

**OPENING STATEMENT OF
JUSTIN BLAND, DIRECTOR OF COMMERCIAL WASTE ZONING
NEW YORK CITY DEPARTMENT OF SANITATION**

**PUBLIC HEARING ON PROPOSED RULE TO ESTABLISH 20 COMMERCIAL
WASTE ZONES PURSUANT TO LOCAL LAW 199 OF 2019**

**MONDAY, JANUARY 13, 2020
9:30 A.M. TO 12:00 P.M.
125 WORTH STREET, SECOND FLOOR AUDITORIUM, NEW YORK, NY**

Good morning and welcome. My name is Justin Bland. I am the Director of Commercial Waste Zoning for the Department of Sanitation. Thank you for attending the hearing this morning on the Department's proposed rules to establish 20 commercial waste zones pursuant to Local Law 199 of 2019, which is codified in Title 16-B of the New York City Administrative Code.

The Department is conducting this hearing in accordance with the requirements of the City Administrative Procedure Act. The purpose of this hearing is to receive comments from the public on the Department's proposed rule, which it published in the *City Record* on December 12, 2019. The Department also

electronically mailed copies of the rules to all New York City local elected officials, the City's fifty-nine community boards, the media and interested parties, and published the proposed rules on the Department's website.

Each year in New York City, more than 100,000 commercial establishments generate more than 3 million tons of refuse and recyclables. Approximately 90 private carters collect this waste from commercial establishments across the City.

In some parts of the City, more than 50 carters service a single neighborhood, and an individual commercial block may see dozens of different private waste collection trucks on a given night. This has resulted in millions of excess truck miles driven every year that harm the City's air quality, increase greenhouse gas emissions, create noise pollution and negatively impact public health.

In response to these problems, the Department released a comprehensive plan for reforming the private carting industry in November 2018. The plan proposed the establishment of commercial waste zones—a safe and efficient collection system to provide high quality, low cost service to New York City businesses while advancing the City’s zero waste and sustainability goals. The Department developed this plan after years of extensive public outreach and engagement with a variety of stakeholders. On November 20, 2019, Local Law number 199 for the year 2019 was enacted, which authorizes the Department to create a commercial waste zones system.

Under Local Law 199, the Sanitation Commissioner must divide the geographic area of New York City into at least 20 commercial waste zones. The proposed rule describes the 20 zones designated by the Commissioner and provides a map. The map contains eight zones in Manhattan, two zones in the Bronx, five zones in Brooklyn, four zones in Queens, and one zone in

Staten Island. Copies of this rule, including the map, are available at the entrance of the room.

The zone map described here largely reflects the zone map described in the 2018 plan, with a few differences. While the plan assumed that certain zones in Manhattan would have up to five carters operating, Local Law 199 authorizes up to three carters per zone. Accordingly, the Department made some adjustments to reflect this change, taking into consideration the number of customers and the average tonnage of waste per contract and per zone.

First, the proposed map divides lower Manhattan into two zones. It also consolidates three Brooklyn zones described in the plan into two zones. Finally, this proposed map includes geographic areas of the City that are not assigned to community districts, such as Central Park, which were not included in the map described in the 2018 plan.

This is the first of several rules that the Department intends to propose to implement the program. Thereafter, the Department will use a competitive procurement process to select up to three private carters to service businesses within each commercial waste zone.

A court reporter is present today and will record the hearing. You may present an oral statement or submit written comments concerning the proposed rules. Please sign in at the entrance of the room if you wish to present an oral statement today. We encourage those making oral statements to also submit their comments in writing if possible. We have been accepting written comments on the proposed rule since its publication. Close of business today is the deadline for submission of written comments.

The Department will make available a copy of all written comments received through today, together with the hearing transcript, for viewing on its website within approximately two weeks.

The Department will carefully consider all the comments it receives today at the hearing and all written comments it receives.

I will begin calling those of you who wish to speak this morning in the order in which you have signed in. When you speak, please state your name and affiliation and speak slowly and clearly so that the court reporter can understand and accurately record your statement. We also ask that you limit your statement to five minutes.

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THE CITY OF NEW YORK
DEPARTMENT OF SANITATION
PROPOSED RULE TO
ESTABLISH 20 COMMERCIAL WASTE ZONES
PURSUANT TO LOCAL LAW 199 OF 2019
PUBLIC HEARING

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January 13, 2020
9:41 a.m.
125 Worth Street
New York, New York

Julia M. Speros
Court Reporter

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

Justin Bland, Department of Sanitation
Director of Commercial Waste Zoning

Christine Billy, Department of Sanitation
Associate Counsel

TESTIMONY GIVEN BY THE FOLLOWING INDIVIDUAL(S):

Thomas N. Toscano
Mr. T Carting Corp.

Justin Wood
New York Lawyers for the Public Interest

Chio Valerio-Gonzalez
Align

Thomas Bellino
Liberty Ashes Inc.

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PROCEEDINGS

MR. BLAND: Good morning. Let's get started. Morning everybody.

Good morning and welcome. My name is Justin Bland. I'm the Director of Commercial Waste Zoning for the Department of Sanitation.

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6 than 100,000 commercial establishments
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8 refuse and recyclables. Approximately
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17 trucks on a given night. This has
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22 and negatively impact public health.

23 In response to these problems, the
24 Department released a comprehensive plan
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1 industry in November 2018. The plan
2 proposed the establishment of commercial
3 waste zones, a safe and efficient
4 collection system to provide high
5 quality, low cost service to New York
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9 The Department developed this plan
10 after years of extensive public outreach
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13 Local Law number 199 for the year 2019
14 was enacted, which authorizes the
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18 Commissioner must divide the geographic
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20 commercial waste zones. The proposed
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22 by the Commissioner and provides a map.

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24 Manhattan, two zones in the Bronx, five
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1 and one zone in Staten Island. Copies
2 of this rule, including the map, are
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8 zones in Manhattan would have up to five
9 carters operating, Local Law 199
10 authorizes up to three carters per zone.
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13 taking into consideration the number of
14 customers and the average tonnage of
15 waste per contract and per zone.

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17 lower Manhattan into two zones. It also
18 consolidates three Brooklyn zones
19 described in the plan into two zones.
20 Finally, the proposed map includes
21 geographic areas of the City that are
22 not assigned to Community Districts,
23 such as Central Park, which were not
24 included in the map described in the
25 2018 plan.

1 This is the first of several rules
2 that the Department intends to propose
3 to implement this program. Thereafter,
4 the Department will use a competitive
5 procurement process to select up to
6 three private carters to service
7 businesses within each commercial waste
8 zone.

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8 I will begin calling those of you,
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12 When you speak, please state your
13 name and affiliation and speak slowly
14 and clearly so that the court reporter
15 can understand and accurately record
16 your statement. We also ask that you
17 limit your statement to five minutes.

18 So the first, and possibly only,
19 request to testify is Thomas Toscano
20 from Mr. T Carting.

21 Tom, you're up.

22 MR. TOSCANO: Good morning. My name
23 is Thomas Toscano. I'm the CEO of Mr. T
24 Carting Corp., a company that has served
25 the City for more than 70 years.

1 The DSNY has prided itself on having
2 a collaborative process to establish
3 commercial waste zones. Over 100
4 meeting were had with stakeholders, and
5 for better or worse, a plan was
6 established and passed into law.

7 This plan has had the same map for
8 over a year, and carters have been
9 working on the assumption that the map
10 in the plan published November 2018 was
11 going to be the final zone map. My own
12 company has been shedding work in areas
13 we do not intend to submit a bid on.

14 Today, with little notice and no
15 explanation, there is a major change to
16 that map and a loss of a zone in
17 Brooklyn. For reasons stated, without
18 further explanation or discussion, Mr. T
19 opposes this change. Alternatively, and
20 as a suggestion, I'll ask that you leave
21 Brooklyn as it is, and add the Manhattan
22 zone you're proposing today.

23 Nothing in Local Law 199 prevents
24 you from having more than 20 zones and
25 an additional zone would give up more

1 opportunity to small and mid-size
2 haulers. That's it.

3 MR. BLAND: Thank you.

4 MR. TOSCANO: Thank you.

5 MR. BLAND: Is there anyone else
6 that wishes to give comments?

7 MR. WOOD: (Indicating.)

8 MR. BLAND: Okay.

9 MR. WOOD: Good morning. My name is
10 Justin Wood. I'm the Director of
11 Organizing and Strategic Research at New
12 York Lawyers for the Public Interest and
13 we're a member of the Transform Don't
14 Trash Coalition.

15 Thank you for the chance to comment
16 on the proposed rule to establish 20
17 commercial waste zones citywide. NYLPI
18 strongly supports adoption of this rule
19 as part of a comprehensive reform of the
20 commercial waste system, as mandated by
21 Local Law 199 of 2019.

22 The proposed 20-zone map will enable
23 a more than 50 percent reduction in the
24 number of vehicle miles traveled by
25 large trucks collecting commercial waste

1 throughout the City. By limiting the
2 number of carters to a maximum of three
3 in each of these 20 zones, the waste
4 industry will be able to operate more
5 safely, with far lower local air
6 pollution, while offering better
7 customer service, better recycling
8 services, and just conditions for
9 workers at a fair price to businesses.

10 It is the important that the CWZ
11 system offers carters a sufficiently
12 large and stable customer base in each
13 zone to create route efficiencies, and
14 to create economies of scale that enable
15 fair prices, improved customer service,
16 and much needed investments in
17 infrastructure.

18 We believe the proposed 20-zone map
19 will achieve this. We also believe the
20 geographic diversity and varying size of
21 the proposed zones gives ample
22 opportunity to various responsible waste
23 companies, including locally owned
24 companies, that wish to competitively
25 bid for the contract to serve these

1 zones.

2 In future rulemaking and in the RFP
3 process, we urge the Department to lay
4 out a clear and measurable
5 sustainability and waste reduction
6 criteria for bidders consistent with the
7 City's climate emissions and zero-waste
8 goals. We also encourage the City to
9 create rules that will prioritize
10 pollution reduction, noise and odor
11 reduction, and safety improvements in
12 communities historically burdened by
13 waste industry facilities, such as
14 transfer stations, recycling facilities,
15 and truck garages.

16 Examples of such green investments
17 could include zero-emissions truck
18 fleets, plans to use marine and
19 rail-based transfer and recycling
20 facilities, plans to partner with local
21 re-use and recycling organizations, and
22 plans to upgrade existing facilities to
23 reduce truck traffic, noise, and odors
24 for neighboring communities.

25 We look forward to working with the

1 Department of Sanitation and other
2 stakeholders on implementing a more
3 efficient, sustainable, and equitable
4 commercial waste system this year.

5 MR. BLAND: Thank you, Justin.

6 Anyone else that wants to give
7 comments?

8 (No response.)

9 MR. BLAND: All right, folks. I
10 think that's it. Thank you.

11 So we are going to leave the record
12 open until 11 in case someone comes in
13 late that wants to testify.

14 (Recess taken.)

15 MS. BILLY: Hi. I'm Christine
16 Billy, Associate Counsel for the
17 Department of Sanitation.

18 I'd like to note that we have one
19 more comment from Chio Valerio-Gonzalez
20 from Align. Thank you.

21 MS. VALERIO-GONZALEZ: Thank you. I
22 first just want to thank the Department
23 of Sanitation for taking the time to --
24 for just bringing this all together and
25 making this a possibility, and we're

1 really looking forward to participating
2 in what the implementation process is
3 going to be.

4 You know, this morning I have a
5 ritual of always turning on MPR and you
6 just keep hearing about the natural
7 disasters that are happening. Australia
8 is on fire. The Philippines volcanos
9 are acting up and, you know, just this
10 weekend, in our homeland, in Puerto
11 Rico, there was a massive earthquake.

12 And so, I think that all of those
13 are science to point us to the fact that
14 we have to be very aggressive. I think
15 that we reached a compromise with this
16 legislation that allows for the carters
17 to -- and the small businesses to have
18 more choice, and it allows for better
19 worker protections, but we have to work
20 through the implementation to make sure
21 that this legislation fulfills what we
22 hope that it does, which is getting us
23 closer to zero waste and mitigating
24 climate change.

25 I have no comment on the map. I

1 think that that is fine. I look forward
2 to working with the Department of
3 Sanitation, with the Transform Don't
4 Trash Coalition, and our allies to make
5 sure that we're really working towards a
6 zero waste vision for 2020. Thank you.

7 MS. BILLY: Thank you so much for
8 coming.

9 (Recess taken.)

10 MR. BLAND: All right. So the next
11 comment is by Thomas Bellino, Liberty
12 Ashes.

13 MR. BELLINO: Good morning,
14 everybody. So I was asked to come here
15 on behalf of my father and uncle who are
16 the owners and operators of Liberty
17 Ashes, Incorporated. We are a waste
18 management company based out of Jamaica,
19 Queens. We've been in business since
20 1952, I believe. So we've been
21 operating for quite some time.

22 So I'll be testifying today, which
23 by definition is to give evidence as a
24 witness in a law and court. This is my
25 first time testifying, so, you know, be

1 easy on me.

2 I really am just here on behalf of
3 our company to give evidence that we are
4 a legitimate business, and I kindly ask
5 you to not put us out of business
6 because we operate legitimately, have
7 been doing so for the complete duration
8 of our time in business, and that would
9 really be bad if we lost business
10 because we employ a lot of people.

11 We are a medium-sized company. We
12 employ over 60 people, and we just don't
13 really know where we would be if our
14 family legacy gets put into the dust.

15 So that's really it. We're still
16 kind of all in the unknown about this
17 whole thing. My father and uncle, who
18 are the owners and operators, have
19 proposed a couple of methods as to what
20 our plan of action would be, but it's
21 still unclear as to where we will be if
22 this zoning law goes through.

23 I will not admit to anything, what
24 we have a proposed, because it could
25 really be a bad thing or a good thing.

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We absolutely unsure what will happen,
but I plead to not, you know, be put out
of business. Thank you.

MR. BLAND: Thank you.

(Recess taken.)

MR. BLAND: It's 11 o'clock. The
record is now closed.

(Time noted: 11:00 a.m.)

CERTIFICATION

I, JULIA M. SPEROS, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose testimony as
herein set forth, was duly sworn by me;
and that the within transcript is a true
record of the testimony given by said
witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of January,
2020.



Julia M. Speros