

In Re Rate CAPA Hearing NYC - Business Integrity Commission
September 7, 2022

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THE CITY OF NEW YORK
BUSINESS INTEGRITY COMMISSION

CAPA HEARING

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Held remotely via
Microsoft Teams

September 7, 2022
11:15 a.m.

Reported by:
Cicely Jolley, RPR

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

SHORMINA AHMED
Executive Agency Counsel, BIC

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MS. AHMED: Good morning; and welcome, everyone, to today's Public Hearing regarding the Rate cap. The time is 11:15 a.m. on Wednesday, September 7, 2022. My name is Shormina Ahmed, I am Executive Agency Counsel at the New York City Business Integrity Commission.

The Commission is conducting this Hearing pursuant to the requirements set forth in The City Administration Procedure Act, commonly referred to as CAPA.

The purpose of this Hearing is to receive comments from the public on The Commission's proposed Rules regarding amendment of maximum rates allowed for collecting and disposing of trade waste. The Commission published the proposed Rules in The City record on August 4, 2022. We also disseminated a copy of the Rules via email to all New York City local elected officials, the managers of all 59 community boards, several media

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organizations in The City and other interested parties. Lastly, we posted the proposal Rules on both The Commission- and the New York City Rules' website.

In summary, The Commission is proposing to amend Title 17 of the Rules of the City of New York to raise the maximum rates that private carters can charge for removal of trade waste by seven percent.

The Commission is authorized to set, by Rule, the maximum rates by weight and by volume the trade waste haulers can charge for the removal of putrescible and traditional recyclable commercial waste. The maximum rates were previously adjusted in June 2022. The Commission must base any changes to the maximum rate on a fair and reasonable return to private carters who provide trade waste removal services to commercial establishments in New York City, while also protecting

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those using these services from
excessive and unreasonable charges.

The Commission has reviewed various
relevant factors and additional
information affecting the trade waste
industry and its customers. Those
factors include, but are not limited to,
the Producer Price Index published in
the U.S. Department of Labor Bureau of
Labor Statistics, data contained in
private carters' financial statements
filed with The Commission concerning
data relating to increases in operating
capital costs provided to The Commission
by member of the trade waste industry.

Based on its review, The Commission
proposes to increase the current maximum
rates that trade waste haulers can
charge from \$22.63 per cubic yard, or
\$14.85 per 100 pounds; to \$24.21 per
cubic yard, or \$15.89 per 100 pounds.

That concludes the summary of the
proposed Rule changes at issue at this
Hearing. You may present any oral

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statement for the record or submit written comments concerning the proposed Rule changes.

Additionally, The Commission has been accepting written comments in the proposed Rules since the publication in City records and we will continue to do so through the close of business today.

The Commission will make available a copy of any written comments that are received in connection with today's Hearing on its website. The Commission will also carefully review and consider all comments and submissions and make changes if The Commission deems them necessary. The Rules go into effect 30 days after they are published in The City record.

We will begin calling in those of you who wish to speak this morning. When you speak, I ask that you state your full name and your affiliation; and speak slowly and clearly so the court reporter can understand and accurately

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transcribe your statement. We ask that you limit your statement to three minutes.

(The reporter requested to go off the record from 11:18 a.m. until 11:19 a.m.)

THE REPORTER: Thank you.

MS. AHMED: Can we resume, Madam Reporter?

THE REPORTER: Yes.

MS. AHMED: Is there anyone who wishes to testify today?

(No response.)

MS. AHMED: Is there anyone who would like to testify today? The record is open.

(No response.)

MS. AHMED: Seeing that no one is looking to testify, we will now close the record for this Hearing.

As a reminder, we will continue to accept written comments through the close of business today.

This Hearing is now closed. The

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time is 11:20 a.m.

Thank you.

(Time noted: 11:20 a.m.)

