



The City of New York
BUSINESS INTEGRITY COMMISSION
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Daniel D. Brownell
Commissioner and Chair

Minutes of a Meeting of the Trade Waste Advisory Board

Date and time: November 16, 2015 at 10:00 a.m.
Location: New York City Business Integrity Commission,
100 Church St., 20th Floor, New York, N.Y. 10007

Attendees:

Business Integrity Commission

Noah Genel, General Counsel, BIC
John Curry, Assistant Commissioner of Legal Affairs, BIC
David Mandell, Deputy General Counsel for Regulatory Enforcement, BIC

Industry

Ron Bergamini, CEO, Action Carting Environmental Services, Inc.
Steve Changaris, Manager, Northeast Region, NWRA
John DiNardi, Secretary and Treasurer, D&D Carting Co. Inc.
Andy Moss, Assistant Secretary, IESI NY/Progressive Waste Solutions
Thomas Toscano, CFO/CLO, Mr. T Carting Corp.
Nino Tristani, Vice President, Five Star Carting, Inc.
Michele Van Orden, General Counsel, Cardella Trucking Co. Inc.

Santiago Mueckay, Policy Analyst, BIC (notes)

Introductions

BIC agenda items:

1. Recap of Commission Meeting on November 9, 2015.
 - a. At the meeting, 11 companies were denied a license or registration to operate a trade waste business. A list of the denied companies and a press release can be found on BIC's website.
2. Recap of Rate Cap Hearing on October 30, 2015.
 - a. As stated at the public hearing, BIC will continue to accept written comments until November 30, 2015. BIC encourages any carting company to submit pertinent information before the deadline.
 - b. BIC will make a decision on changes to the rate cap, if any, as soon as possible.

3. BIC's compliance with Local Law 63 of 2015, known as Ban the Box.
 - a. BIC has updated its applications to ensure compliance with Local Law 63.

Issues Raised by non-BIC TW Advisory Board members:

4. Subcontracting
 - a. There has been a significantly faster turnaround time for subcontract applications. As of the date of this meeting, there were no pending subcontract applications.
 - b. There was a request made for BIC to amend its regulations to allow on-call services, such as e-waste pick-up, to be exempted from filing subcontract applications. (BIC generally does not require a subcontract application for on-call services, such as C&D pick-up.)
5. Hard Copy of Licenses
 - a. A request was made to have a more clear process for receiving a hard copy of the licensee's BIC license.
 - b. While licensees routinely receive an original license, BIC will look into any situation in which that did not occur.
6. State of the Carting Industry
 - a. While the organized crime cartel system has been eradicated, individuals with connections to organized crime remain interested in entering the commercial carting industry. BIC must remain vigilant in order to keep those and other individuals lacking in good character, honesty and integrity out of the industry.
 - b. New requirements for the industry: New commercial recycling and organics rules coming into effect in the near future will change the way the waste generated in NYC is processed.
 - c. A zone collection/franchising system is currently being explored, which would completely change the industry. BIC is collaborating with DSNY on a study that examines franchising. This issue remains open.
 - d. Members of the industry noted that the new recycling and organics requirements may create new costs for the carters. This is one of the reasons carters would like to see the rate cap eliminated.
 - i. An example given by the carters as to how to eliminate the rate cap, is that if the industry as a whole commits to having cleaner trucks, providing mandatory trainings, installing side guards, then the rate cap should be eliminated to allow the industry to pay for these upgrades.
 - e. Carting companies would support increased regulation and enforcement to keep the bad players and companies with lower standards out of the industry. These bad players undermine the industry as a whole.
 - f. A request was made to have BIC communicate with the Unions regarding certain practices, especially drug testing of drivers.
 - g. A request was made to have an informational meeting with all of the involved agencies like BIC, DSNY, OSHA, DEC, DOT and the carters. The carters believe all of the information regarding the industry is too dispersed, and they would benefit from speaking to everyone at once.

7. Requirements for a BIC License
 - a. A request was made to have higher standards and requirements for new companies, for example requiring a two year bond in order to assure that the new companies are playing by the rules.
 - b. New and smaller companies allegedly have employees who are paid off the books. This is detrimental to the industry since it is an unfair advantage to companies not playing by the rules.
 - i. A request was made to try to eliminate all cash transactions from the industry. (BIC's rules do prohibit all payments of \$1,000 in cash or by check made payable to "petty cash." All checks made payable to "cash" are prohibited. 17 RCNY § 5-03(c).)
8. Carting Contracts
 - a. A request was made to allow for longer contracts. Carters believe the current two year limit on contracts is anti-customer.
 - b. Large customers, like arenas, hospitals, etc. would like to have longer contracts with their carters.
 - c. New Jersey and Long Island allow five year contracts. Carters suggested a possible compromise of making exceptions to the two year contract limit for customers that are above a certain square footage.
9. Ten Day Notice Requirement
 - a. A question was raised about the requirement to inform the Commission about any material change within ten days. BIC's response: The notice to the Commission of a material change must be notarized, but can then be scanned and emailed to the Commission within 10 calendar days of the change.
10. Cardboard Theft
 - a. Notifying the Commission about cardboard theft with timely and specific information is the best way to deal with the issue.
 - b. BIC has made recent gains in the area of grease/used cooking oil theft, including a recent denial of a grease collection company.
11. Request to allow carting companies to charge for additional services
 - a. A request was made to permit carters to charge for additional services.
 - b. Potential additional charges include:
 - i. Picking up money
 - ii. Charging for using paper bills instead of electronic bills
 - iii. Bounced checks
 - iv. Late fees
 - c. Customers are requesting a line-item breakdown of their bills but carters have been avoiding this because they claim Commission regulations do not allow them to do a line-item breakdown of their bill. (BIC's rules require an itemized list of charges. 17 RCNY § 5-05(g).)
 - d. Steve Changaris will put together a list of potential additional charges for discussion purposes.