

In Re Public Hearing NYC - Business Integrity Commission
July 9, 2024

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THE CITY OF NEW YORK
BUSINESS INTEGRITY COMMISSION
RULES REGARDING COMMERCIAL WASTE ZONES AND TRADE
WASTE RATE CAP

Held Remotely
Via Microsoft Teams
DATE: July 9, 2024
TIME: 11:00 a.m.

Reported By:
Sabrina Brown Stewart

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

MATTHEW FINKEL - Executive Agency Counsel, BIC
NICOLE MATHIAS - Director of Policy, BIC

S P E A K E R S:

DAVID BIDERMAN - President, Biderman Consulting, LLC

1 MR. FINKEL: Good morning, and welcome
2 to today's meeting. The time is now eleven
3 o'clock a.m. on Tuesday July 9, 2024. My
4 name is Matthew Finkel, and I'm an executive
5 agency counsel here with the New York City
6 Business Integrity Commission.

7 We do have a court reporter present
8 with us today, who will be transcribing the
9 hearing. And to avoid background noise
10 during this hearing, we ask everyone to
11 please mute yourself until we call on
12 speakers. The Commission is conducting this
13 remote meeting pursuant to the requirement
14 set forth by the City Administrative
15 Procedure Act, commonly referred to as CAPA.

16 The purpose of this hearing is to
17 receive comments from the public on the
18 Commission's proposed rules regarding the
19 implementation of the Commercial Waste Zone
20 program. And we are also proposing to
21 increase the maximum allowable rates for the
22 hauling of waste by licensees. Additionally,
23 the Commission is seeking to streamline and
24 amend rules that are no longer necessary.

25 The Commission published the proposed

1 rules in the City Record on June 6, 2024. We
2 also disseminated copy of the rules via
3 e-mail to all New York City elected
4 officials, the managers of all 59 community
5 boards, several media organizations in the
6 City, and other interested parties. Lastly,
7 we posted the proposed rules on both the
8 Commission's website, as well as the website
9 of the New York City Rules.

10 In summary, the Commission is seeking
11 to modify some of its rules that affect trade
12 waste licensees once particular commercial
13 waste zones are implemented, specifically
14 indicating which sections of the rules will
15 no longer apply to carters within designated
16 zones. The Commission is further seeking to
17 modify traffic safety reporting rules that
18 affect trade waste licensees and registrants.
19 These rules are no longer necessary, since
20 the Commission's authority was expanded to
21 include traffic safety requirements for
22 vehicles used in the collection, removal,
23 transportation, or disposal of trade waste.

24 The Commission is also proposing to
25 require the surrender of Commission issued

1 trade waste license plates upon the
2 disposition of a vehicle that has been issued
3 such plates. The proposed rules also clarify
4 the recycling requirements for self-hauler
5 registrants. And finally, the Commission is
6 proposing an increase in the maximum rate
7 that a licensee may charge for the
8 collection, removal, disposal or recycling of
9 trade waste to \$26.87 per cubic yard and
10 \$17.64 per 100 pounds. The Commission's
11 authority for these rules can be found in
12 Sections 1043(a) and 2101(b) of the New York
13 City Charter.

14 That concludes the summary of the
15 proposed rules changes at this hearing. You
16 may present an oral statement for the record
17 or submit written comments concerning the
18 proposed rules changes. Additionally, the
19 Commission has been accepting written
20 comments on the proposed rules since the
21 publication in the City Record. And we will
22 accept further comments until five o'clock
23 p.m. today, July 9, 2024.

24 The Commission will make available a
25 copy of any written comments that are

1 received in connection with today's hearing
2 on its website. The Commission will
3 carefully review and consider all comments
4 and submissions and make necessary changes,
5 if the Commission deems them so necessary.
6 The rules will go into effect 30 days after
7 they are published in the City Record.

8 We will begin calling those of you who
9 wish to speak this morning. When you speak,
10 please state your full name and affiliation,
11 and speak slowly and clearly, so that the
12 court reporter can understand and accurately
13 transcribe your statement. We ask that you
14 limit your statement to three minutes.

15 Nicole Mathias, our director of policy,
16 will now begin calling on members of the
17 public to testify. If you wish to testify,
18 please unmute yourself now.

19 MS. MATHIAS: Thank you.

20 So, we're first going to open it up to
21 those who signed up ahead of time, and then
22 open it up to anyone else who wishes to
23 testify.

24 David Biderman, you are up first.

25 MR. BIDERMAN: Thank you.

1 Good morning. My name is David
2 Biderman. I am the president at Biderman
3 Consulting LLC. I'm appearing today on
4 behalf of the following licensees; Century
5 Waste Services, D&D Carting, M&M Sanitation,
6 and Mr. T Carting. I will be testifying
7 solely concerning the proposed adjustment to
8 maximum rate caps.

9 The four licensees that I just
10 identified submitted oral testimony and
11 written comments in October and November of
12 last year, in support of their request for a
13 rate cap increase. These licensees, and I
14 suspect most of the industry, are pleased
15 that the Business Integrity Commission is
16 proposing an increase to \$26.87 per cubic
17 yard and \$17.64 per 100 pounds. We urge the
18 BIC to expeditiously finalize this adjustment
19 to the rate caps as labor, disposal, and
20 other costs are increasing on a monthly
21 basis.

22 This concludes my testimony, and thank
23 you for the opportunity to submit testimony
24 today.

25 MS. MATHIAS: Thank you, David.

1 No one else had signed up prior to the
2 hearing.

3 Is there anyone else who wishes to give
4 testimony today? Please unmute yourself or
5 raise your hand.

6 (No response).

7 MS. MATHIAS: Okay. Going once, going
8 twice -- is there anyone else who wishes to
9 testify at today's hearing?

10 (No response).

11 MS. MATHIAS: All right. Hearing none,
12 I think we can wrap it up. As a reminder, we
13 will be accepting written comments until the
14 close of business today.

15 Anything else?

16 MR. FINKEL: Nope. The time is now
17 11:06 a.m., and we will close the hearing.

18 Thank you all for attending. I hope
19 you have a good day.

20 MS. MATHIAS: All right. Thank you,
21 everyone.

22 (TIME NOTED: 11:06 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, Sabrina Brown Stewart, a Notary Public within and for the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such an examination is a true record of the testimony given by such a witness.

I further certify that I am not related to any of these parties to this action by blood or marriage, and that I am not in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand on this 11th day of July, 2024.

Sabrina Brown Stewart
Sabrina Brown Stewart

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