



sanitation

Edward Grayson Commissioner

**Testimony of Gregory Anderson
Deputy Commissioner for Policy and External Affairs
New York City Department of Sanitation**

Hearing on Intro. 2349 and a Pre-considered Intro. T2021-7669

New York City Council Committee on Sanitation and Solid Waste Management

**Thursday, June 24, 2021
10:00 A.M.**

Good morning Chair Reynoso, and members of the City Council Committee on Sanitation and Solid Waste Management. I am Gregory Anderson, Deputy Commissioner for Policy and External Affairs at the NYC Department of Sanitation. Thank you for the opportunity to testify today on these two bills related to commercial waste in New York City.

While DSNY collects trash and recycling from residential buildings, more than 90 different private carters crisscross the city each night to service the city's 100,000 commercial businesses, driving long, overlapping and unsafe routes. The private carters dispose of waste at a network of private transfer stations and recycling facilities in New York City and around the metropolitan region.

This Administration, in close partnership with the City Council, advocates, and a wide range of stakeholders, has supported comprehensive reforms to the City's commercial waste sector that seek to reign in unsafe practices, improve sustainability, and promote equity and fairness in the impacts and benefits of waste infrastructure and operations. I will briefly provide updates on those efforts before discussing the two bills that are the subject of today's hearing.

New York City's Solid Waste Management Plan

In 2006, the New York City Council adopted the City's Solid Waste Management Plan. The SWMP is a fair, five-borough plan to sustainably manage New York City's waste and offer flexibility and resiliency in the case of a natural disaster or other emergency. The SWMP mandates a shift from waste export by long-haul trucking to a system of marine and rail transfer stations spread throughout the five boroughs, and the SWMP's implementation has provided NYC with new world class infrastructure. In total, the SWMP has reduced truck traffic associated with waste export by more than 60 million miles per year, including more than 5 million miles in and around New York City. It has slashed greenhouse gas emissions by 34,000 tons annually.

After the closure of the Fresh Kills landfill, almost all of New York City's waste was exported by long-haul truck from privately-operated transfer stations. Because of zoning and siting restrictions, these stations were, and still are today, predominately located in three neighborhoods in North Brooklyn, Southeast Queens, and the South Bronx. The SWMP is

based on the concept of borough equity – that no borough should be responsible for managing another’s garbage – and it has steeply reduced truck traffic associated with waste collection and hauling in these historically-overburdened minority communities.

The SWMP called for the creation of eight rail or barge-based transfer stations along with the use of an existing energy-from-waste facility in New Jersey. Together, these nine facilities make up a resilient and reliable network for the export of waste. They also create new waste transfer capacity that has allowed the City to permanently reduce permitted capacity at transfer stations in historically overburdened communities.

New York City’s Waste Equity Law

In August 2018, City Council passed and Mayor de Blasio signed Local Law 152 (“LL152”), also known as the Waste Equity Law. LL152 requires the Department of Sanitation (“the Department” or “DSNY”) to reduce the permitted capacity of putrescible and non-putrescible transfer stations in four designated community districts.

LL152 requires DSNY to reduce permitted capacity at transfer stations in Brooklyn Community District 1 by 50 percent and in Queens Community District 12 and Bronx Community Districts 1 and 2 by 33 percent. The law also allows for certain limited exemptions to the reductions in permitted capacity for activities consistent with the City’s goals. It allows these limited exemptions for processing recyclables and organic waste and for diverting construction and demolition debris to beneficial use. The law also fully exempts facilities that export waste by rail and have on-site rail infrastructure. LL152 allows facilities to request a one-time permit increase of up to 20 percent to accommodate future growth in capacity for processing recyclables or organic waste.

Beginning in October 2019 through September 2020, the Department implemented reductions in permitted capacity at 22 facilities that hold a total of 24 transfer station permits. In total, the reductions implemented pursuant to LL152 cut permitted capacity in the four designated districts by 10,137 tons per day.

In addition, four putrescible transfer stations located in the designated districts opted to reserve a portion of their capacity exclusively to process source-separated organic waste for beneficial use. In total, these facilities reserved 377 tons per day of capacity to process source-separated organic waste, and this reserved capacity was excluded for the purposes of determining reductions in permitted capacity pursuant to LL152.

Commercial Waste Zones

In 2019, Mayor de Blasio signed Local Law 199, requiring the establishment of Commercial Waste Zones throughout New York City. The result of years of planning, analysis, and stakeholder engagement by DSNY, the Commercial Waste Zones (CWZ) program will create a safe and efficient commercial waste collection system that advances the City’s Green New Deal and zero waste goals while providing high-quality, low-cost service to NYC businesses. The new system is expected to nearly double the commercial diversion rate for recyclables and organic waste.

The Department began the competitive procurement process by issuing Part 1 of a Request for Proposals (RFP) in November 2020. Part 1 of the RFP requested information from potential awardees to determine their ability to perform in accordance with specific business, character,

financial and licensing requirements. The Department has completed its review of those Part 1 responses and earlier this week released a list of 48 responsive proposers eligible to respond to Part 2.

The Department is also promulgating several rules to implement the program, including rules governing customer service, operations, health and safety, recycling and organics collection and other administrative requirements. In the next several weeks, the Department will publish final rules covering these areas and will issue Part 2 of the RFP to select the zone awardees. We expect the transition period to the new zone system to begin in 2022 and last up to two years.

The FY 2022 Executive Budget provides \$4.0 million in funding to support the implementation of Commercial Waste Zones. This includes funding for 28 new civilian staff in the coming year, as well as OTPS funds for implementation support, communications, outreach, and IT systems. We look forward to working with the City Council and all stakeholders as we advance this important program to bring much-needed reform to the City's commercial waste sector.

Intro 2349

Intro 2349 would amend the City's Waste Equity Law to create an exemption from permit capacity reductions for transfer stations that construct and utilize rail infrastructure on or near their property for the export transport of all or the majority of waste they receive. The exemption applies only to structures that are enclosed – having at least three walls and a roof – and provides up to four years for the construction of the rail infrastructure.

The export of waste by rail instead of long-haul truck reduces truck traffic on local streets and regional highways, reduces greenhouse gas emissions and other air pollutant emissions (particularly when using modern freight rail locomotives with advanced emissions control technology), improves roadway safety, and limits quality of life impacts of truck parking and transport. DSNY supports the intent of this bill to incentivize additional rail export of waste in New York City.

However, we acknowledge that the Waste Equity Law was a hard-won victory for environmental justice, and we understand that many stakeholders and advocates urge caution and express skepticism about potential changes that could roll back this important policy. We look forward to hearing from various stakeholders today, and we look forward to working with the Council, the industry, and advocates to balance our goal of reducing truck traffic with important protections for these historically overburdened communities.

Preconsidered Intro. T2021-7669

The Department of Sanitation echoes the concerns of the Business Integrity Commission regarding removing regulatory authority over providers of waste audit services. In particular, Local Law 199 of 2019 requires that awardees selected to provide services within a zone provide for third-party waste audits for their customers. These audits provide a neutral and objective measure of the amount of each waste stream that a customer generates, and they can provide important resources and information about waste reduction, reuse, recycling and composting strategies.

Because these audits can be used as the basis for billing under the CWZ system, we believe it is important for the City to retain some level of regulatory authority over the individuals and organizations that conduct these audits. DSNY plans to publish draft rules in the coming weeks

related to third-party waste audits, and we look forward to receiving additional feedback through the rulemaking process.

Thank you for this opportunity to testify this morning, and I am now happy to answer your questions.