 grandfathering in, permit conditions.
9 And even though the zoning and certain
10 aspects of community have changed, you
11 don't hold them accountable because they
12 have something called grandfather that
13 could be within a residential area, and
14 because the need -- they were here
15 longer, they're entitled to get a permit
16 renewal under basically the same
17 conditions without improvement or without
18 seeking for relocation.

19 One thing -- excuse me. One thing
20 about the commercial waste, it all should
21 be put together in the marine transfer
22 stations with the regular putrescible
23 waste. We all know that. There's no
24 magic here. It's just we're looking to
25 see what private corporation we can best

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2 service right now. We have more permit
3 capacity than we generate garbage here.
4 This is unfair.

5 New York City wants a policy of
6 having of handling its own waste, every
7 borough to handle its own waste. If we
8 have twice the permitted capacity of the
9 waste we generate, we're not only
10 handling our own waste, we're handling
11 other people's waste also. The Taxi
12 Limousine Commission puts a ceiling on
13 how many medallions they give out because
14 if not we have everybody running all over
15 the streets, you know, with medallion
16 cabs.

17 There should be a similar
18 implementation done to permits. Permits
19 of individuals should be done based on
20 volume by borough. We should be allowed
21 to have our capacity plus 20 percent.
22 Anything larger than that, you're
23 unfairly saddling the community with.

24 One of the problems that we're
25 having today is that there is no

1
2 accountability by the private sector, the
3 commercial waste hauler to, for instance,
4 private haulers that they hire to run
5 trucks into the south or into Virginia
6 and to other places. These trucks are
7 out of compliance. If these trucks --
8 because if you take a look right now, we
9 can take a walk right now, and I can show
10 you a few trucks that are parked, full of
11 garbage by housing complexes, by day care
12 centers, which is unfair.

13 We have reached the point what you
14 call the mobile waste transfer station,
15 and the permitting regulations that apply
16 to a waste transfer station should apply
17 to these trucks. They shouldn't be
18 allowed to park in certain places. They
19 shouldn't be allowed to idle and sit
20 dormant loaded with garbage in certain
21 places.

22 Enforcement is -- I mean, it's
23 sadly under financed, under funded, and
24 the commercial haulers who invited the
25 private sector, the independents to come

1
2 and haul their waste away should be held
3 accountable. I'm saying if you catch
4 somebody -- some of these independent
5 truckers, they want to take two loads
6 overnight. They want to make -- because
7 they're paid so little that they need to
8 run an excessive amount of waste. One,
9 some of them run overloaded. Two, they
10 have to run more than one load to be able
11 to keep up practically with the cost of
12 the vehicle, cost of the insurance and
13 everything else.

14 So they will take one trailer
15 between some homes, up the street
16 someplace. They will go dump one, come
17 back to get the other one in the middle
18 of the night. And these haulers try to
19 avoid the rush hour and by, again, they
20 go and they park themselves in certain
21 areas.

22 There's no enforcement of any
23 sort. These independents can literally
24 do what they want in our community. The
25 hauler who invites them in is not held

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2 accountable either. If you catch him, he
3 has to have a manifest where he picked up
4 his waste that day, and that should be
5 able to tell you who this individual is.

6 Today we're looking at different
7 means or modes of transportation for the
8 waste. The best way we could do it is by
9 rail. I've always supported marine to
10 rail. Let's get real. It's the
11 simplistic and easiest way to handle our
12 waste. But we must put it together same
13 way with the commercial waste. There's
14 not much difference between putrescible
15 waste and city waste.

16 The marine transfer stations should
17 be allowed to handle commercial waste.
18 There's no, you know -- it's crazy to try
19 to do it the way we're doing it right
20 now. We just keep on trucking and
21 truckin and trucking these things all
22 over the place, and our community is
23 saturated with different assortment of
24 respiratory problems and other ailments
25 that these things contribute to, and

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2 you're not being there to enforce.

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I mean, we have a company -- we should have a competitive -- for the waste, especially for the municipal waste. I know you have for commercial waste. But a competitive bidding process which entitles environmental benefits to the communities as improvement in vehicles and transportation and truck routes and modes of transportation. All of this should be part of the bidding process so that the commercial or private sector themselves can be the driving engine for improvement.

Because if we don't allow them to be able to make their money while at the same time improving the situation, it is not going to happen. I mean, we're going to be holding hearings from here until the cows come home and we're not going to improve very much.

We have to get a serious approach to the permit process, not only on the contracts but on the bidding process. A

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2 fair done bidding process, a fair tipping
3 fee at the marine transfer station has to
4 be established, something that makes it
5 economically feasible to do it here
6 versus trying to run some beat-up trucks
7 down to Virginia.

8 We also have to take into account
9 what do we mean when we say handle our
10 own waste. It's just an empty term. Are
11 we going to send -- as a member of the
12 environmental justice, if we send 40
13 percent of our waste to burn in somebody
14 else's town, then we should have the
15 pants to stand up and say well, let's
16 burn the 40 percent in our own town
17 because it is our garbage.

18 And if we can allow it to be
19 burned, what are the policies we have if
20 we're not going to allow any
21 consideration for it to be incinerated
22 here but in somebody else's community?
23 We have to be responsible for where they
24 go and who they report these manifests
25 to.

1

2 If they go to the waste facilities,
3 they have to have a manifest, which I
4 believe is the process with hazardous
5 waste and red bag waste. It has to have
6 a cradle to grave tracking device
7 attached to it. The same thing should be
8 implemented with the commercial waste.
9 They should have a tracking device.

10 We should look to do a more, a
11 collection process that allows all
12 boroughs to participate. All boroughs
13 have marine transfer stations. All
14 boroughs have the capacity to take the
15 commercial waste. We know they do, along
16 with the municipal waste. We know they
17 do. And to develop a system that's not
18 based on a monopoly like Waste
19 Management, Inc. -- forget about it.
20 They control everything down here. Not
21 only do they control everything but the
22 community has, is very disempowered with
23 them.

24 You know, you have Mr. Francisco
25 Golisi who says I have this guy at World

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2 Com who signed off on their books and
3 like, you know, 400 some odd people got
4 unemployed and he pulled out 200 million
5 dollars, threw it in his pocket and kept
6 on walking. This is the guy we're
7 entrusting with the Harlem Rail Yards and
8 waste management facility. And they also
9 cut the rail for their competitor, which
10 is Allied or Eastern, and this, what it
11 did was throw commercial trucks heavily
12 into the street, into a community that
13 doesn't need no more of these trucks
14 running through it.

15 It was about their bottom dollar at
16 the sacrifice of our community. And when
17 we start looking at these type of
18 behaviors, these are not the type of
19 people we want to entrust in managing
20 this. Okay?

21 Another thing is they got working
22 for them Dennis Vacco, Randy Mastro,
23 Peter Powers. I mean, Mayor Giuliani is
24 about to head World Com and Mr. Francisco
25 Golisi. Come on. I mean, give us a

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2 break. I mean, who are we going to
3 complain to when they got the Justice
4 Department working for them? They got
5 the biggest employment, what is it, an
6 ex-government official employment benefit
7 package you ever want to see.

8 Another thing is that we have to
9 take a look at the commercial waste
10 incentive employees that work there. If
11 you take a look at their insurance and
12 their health policies, they're associated
13 with the workers, the workers that are
14 down in the trenches playing with the
15 garbage all day long have less health
16 insurance than the people who wear the
17 ties up in the office, but they are more
18 prone to all the infections and all the
19 disease and all the bacteria down there.
20 Something like this is unfair.

21 When the municipal waste marine
22 transfer stations were shut down, the
23 jobs were paying 15 bucks an hour when
24 municipal health benefits went to private
25 sector for 7.50 an hour, similar

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2 positions that were over there in the
3 marine transfer stations that are now
4 being done in the private sector at 7.50
5 an hour with minimum health benefits. I
6 think that's something we have to look
7 at.

8

9 I think if commercial waste is
10 going to be allowed to go into the marine
11 transfer stations, the marine transfer
12 stations have to be operated by the DOS.
13 Don't tell me you're going to give it to
14 Waste Management, Inc. and let them try
15 and run it. You have to be a
16 commercial -- it has to be held and
17 operated by the DOS, and any of these
18 haulers who participate in there must
19 abide by a fair wage requirement, a fair
20 health package for the employees and a
21 fair way of operating their facilities,
22 subject themselves to truck inspections,
23 to facility inspections.

24

25 I guarantee that if you go out
there with the proper criteria for
exhaust, 60 percent of those trucks won't

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2 pass. Okay? You have to find them all,
3 if you went out and did an inspection.
4 And every time their permits are renewed
5 their trucks should be forced to do an
6 inspection done by the State Department,
7 by the DEC requiring them to be in
8 compliance with clean air standards.

9

The way they clean their trucks
10 also has to be done. Drains -- there's a
11 guy right over here if you go by Brooklyn
12 Boulevard, across the street, in the
13 infinite wastedom of city planning,
14 whoever did that, they put this wonderful
15 playground for children, okay, and at any
16 given time in the summer the children
17 would get a mist to cool them off from
18 playing in the playground by the big
19 sprays they use to wash the garbage
20 truck. When washing the garbage trucks,
21 they miss. They will fall over from
22 cleaning these trucks. This is -- and
23 it's right in front of a children's
24 playground.

25

And we're talking about DOS people

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2 passing by and not even noticing that
3 there's something wrong with this
4 process. The enforcement of regulations
5 has to be enforced. It can't be they go
6 by, hey, hi, Joe, yes, the wife, the
7 kids, yes, hey marone, what's going on.
8 They go on by and say I know, don't worry
9 about it, try and keep it down. I mean,
10 this we don't need. We need true and
11 honest enforcement there.

12 I think -- I firmly believe that
13 all of these contracts should be done in
14 a fair bidding process but should include
15 a lot of the environmental criteria which
16 benefit the community. Also, we should
17 take a look at if we're going to put in
18 more transfer stations, that every
19 community should participate on a lotto
20 system, on a lottery system that doesn't
21 say okay, let me see, they're the right
22 color, let me see how much they make,
23 yes, okay, let's put it over here.

24 I think it should be a very
25 competitive blind process. I mean, we

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2 all generate garbage, we all have the
3 responsibility but just a handful of us
4 shoulder the burden of these
5 responsibilities, and that has been
6 unfair for the longest time. If we have
7 a blind process that selects itself or
8 that nobody can complain. It falls on
9 our shoulders, it falls on our
10 shoulders. It falls on your shoulders,
11 it falls on your shoulders. But at least
12 it's a fair process, and that's not what
13 we're hearing today.

14 If you take a look and you guys get
15 in your personal cars, go out there and
16 take a look at what's happening in the
17 streets right now, go around where you
18 have a lot of these trucks and a lot of
19 these facilities, how they operate when
20 they're not going watched.

21 I mean, they operate badly enough
22 when they're being watched. And when
23 they're not being watched, they know they
24 have a free hand. You have permit
25 conditions. I do believe that some of

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2 these facilities have to submit truck
3 routes when they submit the permit
4 applications. Is that correct? They
5 have to submit -- I believe they have to
6 submit basically a truck route, how
7 they're going to egress and regress from
8 each facility. But nobody's paying
9 attention to it. It's like Dodge City
10 down here.

11 You have laws. We have no
12 enforcement. I mean, many of the police
13 disappeared. Hey, they're breaking the
14 law. Who do you go to? These are some
15 of the things that we have to take
16 seriously.

17 And, you know, we all generate
18 waste. We have a responsibility. And we
19 have to take a serious look -- when we
20 say each borough handle its own waste,
21 what do we mean by that? Do we package
22 it and give it to somebody else? Do we
23 bury it in our own borough? Do we burn
24 it? Do we turn it into briquettes like
25 they're planning to do over here in the

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2 Harlem Rail Yard from what I understand?

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I mean, what do you mean? Let's get some clarity on handling our own waste. And if we do send it out to someone else, to Virginia, to Pennsylvania, which we've met with those communities, then we have a responsibility to see how that is happening.

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We have to take responsibility. Just because they are getting dollars doesn't mean that you could just fling the responsibility of how to manage that waste all on them. I thank you very much, ladies and gentlemen.

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I really believe we are up against some very, very strong and powerful, money hungry corporations these days. They will stoop to nothing to, you know, to have their way with our bottom line. And that can happen in the trucking industry with the deregulization and all that stuff.

At the beginning everybody saves a

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2 couple of pennies. At the end they got
3 it stuck right up the old garbage route.
4 So, you know, if we're not careful, we're
5 heading in the same direction again.
6 Thank you very much.

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MR. SZARPANSKI: Thank you for
your comments. We have one more
speaker. Marian Feinberg.

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SPEAKER: Good evening, gentlemen
and gentle lady, hi. I think it's really
important to characterize some of the
situation as we have it now here in the
Bronx with garbage. Unfortunately I just
got here, so forgive me if I repeat
things that other people, speakers ahead
of me said.

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More garbage per capita is
processed here in the Bronx than any
other borough, about 100,000 tons a day,
including C&D waste. Much of this waste
comes not only from outside the borough
but as well from outside the city. Waste
transfer stations in Queens and parts of
Brooklyn -- waste from transfer stations

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2 in Queens and Brooklyn travel through the
3 Bronx by polluting diesel trucks to get
4 to the George Washington Bridge.

5 Trucks full of garbage park and
6 often idle for hours while waiting for
7 traffic to ease on major throughways.
8 DOT regulations on streets permissible
9 for these trucks to travel on are not
10 enforced, so they clog up, pollute and
11 endanger safety on commercial and
12 residential streets. Idling regulations
13 are not being enforced.

14 I'm saying this because it's not
15 just the DOS's -- to clean up this
16 garbage situation in our borough, the
17 cooperation of a number of city and state
18 agencies and the City Council and the
19 Mayor and the Public Advocate all have to
20 cooperate to make this happen because
21 this is a multifactorial problem.

22 Workers in these industries, most
23 of whom are our neighbors, work for low
24 wages in deplorable and dangerous working
25 conditions, many without health

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2 benefits. The Trade Waste Commission has
3 permitted companies to continue making
4 sweetheart contracts with union locals
5 controlled by organized crime, including
6 one local 116 where the leader was banned
7 for life by both the Teamsters and
8 Laborers Internationals upon a court
9 order obtained by the Federal Department
10 of Justice, yet the Trade Waste
11 Commission continues to allow this to go
12 on, even though their mandate is supposed
13 to be getting organized crime out of the
14 industry.

15 The Trade Waste Commission has
16 cleaned up the appearance of the industry
17 but not the reality. We now have
18 corporate crime lords at the head but
19 still employing individuals with the old
20 crime ties as managers and silent
21 partners.

22 Due to industry consolidation
23 promoted by the actions of New York City
24 and the Trade Waste Commission the
25 quality of commercial waste pickup has

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2 deteriorated, with many small businesses
3 unable to get consistent and reliable
4 service. Recycling opportunities for
5 these businesses are now virtually nil.
6 As haulers, unlike those in Westchester
7 County, for example, do not use duplex
8 trucks that allow, you know, recyclables
9 to go in one part and putrescible and
10 other kinds of waste in another part, and
11 they won't send out a second truck for
12 recyclables so that just adds to our
13 waste problem.

14 Waste Management, Incorporated
15 which employs and/or pays for expensive
16 consulting services from many former
17 government officials, from Dennis Vacco,
18 to Peter Powers, to Peter Vallone, to
19 Randy Mastro, they don't care which
20 parties just as long as they have the
21 political connections that they like, is
22 quickly monopolizing the entire trade.

23 Since it alone controls landfills
24 and what little rail there is and has the
25 lion's share of facilities with water

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2 access, it has the economic flexibility
3 of vertical integration. With the cap on
4 hauling fees set low by the Trade Waste
5 Commission on one hand and Waste
6 Management charging extortion rate
7 tipping fees on the other, it's difficult
8 for anyone else to stay in business.

9 When they are left standing alone,
10 how long do you think it will be for them
11 to lobby and receive from the Trade Waste
12 Commission a raise in the cap on
13 hauling? And they will get it.

14 With no competition, they will have
15 the tax payer and small businesses in
16 their grip. This company is now working
17 hard, as they have for several years, to
18 defeat other marine rail possibilities so
19 they can promote their Port Morris
20 facility in the Harlem River Yards as the
21 option for the Bronx. They're also known
22 for their poor relationship with clean,
23 organized labor.

24 So as a start, we have just a
25 couple of recommendations to make that I

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2 think should be the start of a series of
3 conversations that your agency has with
4 the community. And we can't tell you
5 what a pleasure it is to really have you
6 in the Bronx to actually have this
7 opportunity to begin dialogue with you
8 and we hope this is only the beginning of
9 the process.

10 We recommend, one, that there be
11 comprehensive waste prevention recycling
12 and waste disposable planning and
13 permitting on a city-wide level,
14 including both commercial and residential
15 waste. The distinction is false from the
16 point of view of the infrastructure, of
17 the economics of the industry and its
18 impact on communities, all three. It's
19 false distinction, and we need to plan --
20 you know, we need to have a city-wide
21 plan that includes both together and
22 understands their impacts both together.

23 We believe that waste reduction
24 planning should be mandated as part of
25 every vendor contract put out to bid by

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2 New York City. Haulers with contracts
3 with New York City must have an
4 environmental plan for conversion to
5 clean fuels. New York City along with
6 New York State should have an incentive
7 package to assist in conversion.

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9 The phasing of duplex trucks in
10 this industry must be mandated or else we
11 are going to see the end of recycling all
12 together.

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13 As to permit conditions, where we
14 really feel like this is an area that an
15 impact must be made, that New York City
16 as a whole and each borough individually
17 should be processing no more than what
18 each generates, perhaps, you know, plus,
19 minus 20 percent to allow for some
20 flexibility but that's the max.

20

21 That these permits, that the number
22 of permits and the amount of tonnage
23 really of these permits around the city
24 must be regulated. There must be an
25 assessment that gets made about the
amount of waste that New York City is

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2 generating and that these facilities
3 shouldn't be permitted to have to take
4 more than that. Because when there's an
5 open space there, it will be filled, and
6 it's being filled now by garbage from
7 Westchester and garbage from Long Island
8 and garbage from Jersey and garbage from
9 all these other places. And we can't
10 even handle the amount of garbage we're
11 really generating safely and healthily
12 for our city, and why should we be taking
13 more when in fact we're not even an
14 endpoint? So the transportation burden
15 for all of this just becomes ridiculous.

16 Fair share provisions of the city
17 law need to be enforced so that no
18 neighborhood is inundated by waste. I'm
19 sure other speakers ahead of me have said
20 it, but I'm going to say it again. That
21 these permits need to begin to really
22 include environmental conditions,
23 including conditions on trucks so that
24 their permit includes a plan for fleet
25 conversion to alternate fuels, includes a

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2 plan, an enforceable plan where they can
3 actually be cited on their permit if
4 their idling isn't up to snuff, if their
5 maintenance isn't up to snuff, that
6 on-site, instead of using these sort of
7 cover-up perfumes which don't really
8 cover up the smell anyway and really
9 irritate the lungs of the workers and the
10 nearby community, that they really -- we
11 really have to mandate in these permits
12 that there be high quality air filtration
13 systems and high air quality safety plans
14 in place for the workers.

15 That the Trade Waste Commission
16 needs to raise the cap on hauling fees
17 and for bid extortion rate tipping fees,
18 to bring competition back into the
19 industry and to ease the exploitation of
20 workers.

21 Trade Waste Commission needs to
22 disallow companies that have contracts
23 with unions tied to organized crime, you
24 know, to do business in this city. And
25 we as a city must insure that living, the

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2 living wage law and immigrant worker
3 protections are implemented in this
4 industry, which is one of the worse
5 offenders in the city. Thank you very
6 much.

7 MR. SZARPANSKI: Thank you for
8 your comments. Is there anyone else who
9 wishes to speak? For those who came
10 late, we are accepting written comments
11 until December 16. Thank you all for
12 coming, and the meeting is adjourned
13 again.

14 (TIME NOTED: 8:09 P.M.)

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CERTIFICATION

I, STEFANIE GERBER, a Notary
Public in and for the State of New
York, do hereby certify:

THAT the foregoing is a true
and accurate transcript of my
stenographic notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 5th day
of December 2002.

STEFANIE GERBER