

Department of Sanitation Public Hearing on Proposed Rules  
June 16, 2016

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1  
2 PUBLIC HEARING  
3 ON THE  
4 DEPARTMENT OF SANITATION  
5 PROPOSED RULES RELATING TO THE  
6 REGISTRATION OF RECYCLING PROCESSING FACILITIES  
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8 THURSDAY, JUNE 16, 2016

9 125 WORTH STREET

10 2ND FLOOR AUDITORIUM

11 NEW YORK, NEW YORK

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13 10:14 a.m.  
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23 Reported By:

24 Jennifer Cassella  
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HEARING CONVENED AT 10:14 a.m.

PRESENT:

Madelynn Liguori, Associate Counsel, Bureau of Legal  
Affairs, New York City Department of Sanitation

Also Present:

The Public

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2 SPEAKERS ON THE PROPOSED RULE:

3 Lawrence Schillinger, Institute of Scrap Recycling  
4 Industries - ISRI

5 Joseph Andrade

6 Julissa Gmiloa, Sal's Scrap Metal

7 Melissa Iachn, NYLPI

8 Tom Petrosino, ISRI

9 Fidel Torres, ISRI

10 Norman Teitler, TABS Consulting Group

11 Elvyn Gomera, TNT Scrap

12 Pascual Coco, Coco Scrap

13 Phil Portuese, Sal's Scrap Metal

14 James Capasso, ISRI

15 Frank Ortiz, Self-employed, Pascap

16 Tom Toscano, NWRA

17 Eric Goldstein, Natural Resources Defense Council

18 Scott Miller, Sims Metal Management

19 Steven Greenberg, Irving Metal Company

20 Salvatore Vallario, Standard Scrap Iron & Metal

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MS. LIGUORI: Good morning and welcome. My name is Madelynn Liguori. I am Associate Counsel in the Bureau of Legal Affairs for the Department of Sanitation. Thank you for attending the Department's hearing this morning.

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 rules relating to the registration of recycling processing facilities. The Department published the proposed rules in the City Record on May 10, 2016. The Department also sent copies of the rules to all New York City local elected officials, the City's fifty-nine community boards, media and interested parties, and published the proposed rules on the Department's website and the NYC Rules website.

Section 16-130(b) of the Administrative Code of the City of New York

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authorizes the Sanitation Commissioner to establish one or more classes of permits for solid waste facilities that receive, process and store materials consisting of solid waste and recyclable materials. In addition, Section 16-463 authorizes oversight over recycling processing facilities that handle paper and cardboard, metal, glass and plastic, including refrigerant-containing items.

Currently, recycling processing facilities are either registered or permitted by the New York State Department of Environmental Conservation as source-separated non-putrescible solid waste recycling recovery facilities or licensed by the New York City Department of Consumer Affairs as scrap metal processors. A recycling processing facility is defined as a facility where recyclable materials, other than organic waste, are delivered separately from solid waste or where source-separated recyclable materials, other than organic waste are processed for

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the purpose of reuse or resale.

Section 16-463 authorizes the Department to provide oversight of facilities that handle such materials and to promulgate rules that regulate such facilities.

These proposed rules require recycling processing facilities to register with the Department and allows for the inspection of site operations to ensure that recyclable materials are effectively handled and accurate records are maintained to capture the flow of recyclable materials managed within the facility. To further this goal, recycling processing facilities will be required to submit quarterly reports to the Department summarizing the handling of such materials within the target period. This will allow the Department to more accurately assess the commercial recycling diversion rate within New York City.

A court reporter is present today and will record the hearing. You may present an oral statement or submit written

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comments concerning the proposed rules.

Please sign in at the entrance of the room if you wish to present an oral statement today. We have been accepting written comments on the proposed rules since their publication. Today is the deadline for submission of written comments.

The Department will make available a copy of all written comments received here today together with the hearing transcript for viewing on its website sometime next week. 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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For the first person testifying, I would like to call Lawrence Schillinger from the Institute of Scrap Recycling Industries.

MR. SCHILLINGER: Good morning. My name is Lawrence R. Schillinger. I am an environmental attorney. I represent the Empire and the New York Chapters of the Institute of Scrap Recycling Industries, ISRI.

Nationally, ISRI represents more than 1,600 companies and more than 7,000 facilities throughout the United States. These companies process, broker and consume scrap commodities including metals, paper, plastics, glass, rubber, electronics, and textiles. The scrap recycling industry nationally is a \$77 billion industry.

According to a recent study, New York State's recycling industry contributes more than \$5 billion to the State's economy and accounts for more than \$632 million in local and State tax revenues. That same study also reported the recycling industry



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here in the New York City alone generates a nearly \$2 billion economic impact, and creates more than 2,000 jobs.

ISRI is extremely disappointed with the Department's proposed rule. We find that the proposed rule exhibits a shocking disregard and a fundamental misunderstanding of the scrap processing industry. Having said that, ISRI does acknowledge the Department's interest in diverting from disposal recyclable materials which have been thrown out as solid waste and which are at the curb awaiting collection. ISRI will propose a rewritten rule which we believe will advance the Department's legitimate interest in diverting discarded recyclable materials while respecting the critical role of the scrap processing industry.

Look, scrap metal is a commodity. It's the same physical state as raw materials. Scrap processors have no motivation to dispose of valuable and useful products. Scrap has intrinsic

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value.

The crux of the issue pertains to the definition of "recyclable material" contained in the proposed rule. ISRI's position is that the Department has exceeded its statutory authority. The proposed definition in the rule defies the legislative intent of the City Council and this is not an academic concern over definitions. The consequences of this proposed definition will be devastating to the scrap recycling industry and will negatively impact thousands of hard-working scrap contractors who sell scrap metal to scrap processors throughout the City.

Here's the history.

Collaboratively, ISRI and the City Council carefully crafted the language of Local Law 889-A of 2012, which is now codified at Section 16-460 of the Administrative Code, to purposely define the term "recyclable material" to denote that the purposes of that statute "recyclable material" is a subset of

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discarded solid waste.

ISRI specifically notes for this administrative record the critical difference in the definition of "recyclable material" as originally proposed by the City Council and the definition as was ultimately adopted by City Council. ISRI strongly objected to that original definition and convinced the City Council that the definition was over-broad and confiscatory, and the definition was changed to make clear that "recyclable material" means material that is discarded, that is solid waste.

Ignoring the plain language of the governing statute, now the Department of Sanitation puts forth its own definition of "recyclable material", which blatantly eviscerates the underlying legislative intent of the City Council. The Department has unlawfully exceeded its statutory authority.

In fact, if you look at the legislative preamble of Local Law 889-A,

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the Council's legislative intent is clear,  
it's to address "an increase in the theft  
of scavenged recyclable material placed  
curbside for collection by the Department  
of Sanitation or private carters." That  
was the intent of the City Council and that  
was the only grant of authority given to  
the Department of Sanitation under the  
statute.

Let's look at historical context.  
Both the federal government through the EPA  
and the State of New York have historically  
recognized that scrap metal and scrap  
processing is distinct from waste and waste  
disposal. Fundamentally, scrap metal is a  
commodity. It's purchased in a  
transactional relationship for ultimate use  
as a raw material in production and  
manufacturing.

It's very important and imperative  
to remember and understand this: The waste  
management policies of municipal  
governments over the last several decades  
are focused on waste diversion; that is

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diverting from a landfill wastes that may otherwise be reclaimed, whereas scrap metal has never been part of the waste stream and cannot be properly brought within the ambit of a governmental waste diversion policy. In fact, I call your attention to the new definition of solid waste, just adopted by the EPA in June of 2015. That policy explicitly recognizes that scrap metal is not a solid waste.

ISRI encourages the Department of Sanitation to explicitly reference and adopt the four-prong analysis adopted by the EPA as published in the Code of Federal Regulations. In essence, the four criteria by which scrap metal or scrap material is excluded from the definition of solid waste can be summarized as follows: One, incoming materials must be recycled for valuable products; incoming materials must be handled in a manner as if they are in fact valuable; output materials must be sold or be an effective substitute for another material; and lastly, output

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material must meet industry commodity type specifications. That last criteria is significant.

The reason why we refer to the scrap processing industry is because the scrap processing industry brings in expertise to the manufacturer of a product from scrap metal that is used to meet a particular commodity specification for a particular type of manufacturer, whereas the layperson may look at copper and see copper. In fact, there are 38 distinct classes and categories of copper that are well-known and recognized in the manufacturing industry.

So ISRI believes that the Department's underlying motive and intent here is misleading. Let's be frank: As we see it, the Department's motive in proposing this regulation is to take diversion credit for the historical recycling of scrap metal so that the City's aggregate recycling rate will somehow magically undergo a phenomenal increase,

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but that's misleading. It's misleading to the public, it's also misleading to other policy makers. I mean, we're going to take down the Tappan Zee Bridge and all that seal when they come through the Port of New York, and all of a sudden the Department of Sanitation and recycling can steal from the Tappan Zee Brooklyn Bridge? Come on.

The role of municipal government is to divert from disposal that portion of the discarded waste stream which may be recycled, but scrap metals have never been part of the discarded solid waste stream and therefore cannot legitimately be recognized as having been diverted from disposal.

The proposed rule will result in an unlawful taking. In clear violation of both the Federal and State constitutional protections against the taking of private property without just compensation, this proposed rule will purport to confiscate lawfully obtained valuable secondary commodities. I note for the record that any attempt to unconstitutionally divert

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secondary materials will subject the City of New York to the full panoply of remedies provided at 42 USC 1983, including awards of monetary damages and attorney's fees.

In addition, this proposed rule unlawfully restrains trade. The proposed rule violates both the U.S. Sherman Anti-Trust Act and the New York State Donnelly Act. Lacking any express delegation of State immunity, the proposed rule subjects the City of New York to massive monetary damages. And let me note for the record that the Department of Sanitation is not just a regulated agency. In fact, the Department of Sanitation is a full-fledged market participant and is also a customer of the scrap processing industry. As such, this proposed rule is both a de jure and a de facto unlawful attempt to restrain trade with the intent to enrich the Department at the expense of the scrap processing industry and self-employed scrap contractors. This proposed rule will create incredible



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economic harm.

Now, as noted, the scrap processing industry contributes more than 2 billion -- billion for B -- dollars to the City economy. Thousands of individuals are directly employed by the recycling industry and thousands more earn a livelihood as scrap contractors, entrepreneurs who lawfully purchase and resell scrap to earn a profit. Several of these scrap contractors will be testifying here this morning.

Conflicting directly with policies and the spirit of the de Blasio administration and the City Council, the proposed rule will cause economic ruin to that segment of the City's citizenry who have benefited from the sanctuary provided from the City's enlightened policies towards immigrants and the under-privileged. In fact, I note that the bold groundbreaking initiative of the Mayor, the Mayor's Office of Immigrant Affairs and the City Council to issue a

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municipal ID card has allowed hundreds of scrap contractors to emerge from the shadows of the economic landscape.

Tragically, this proposed rule will force hundreds of honest, hard-working scrap contractors back into the darkness and in the process destroy a viable environmentally-beneficial industry in the City.

This devastating outcome is a direct outcome of the proposed rule recommendation that a scrap processing facility be only allowed to accept recyclable material from, amongst other categories, an entity licensed by the Business Integrity Commission. This proposal will prohibit honest, hard-working scrap contractors from engaging in their livelihood and in the commerce of scrap metal recycling.

Let's face it, not only do scrap contractors -- will they be challenged financially to obtain a BIC license, but the reality is the BIC lacks the resources to process the thousands of applications

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which the rule would require. As a consequence, this misguided proposed rule will force thousands of New Yorkers and their families into abject poverty, but this dark consequence can be prevented.

Here's what ISRI says: Amend the proposed rule so that it conforms to the Federal EPA definition of solid waste to clearly distinguish discarded solid waste recyclable materials for valuable scrap metal. I'm going to repeat that. Here's what ISRI recommends: Amend the proposed rule so that it conforms to the Federal EPA definition of solid waste so that it clearly distinguishes between discarded solid waste recyclable materials and valuable scrap metal.

ISRI finds the proposed reporting requirement to be both intrusive and burdensome. ISRI recommends the following two significant but critically important amendments: One, ISRI recommends the reports be limited simply to the gross number of tons of ferrous metal material

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and non-ferrous material that are being handled by scrap processors. ISRI objects to and we will recommend to our membership to withhold all information pertaining to either the sources of incoming scrap material or to the destination of outgoing scrap material. More over, all reports shall be deemed to be and must be deemed to be proprietary and protected trade secret, and as such, shall be deemed exempt from disclosure under both the City and the New York State Freedom of Information Law.

In addition, ISRI recommends that reports be submitted annually, not quarterly, that way the reporting requirement will coincide with the reporting requirement that's imposed by the New York State Department of Environmental Conservation which requires just one annual report.

So let me conclude. ISRI urges the Department of Sanitation to withdraw this misinformed proposed regulation and start from scratch in an open and consultative

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manner. As I mentioned, we will be submitting to the Department and to the City Council appropriate statutory and regulatory amendments which will on the one hand advance the City's legitimate interest in safeguarding the recyclable component of the solid waste stream which is discarded and left at the curb for collection, while at the same time respecting the vital economic role of the scrap processing industry by providing jobs, growing the local economy and delivering essential environmental services. Thank you.

MS. LIGUORI: I would now like to call Joseph Andrade. And I just want to reiterate if you can please limit your statement to five minutes. We have a lot of people that would like to testify today. Thank you.

MR. ANDRADE: Good morning. My name is Joseph Andrade and I will be speaking on behalf of my parents, Emanuel and Gladys Andrade. And I quote: "Good morning. My name is Emanuel Andrade and my

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wife, this is Gladys Andrade, and we are scrap metal contractors. We were both born in Ecuador and we came here to build a life for our family. We wanted the Sanitation Department to hear about us, to see the faces of the people in the scrap metal business. We work together buying and selling scrap metal like many other families do. We go to work every day and go home at night knowing that we did everything we could to support our two children.

We make enough money to survive, but we don't make enough money to be able to pay 3,500 for a BIC license. What would we do for a whole year if we have to wait for BIC license? How would we buy food and clothes for our children? How could we buy food and clothes for our children without jobs? We ask the Sanitation Department to understand that our business is our life. Without our business, we have nothing, our children have nothing. We cannot let that happen. Thank you."

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MS. LIGUORI: I would now like to  
call Julissa Gmiloa from Sal's Scrap Metal.

MS. GMILOA: Good morning. I'm a  
single mother of two child [sic] and I do  
this for my kids and I'm not happy with  
this new law. So I want Sanitation to hear  
us because this can't be happen [sic].

Without this, how can we bring money to our  
family? How are we going to survive?  
We're not making enough money, but this is  
a little help for our families. Thank you.

MS. LIGUORI: I would next like to  
call Melissa Iachn from the New York  
Lawyers for the Public Interest.

MS. IACHN: Good morning. My name  
is Melissa Iachn and I'm the Senior Staff  
Attorney in the Environmental Justice at  
New York Lawyers for the Public Interest.

Today I'm presenting public comment  
on behalf of New York Lawyers for the  
Public Interest and the Transform Don't  
Trash NYC Coalition of which New York  
Lawyers is a core member.

Transform Don't Trash is a diverse

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group of environmental, labor, justice and community organizations advocating for fundamental reform of New York City's waste industry. For decades, the City's private waste industry has been characterized by inefficient collection routes, low recycling rates, rampant violations of worker safety and labor laws, and discriminatory siting of waste and recycling facilities in low-income communities and communities of color.

We support the proposed rules as they will increase the City's ability to measure and track diversion rates while also adding leverage to the City's ability to ensure legal compliance at facilities which process commercial recycling. We applaud the initiative the Department of Sanitation is taking to increase transparency and accountability amongst recycling facilities. The City desperately needs more accurate and more detailed data on the amounts of commercial waste being generated, disposed and recycled by the



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approximately 200,000 businesses in our  
City.

Because transfer stations, recycling  
facilities, out-of-city disposal sites, and  
private waste haulers do not report uniform  
accurate data, the City has been forced to  
rely on periodic estimates to determine  
diversion rates and to evaluate the  
potential for increased diversion.

Unfortunately, these studies consistently  
show that New York City's commercial  
diversion rate lacks far behind other major  
cities as well as the national average. By  
requiring recycling facilities to submit  
quarterly reports on the amount, origin and  
destination of recyclable material received  
and recovered, the proposed rules should  
enable more accurate estimates of the  
current commercial diversion rate for  
in-city facilities.

The compliance and enforcement  
provisions in Sections 459 and 460 of the  
proposed rules provide the City the ability  
to revoke or suspend the licenses of

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operators that violate local, State and federal regulations including labor laws, recycling laws and other environmental laws. The private waste and recycling industry conditions to be one of the most dangerous industries in the nation for workers. Tragically, there have been many unnecessary worker deaths and injuries in New York City recycling facilities in recent years due to lack of proper equipment, safety protocols and employee training. Recycling workers are also highly vulnerable to economic exploitation, including wage and overtime violations.

We encourage the City to partner with State and federal agencies to conduct rigorous inspections of this industry and to ensure that recycle facilities comply, and to those facilities found to be violating these laws, to not allow them to continue to operate.

While we believe that these rules are an incredibly important step in the right direction, we would like to see some

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additional clarification and regulations to further address the fundamental problems in the waste industry. Section 458(b)(1)(ii) of the proposed rules requires recycling facilities to report the origin of material. We would like the rule to clarify that recycling facilities as well as transfer stations and organics facilities should be required to report on amounts of materials received from specific sources, including specific individual licensed haulers by company name, Department of Sanitation, and generators who self haul. Halcrow Engineers made this recommendation in their 2012 commercial recycling study and tracking this data would allow the City to better monitor the diversion rates of the City's numerous private haulers and their customers. It is our belief that the facilities track this information internally via invoices and receipts so it should not be a heavy lift to include this in their reports.

We are concerned that the proposed

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rules do not go far enough to prevent landfilling or incineration of recyclable materials by commercial waste and recycling facilities. The updated commercial recycling rules adopted by the Department in February of 2016 require transfer stations to deliver translucent bags of source separate recyclables to a recycling facility. However, without a similar provision requiring recycling facilities in the City to ensure that designated materials are recycled, we fear that comparatively low value recyclables may simply be disposed.

Currently, many major recycling facilities, including those owned by vertically integrated waste companies, file annual reports with the DEC showing zero recycling of glass material and frontline workers in the waste industry confirmed that recyclable materials including glass and plastics are often sent to landfill. We would like to see stronger language, ban disposal of designated materials by

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recycling transfer facilities to ensure that materials separated for recycling by customers are in fact recycled.

We are concerned that the registrations in this rule does not give the City the ability to address the concentration of recycling facilities in low-income community of color where many operate in M-1 light manufacturing zones in close proximity to residences, parks and schools. Rather than a registration scheme, in the long run, we would like to see the City adopt a permitting process which would allow community input into siting, public health and environmental impacts of recycling facilities, transfer stations and organics processing facilities.

In closing, we support the proposed rules as a step toward greater transparency and accountability and apportion the City's commercial waste industry, but we believe that more fundamental reforms are needed to make consistent, more efficient, divert far

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more material from disposal, and create thousands of local good jobs and recycling needs. We urge the City to adopt a competitive zone system for commercial waste collection and processing which would offer strong incentives and rewards to waste haulers and recyclers willing to invest in the technology and employees needed to process our waste in the most sustainable, efficient and fair way possible. Thank you for the opportunity to provide comment on this very important matter.

MS. LIGUORI: Thank you.

I would now like to call Tom Petrosino from ISRI.

MR. PETROSINO: Good morning. I'm on the Board of the New York Chapter for Institute of Scrap Recycling Industries. I'm also a business owner and a recycler.

I'm troubled by the rhetoric that we hear about all the time regarding our industry. That rhetoric started in 2012 with the passing of the legislation

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regarding scavengers. We operate facilities that employ people. We employ real people and our customers are real people. They have families, they work hard, they go home every night, they put on the television like everyone else, they have dinner like everyone else and the pejorative term scavenger from the very beginning of the legislation is troubling to me and it continues to be troubling because that's how people see our customers and ultimately how they see us.

So I would ask that everyone understand the unintended consequences of what's happening here. It's nice that the City wants to judge their diversion rates and the City wants to recycle properly and more efficiently. We all get that, but in order to do that, you have to understand what's going to happen to the industry. The industry relies on independent contractors that go out every day, pick up scrap metal material, not waste, buying it most of the time, selling it all the time,

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trying to profit from operating a business.

To require these independent contractors to have BIC licenses, it's a perversion of what they actually do. They don't pick up waste, they don't pick up garbage, they don't pick up recyclables as they're being defined. They pick up scrap metal. That's all they do and that's all they rely on.

So the definition of solid waste versus scrap, it's important to understand. Diversion rates in the City, that's all important to understand, but the most important thing that I want to bring to everyone's attention are the people that are involved, because if we sit on the 18th floor of an office building passing laws that impact the people in our City without knowing these people, it's very dangerous and it's a dangerous way to look at individuals. I work with these people every day. I'm in my facility every day and I know these people, these independent scrap contractors. They're not thieves.



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They're not bad people. They shouldn't be looked at as scavengers. It's a pejorative term and I'm quite -- I'm actually offended by it for them.

I'm here representing them and their interests, and we have some that are speaking today and I just want everyone to think about the people that are involved in this business. There are a thousand people in the City that are independent scrap contractors. If every one of those scrap contractors has three people in their family, if they're put out of business, that's 6,000 people. There are a thousand scrap employees in the industry. If every one of those people have three people in their family, the numbers really add up, and to take these people out of the recycling industry would do a significant amount of damage to a significant amount of people.

So I'm here representing them as well as myself because we all work together. We recycle, we're

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environmentally sound, and we do what we can to make everyone profitable and make a living for ourselves. So I'll just ask once again, that that we think about the people that are involved in the law and protect ourselves against unintended consequences. Thank you.

MS. LIGUORI: I would now like to call Fidel Torres from ISRI.

MR. TORRES: Good morning. My name is Fidel Torres and I'm a scrap metal contractor. I am the son of a Mexican immigrant and I am the first to reach America. It is very hard to make a living today. It is very hard to support a family. My wife and two daughters are everything to me. I do everything I can to makes their lives better. We didn't have much when I was growing up but we did have our work. We knew that if we work hard we can be successful.

I moved from job to job as I get older. I couldn't find anything that was steady enough to support my family. I

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worked in construction, I worked in factories, I worked everywhere I could but it was never enough. A friend of mine told me five years ago about scrap metal. He said that he was his own boss, made his own hours and was able to live happy; not rich, but happy. I decided to try it. I have been buying and selling scrap metal ever since and I am very afraid about our new Sanitation rules. I don't have \$3,500 to apply for the BIC license. I wish I did, but I don't. I can't learn a new job and start over. I don't know what I would do to support my family. Please don't take my business away. Thank you.

MS. LIGUORI: The next speaker is Norman Teitler from TABS Consulting Group.

MR. TEITLER: Good morning. My name is Norman Teitler. I am speaking to you as Executive Director of the Metropolitan NY Towing, Auto Body and Salvage Association. I am also president of TABS Consulting Group which represents almost every dismantling facility located within New

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York City, as well as a host of licensed scrap metal processors.

I am here to speak in opposition to the rules being proposed under Subchapter E entitled "Recycling Processing Facilities." While there are many objections our members have to these proposed rules, I will initially address two that are of immediate concern.

First, under Section 4-55, Receipt of Recyclable Material Generating within the City of New York, the City will be limiting those entities from who scrap metal processors can receive material. One of the largest recycled items manufactured today is a motor vehicle, whether that's a car, a motorcycle or a truck. Almost 90 percent of the content of a vehicle is recyclable and this contributes to saving our environment as well as contributing to the economy of our City, State and Nation. The rules as written will not allow the recycling of motor vehicles within New York City. This must be changed.

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A clause must be inserted, if these rules become effective, to state something along these lines: "These rules do not apply to the recycling of motor vehicles or the parts contained within a motor vehicle." Second, as written, scrap metal licenses will not be able to accept material from dismantlers. Dismantlers handle most of the end-of-life motor vehicles on the market, but send their motor vehicle shells and end-of-life parts to scrap metal processors or shredders. This must be changed. A clause must be inserted stating: "That nothing in these rules shall prevent licensed dismantlers and licensed scrap processors from selling or buying materials from each other."

There are a whole host of problems with the remaining proposed rules as well. Some of the scenarios that are not addressed are: Best Buy, PC Richards stores, among the many other businesses deliver consumer goods such as stoves, televisions, refrigerators, and take the

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old commodity back to deliver to a scrap processor for recycling. Surely the City does not expect these commercial businesses to become licensed by BIC in order to continue this process. More importantly, the City should not want to impose higher costs on consumers which will occur if these stores cannot recoup expenses as they do now from selling their scrap metal.

Every licensed plumbing, heating and cooling contractor, every electrical contractor, every general contractor generates scrap metal during their installations, renovations and building projects. They take the value they receive from this scrap metal and from the scrap processors into consideration in preparing their cost estimates. Does Sanitation really expect that every one of these New York City based businesses will have to apply to BIC for a license, or does the City want the cost of every project in the City of New York to increase hurting the citizenry of our City?

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Does the Mayor's office or the Commissioner of the Department of Sanitation realize that it costs between \$3,500 and \$5,000 just in application fees to apply for a BIC license or registration? People mentioned the 3,500. That's the application fee for the corporation but if it's owned by an individual, that shareholder, each shareholder has to pay an additional 1,000 and then \$500 for each vehicle that is used. Do you understand that right now it takes BIC over one year to approve an application? Does the City of New York want to hurt the business community of New York even further by these new rules, because that is what will happen if they are passed?

I have spoken to dozens of scrap processors based in New York City regarding the effect these rules, if passed, will have on their business. Of the more than 60 licensed scrap processing businesses, 59 will be devastated, might even go out of business with the resulting loss of

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employment of thousands of workers, yet only one scrap processor will benefit. That one is Sim's Metal Management, an international corporation which is an Australian domiciled corporation. Does the Mayor seek to hurt all the mom and pop, multigenerational operations in New York City simply to benefit one multinational foreign corporation?

Most important of all, if these rules, if passed as written, will take almost \$60 million a year out of the pockets of New York City voters. There are over 8 million New Yorkers. Every 20 years or so they replace their stove, their refrigerator, their air conditioning units and their mattresses. Millions of these citizens of New York have no car and no means to transport on their own to a -- their scrap metal to a processing facility. Other entrepreneurs assist them and pay them for their scrap. That's 400,000 people per year that wont be receiving on the average of \$150 for their



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material and that's now when the price of metal is extremely low. This total's a loss to New York City voters of \$60 million a year out of their pockets.

Michael James cleans out his home in Fresh Meadows. He replaces his stove resulting in hundreds of pounds of scrap metal. He cannot fit that scrap recyclables into his Honda Civic and today would call someone with a pickup truck to buy his scrap, and they in turn would deliver it to a scrap processor earning a day's pay in the process. If these rules pass, this scenario can no longer occur because the scrap metal processor will be prohibited from accepting the scrap from the person with the pickup truck.

Multiply this ordinary everyday scenario thousands of times during the year and not only Michael James, but homeowners and apartment dwellers from Tottenville in Staten Island to Pelham Park in the Bronx who cannot on their own deliver this scrap, will be cheated out of the money that

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should deservedly be theirs. The rules must be changed to allow an individual to have their scrap metal purchased and delivered on their behalf or these rules should not be passed at all.

The passage of these proposed rules pits the Department of Sanitation and the Administration of the City of New York against the people of the City of New York. This cannot be allowed to happen. It is that simple.

To further the goal that accurate records are maintained to capture the flow of recyclable scrap metal handled and processed within scrap metal facilities, DSNY can simply seek to have scrap metal processors submit quarterly reports to the Department summarizing the handling of such materials within any given time frame. Most of these facilities do this reporting annually to the New York State Department of Environmental Conservation. It would be simple to provide an additional copy to DSNY, done without having scrap metal

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processors obtaining another license they absolutely don't need from the Department of Sanitation, which would be redundant as they are already licensed by the New York City Department of Consumer Affairs.

If these rules pass, New York City will cause the following to occur: One, they will destroy the scrap metal businesses which have existed for decades within New York City. Two, it will demonstrate that the Mayor of this City, Bill de Blasio, does not truly seek to make sure minorities have an opportunity to succeed as these rules would drive hundreds of small peddlers out of business. Three, it will increase the cost of businesses and citizens as they cannot benefit from the sale of scrap metal as has been done for the last 50 or more years. Four, it will take millions of dollars out of the pockets of New York City voters who cannot sell their own scrap and I'm sure will retaliate to the Administration at voting time. Five, it will drive business from New York

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City to Nassau, Westchester and New Jersey where these horrendous rules will not exist. And six, it will benefit illegally only one company to the detriment of every other scrap processor pitting the Administration of this City against the City's own business community.

I thank you for the privilege of expressing our concerns about these proposed rules, and we stand ready, willing and able to discuss changes to these rules in person or alternatives to accomplish the same result. Thank you.

MS. LIGUORI: I'd like to now call Elvyn Gomera from TNT Scrap.

MR. GOMERA: Good morning. My name is Elvyn Gomera and I'm an employee from TNT Scrap Metal. I thought it was important to have my voice heard here today.

When I came to this country ten years ago, I had nothing; no job, no money. I didn't know how I was going to survive. I was hired by a scrap metal company and

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that turned my life around. I got married,  
started a family, now I got two kids and  
I'm basically living the American dream.

I come here today to ask you to not  
take that away from me. These new  
Sanitation rules will hurt the scrap metal  
business. These new rules will put me and  
thousands of people like me out of work, so  
please think about our families, think  
about our kids. Thank you.

MS. LIGUORI: I would now like to  
call Pascual Coco from Coco Scrap.

MR. COCO: Good morning, everyone.  
My name is Pascual Coco. I come from the  
Dominican Republic and I buy and sell scrap  
metal. This is going to be hard for us to  
find another job, to find another work, and  
I'm here -- I come from the Dominican six  
years ago and like Elvyn said, I found my  
American dream. So if this rule is going  
on, it's going to be devastating for us,  
for all the scrap metal guys.

I used to play in a big league and I  
feel comfortable doing the scrap metal

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because I'm not in the big league no more.  
You guys know how comfortable it is being  
in the big league so I feel comfortable  
doing scrap metal, but if this law is going  
to go on, it's going to be hard to find  
another job to take care of our family. I  
have three daughters that I got to take  
care of every day. It's hard for us to go  
do something else. I don't want to do bad  
things, drugs or rob people. We don't rob.  
We just working over here and we need work.  
We need work like the way we're doing and  
this law is going to hurt everybody. Thank  
you very much.

MS. LIGUORI: I would now like to  
call Phil Portuese from Sal's Scrap Metal.

MR. PORTUESE: How you doing? My  
name is Phil Portuese. I'm from Sal's  
Scrap Metal. As a licensed scrap metal  
processor in the City of New York, with the  
new law, it would be illegal for us to  
purchase scrap from an unlicensed carter.  
What does the Sanitation have in place to  
prevent these carters from taking scrap out

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2 of this City and selling it in New Jersey,  
3 or Westchester or Nassau County? Thank  
4 you.

5 MS. LIGUORI: I would now like to  
6 call James Capasso from ISRI.

7 MR. CAPASSO: Good morning. I'm  
8 James Capasso. I'm President of the New  
9 York Chapter of the Institute of Scrap  
10 Recycling Industries. I'm also a principal  
11 in the Pascap Company in the Bronx, New  
12 York. I'm going to be very brief.

13 Scrap material is not solid waste.  
14 Pascap company was incorporated in 1929 and  
15 a third generation scrap material  
16 processor. We were green before the term  
17 was even big. I've heard the terms  
18 transfer station, waste hauler, C&D, solid  
19 waste, landfill, etc. I'm not any of  
20 these. I'm a manufacturer. I purchase  
21 material and I process it to mill stacks to  
22 be used in the industrial process in those  
23 domestically and abroad. We pay for  
24 everything that comes to our facility.

25 In regard to the independent scrap

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recyclers, they do a day's work for a day's pay. They're honest people. There's a couple of hundred transactions daily that go through my facility and these guys, they work for a living. Everybody's worried about crime, this -- they're figuring out how to make an honest living. Thank you.

MS. LIGUORI: The next to speak is Frank Ortiz.

MR. ORTIZ: Good morning to everyone. My name is Frank Ortiz. I'm a veteran. I was a criminal all my life for a good part of it. I have two girls. Jimmy there, from Pascap, I knew his father, his uncles. They ran the business. It's an 80-year old company. I came here with a shopping cart. It was 29 years ago, didn't have no ID on me. I'm a veteran, by the way. I didn't have any ID with me. I didn't even know how to go about it. My self esteem was this big. I got people from everywhere, yo crack head, yo junkie, yo this, yo that, you're a junkie. Yes, I am a junk man, but I raised my two



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daughters, penny by penny.

What Sanitation proposes to do to guys like me -- and I know a lot of people out there. When I walk through the Bronx, I'm the man again. Okay. People, yo Franky, everywhere. For once people come up to me and they say do you know what, I respect you. See these hands? Seven days a week I work with these hands; cuts, broken toes, it doesn't matter. I have a job to do. You put me out of work, okay -- I don't know. Where the hell does that word the Bureau of Integrity -- integrity, where does that come from when you're going to do this to so many people?

Then you have the immigrant guys, you know. When they first started coming into this business, I was upset about it because it was only a few of us and those that would retire that used to do this, all right, but we kept it quiet. But little by little these guys became my friends, the Dominican guys, the Chinese guys, the

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Chinese lady walking around picking up cans. We all say good morning to each other. I was brought up with great values. I messed up my life and in the end it turned around. If you take this away from us and I mean lawyers, the Mayor, whoever it is, it doesn't even matter to us, where do you think we're going to go?

I was in San Francisco with my daughter about, I think it was over two years ago. I spent ten days there. I was in a cab. Passed by in a cab there was this huge park. I mean, there was so many homeless people there it was incredible. I asked the cab driver, yo, what's that all about? He said, that's the homeless here in San Francisco. He said they're not allowed to do anything. I said, are you kidding me? I said, do you know what, I do scrap metal where I come from. He says yeah, they can't do that here. He said the only thing they can do here is cardboard, and I did see some guys walking with cardboard because that's all they're

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allowed. And I went to their scrap yards,  
all their regulations and all the garbage  
that they throw around the people has  
killed their businesses.

The big guys. I'm a little guy.  
I'm nobody to you, but I have this: I  
believe in three things, and that's God, my  
country and my family. If you take those  
things away from me, I'm going to lose some  
faith in a lot of things. Don't turn me  
back into a road I don't want to go back  
to. Thanks for your time.

MS. LIGUORI: I would now like to  
call Kendall Christensen from the NWRA.

MR. TOSCANO: Good morning. My name  
is Tom Toscano. I'm -- Kendall deferred to  
me. I am the Chairperson of the National  
Waste and Recycling Association.

These comments were offered for  
consideration by the Department of  
Sanitation who inspectors proposed to  
update the Title 16 of the rules of the  
City of New York regarding oversight and  
regulation facilities that receive and

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process recycling materials.

As always, New York City Chapter of the National Waste and Recycling Association is pleased to support the City's environmental goals and work with DSNY, the Business Integrity Commission and City Council, and other interested parties implementing new regulation systems and reporting requirements in line with these goals.

We understand the critical role the industry plays in the overall success of these initiatives. In fact, companies engaged in our industry have provided recycling-related services to this New York City and DSNY for decades if not centuries, and have developed best practices for doing so that already address issues in the proposed regulations.

Indeed, New York City's private sector waste and recycling service companies are unique in their focus on optimizing diversion waste from disposal, given that they generally do not own

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disposal facilities; example, landfills and waste energy facilities as a partner and ally which results in their focus on extracting material resources from what the City residents and businesses generate.

Likewise, the industry has been central and essential to ensuring that the City's own recycling system is effective and successful. The City has relied nearly totally on its processing facility and operations and marketing expertise for the diversion of millions of tons of waste that otherwise would have been disposed of through DSNY operations.

The point of the above is this: Any new regulation should be considered and adopted only if they serve to advance the ongoing investment and successful operation of recycling-related businesses and their facilities that operate within the City, and do not create unnecessary burdens that discourage such investment and operations.

Instead of adopting these regulations, the first step might be better

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to coordinate with and improve the existing system of registration, permitting and reporting to the New York State Department of Environmental Conservation. As we understand, the proposed addition to Title 16 is advanced primarily for the purpose of adding DSNY's oversight to the recycling-related operations for the purpose of ensuring that materials collected for recycling are properly managed and that the data is reported to enable the City to assess progress towards environmental goals. This regulation is not necessary and will not significantly advance the achievement of these goals.

In fact, NYS DEC is in the process of updating and expanding its regulatory oversight of recycling-related facilities to potentially require permits beyond registration of these facilities with additional reporting requirements. As it is not clear that the proposed DSNY regulations acknowledge DEC's current intentions, every effort should be made to

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ensure that whatever DSNY's regulation is adopted is fully, in sync and harmonious with the DEC regulation so as not to require unnecessary duplicative and onerous permitting and reporting requirements without any significant added benefit.

A clear solution to this potential dilemma is to create a common reporting system, preferably electronic in which the exact same information is provided to both DSNY and DEC at the same time intervals. Development of that reporting system should be done in active consultation with firms engaged in this business which also have interest in providing such information to their customers including those interested in LEED related data.

Again, the broader concern about maintaining a business-friendly client that encourages investment and operations that aggressively divert waste resources from disposal instead of adding potentially competing regulatory schemes and oriented towards compliance, divert resources from

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operations and trigger a focus on violations.

With respect to other areas of concern in the draft regulation, Section 4-54 related to how processed material are stored, should be deleted as unnecessary. Companies engaged in this business are fully capable of operating with best practices that ensure the marketability of the product that they produce are best able to determine appropriate practices and can do so without oversight as unspecified acceptable practices as determined by DSNY, which lacks the operational and market expertise.

The draft regulation Section 4-55 appear to restrict the sources of incoming material to that generated within the City. It too should be eliminated. As commercial businesses, companies should be able to provide their services without regional markets, without any such restrictions. Doing so can help those facilities operate more efficiently with better access to



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markets based on product volumes. While uncovered by these regulations, it should be acknowledged that City generated recyclables already are received and processed by processing facilities located outside of the City.

And Section 4-58(b) references to reporting, should only require weight and not volume; the latter is not standard industry practice. Also, of course, but not explicitly referenced in the draft, markets, domestic and global, for processed recyclables are subject to constant fluctuation. At certain times for certain materials, companies may make prudent decisions about whether available markets warrant investment in processing. Any new regulatory scheme should acknowledge that fact and allow companies to make such a decision without fear of oversight, or the issuance of inappropriate violations without regard for marketplace realities.

Looking ahead, these regulations should contemplate the development of new

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technologies and systems for optimizing the diversion of waste resources from disposal, including the development of advanced mixed waste processing facilities designed to receive and process non-source separated for both commercial and residential sources. At least one current operating recycling facility is co-located with a New York State DEC permit transfer station and extract certain material delivered as MSW that are capable of being processed for diversion. Thank you for the consideration of these comments.

MS. LIGUORI: I would now like to call Eric Goldstein from the Natural Resources Defense Council.

MR. GOLDSTEIN: Good morning. My name is Eric Goldstein with the Natural Resources Defense Council. We're a national nonprofit legal and scientific organization. We've worked on solid waste issues among many others here in New York City for over four decades. We're pleased to be here today to testify regarding the

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Sanitation Department's proposed rules regarding recycling processors.

In short, NRDC supports the adoption of these regulations which we believe will improve the Department's ability to obtain accurate data on the size and scope of recycling operations in New York City, allow for more effective enforcement of environmental health and safety standards at recycling processing facilities, and support the ambitious and worthwhile sustainability objectives set forth by the Administration and it's OneNYC plan for a strong and just New York City.

New York City first attempted to jump-start recycling in the commercial sector with the passage of Local Law 19 in 1989. Despite that statute's goals and the subsequent enactment of other goals specifically targeted to commercial recycling, it's been impossible to secure accurate comprehensive data on the extent of commercial recycling activity in this City. Efforts by the Sanitation Department

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and the New York City Council in more recent decades have resulted in wide-ranging and in some cases self-serving industry estimates of recycling levels, and even these prognostications have not been especially impressive.

The fact is that today, more than a quarter of a century after the City first began efforts to advance solid waste recycling in the commercial sector, we still can't say with certainty what level of commercial recycling -- what the level of commercial recycling is but we know for sure that recycling's full potential to create jobs and businesses and to advance sustainability in the commercial sector has not yet been maximized in New York. The experience in other leading cities around the nation suggests that higher recycling levels in New York City's commercial sector are indeed achievable. We'll never be able to get there, however, until we know with some level of certainty what it is we're recycling now and what it is that's not

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being recycled.

At the same time, some recycling processing facilities that have been set up over the past several decades have been operating with -- in ways that have placed unnecessary burdens on their neighbors and sometimes dangerous safety conditions for their workers. It's to address all of these issues that the proposed regulations have been advanced and to close the information and enforcement gaps that they have created.

The proposed legislation will require the registration of recycling processing facilities in New York City. They would allow for the inspection of these facilities to ensure effective processing of recyclables and the operations -- and to ensure that the operations of these facilities proceed in compliance with law, and they will direct the filing of non-bureaucratic straightforward reports to the Department summarizing their recycling operations

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during the reporting period. These are sensible steps that will help achieve broad public policy goals that the Council and the Administration have set for many years. The Department has the authority to implement these rules under the City Charter and the Administrative Code, and NRDC supports their adoption.

We offer two modest suggestions for enhancing the proposed rules that we believe could help accomplish the Department's objectives. First, the proposed rules in Section 4-58(b) require that quarterly reports be filed by registered recycling processing facilities and must identify the origin of the recyclable material received. As currently drafted, this term is vague and could enable a recycling facility to simply fill out that portion of the form saying the Bronx as the point of origin without further elaboration. We recommend that this subsection be clarified to specifically direct the processing facility

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to report both the name of the companies, businesses, or individual haulers or government agencies bringing recyclable material to their facilities, as well as the nature and the amount of such material delivered. This information is or already should be collected by these processing facilities in the ordinary course of their businesses, and if reporting of this information does -- and so therefore, this information should not be unduly burdensome, would provide the Department and the public with essential information.

In the same section, the rule directs the recycling processing facility to identify the destination of the recyclable material removed including a listing by type of recyclable material. Again, we fully support the objective of this provision, but we believe that the language needs to be sharpened so that the reporting responsibilities of the processing facilities are crystal clear. Specifically, we believe the language in

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Subsection 4-58(b) should be revised to make clear that the facility must report on the destination of all trash materials received at its facilities in the prior three months, including a listing of the amount of materials sent out for recycling or remanufacturing and the names of such facilities, as well as the amount of materials ultimately disposed of in landfills or incinerators, and the names of those facilities. If the Department determines that public disclosure of any of this information would create unreasonable burdens on the recycling processing facility, it should still require the reporting but would back-end such data before publicly disclosing that information.

Finally, we understand and have heard some industry representatives are objecting to the proposed rules because of the requirements dealing with scrap metal collectors and that this will somehow harm their business operations. We do not fully



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understand at this point how these rules would force the overwhelming number of these scrap facilities to close in New York City, and we are suspicious of that allegation because frequently in response to environmental safety standards, businesses raise that thread. However, we are listening, we want to explore this, and we believe the Department needs to explore these concerns and address them before adopting this rule in its final form.

It's important to note that in modern society, business licensing, permitting and registration are fundamental good government practices designed to ensure public health and safety and enforcement of laws designed to ensure that all businesses play by the same rules. If you're a petty cab operator, a tattoo artist or a barber shop, you need a license in New York City. If you're selling merchandise from alligator skin, if you're planting a tree on a city street, if you're using water from a fire hydrant, you need a

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permit. And if you're a beekeeper, an owner of a guard dog, if you put a newspaper rack on a city street, you need to register it.

Nevertheless, we've heard the objections from our fellow New Yorkers and while at this point we don't fully understand them, we believe they deserve fair consideration and a thoughtful response. We think the Department should consider whether some de minimis exception for individuals delivering scrap metals would be workable. Maybe that would be a possible solution to addressing the situation; maybe not.

We do believe, however, that the scrap metal industry should not be broadly exempted from sensible environmental quality and quality of life rules that apply or should apply to every industry in New York City, and we believe that the Department of Sanitation oversight is critically important in this area and that oversight should not be left to the State

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which has failed over many years to aggressively oversee the operation of solid waste facilities in this City.

Finally, NRDC is a member of the Transform Don't Trash Coalition, and we believe that these proposed regulations after addressing all of the reasonable questions, will be a step in the right direction. However, we believe that the commercial waste sector faces a broad range of problems and that the overall long-term solution to making commercial waste handling in New York City both sustainable, protective of public health, protective of worker safety and meeting other broad environmental and social objectives, that the overall solution ought to be the adoption by the City of New York of the exclusive zone system for commercial waste. We save that issue for another day, and we thank you for your attention.

MS. LIGUORI: I would now like to calling Scott Miller from Sims.

MR. MILLER: My name is

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Scott Miller. I'm a Chief Corporate Counsel for Environment Health and Safety, or what we call Safety, Health, Environment and Community for Sims Metal Management. I was not planning to comment at this hearing but it appears that our name, Sims Metal Management, was the only company specifically mentioned in these comments and I felt in a negative light that we had to address.

Sims is a longstanding member of the Institute for Scrap Recycling Industries and supports its comments. We also fully support, however, the need for reasonably carterers to improve environmental health and safety as mentioned by Eric Goldstein and the NRDC. However, we oppose the proposed regulations as written for reasons stated so well by so many others, especially the number of independent scrap contractors who spoke so eloquently and from their hearts.

Our focus in those comments and the comments of other people was on source separated scrap metal. I think -- and I've

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heard so much about what I felt was a blurring of an important distinction between source separated scrap metal and what I think DSNY is focusing on which is curbside recyclables. In fact, we also support much of the testimony made by Mr. Teitler regarding source separated recyclables and the concerns addressed there.

I want to mention that the interest of Sims are aligned with the interest of DSNY with respect to curbside residential recyclables which we believe are met by existing law. However, our source separated scrap metal recycling business is also in New York City and will be just as harmed as those companies and individuals that you've heard from so well before.

We are concerned at the very goal, however, of recycling -- however, we're concerned at the very goal to increase the rates of diversion in the City of New York as mentioned by a couple of the other speakers, in fact would be subverted by the

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regulation as currently proposed. The very objective, the key objective of diversion, increasing diversion goals which we all support, I think would be in fact reversed if this regulation is implemented as proposed.

We would like to share our assistance in working with other stakeholders, many mentioned in this room and also with the DSNY, of course, in working on more appropriate regulations that address the diversion issue and also the commercial curbside collection issue that was also raised. Thank you.

MS. LIGUORI: If anyone would like to testify, please fill out a slip in the back. As of right now, we have no one else that indicated they would like to testify so we will hold the hearing open until noon.

(Whereupon, a recess is taken.)

MS. LIGUORI: We have a couple more people that would like to offer testimony. I'd like to call Steven Greenberg from

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Irving Metal Company.

MR. GREENBERG: I am a 100-year old scrap metal business. I am a third generation and my children are the fourth generation. We were doing recycling before recycling was fashionable. We did it for the money. Now all of a sudden it became fashionable to keep the earth clean and all, but we're still into the industry and it always was the industry and we have to treat it as an industry.

Over the last 100 years of my business, we have proudly supported over 500 people. Right now we have employees with us over 25, 30 years that have houses, children in college and count on me for support to live their lives. Now, if I go out of business, these people will not have a job because they have 30, 40, 50 years working for me and the car washes are full of people so it will never happen. So by keeping this industry alive, we are keeping people that cannot find jobs elsewhere to have jobs.

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Besides that, years ago in the 60's there was abandoned cars all over the City. The Sanitation Department could not keep up with it so the wind up was they gave it to a private sector and within six months there's never been any cars in the streets for the last 30 years. If this law is passed, there will be more people straddling streets, keeping it dirty. The Sanitation Department cannot keep up with it and what will happen is you're going to push these people that pick up scrap metal on the ground. They're going to go out at night, pick up scrap metal. They're going to sell it at night to people that are not licensed and not recycled the proper way. There's no regulation on the night people when we go home. They got to do it. They're going to sell in Jersey and get the industry out of New York and you're not going to solve the problem.

Also, we recycle according to EPA and DEC laws. We are a big battery recycler. We take batteries. We process



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them the proper way for the EPA, we sell them to the proper people that are going to recycle it properly and they have all sorts of forms. If you stop this, the battery from Henry Smith is going to wind up in the street and the Sanitation Department is going to pick it up and throw it in the back of the truck. The battery is going to seizure and the acid is going to fall on the floor and it's going to be on the garbage truck and leak all over the City streets. It will get dumped in the landfill where the led will never get recycled properly. The only way to recycle properly is to have licensed people like myself and everybody else here do the job the proper way and that's how to control them. If you don't, you're going to push the business underground and you're not going to be able to control what's going on.

Regulations we can live with but we have to be in business to make a living, and I think by this new law, you're going

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to put too many people out of work and too many people out of business that have been in business for over hundreds of years. So I think the law should be revised to keep the small people to make a living and to keep their jobs because in our industry there's possibly a thousand people between all the scrap metal dealers that will never find jobs if we close. The car washes are full of people like I said, and nobody else is hiring us for labor, scrap metal people, and construction, which we know is on a down-slide. So I really think this should be rethought, refigured and keep people working in New York. Thank you.

MS. LIGUORI: I would now like to call Salvatore Vallario from Standard Scrap Iron & Metal.

MR. VALLARIO: Thank you for this opportunity to speak. I did not plan on speaking today but after several comments that were made by many people, I found them very offensive. They treat our business as if we have undocumented aliens, and unsafe

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conditions and sweat shop like conditions which don't exist, and I invite anyone at any time to visit my yard every day from 7:00 to 5:00 that we're open. We're in full compliance with every City, State and federal law, every employee is documented, they have health benefits. They make between \$35,000 and \$65,000 a year. They always received five days off paid, five days health paid. This is from the initiation of my business in 1990.

I'm ahead of the curb and I'm embarrassed for such a progressive City to be so insensitive to a very large group of people, and they're not just undocumented and they're not just retired but there's a tremendous amount of people that every weekend they come to my yard, they need a rim for their bicycle, they need a plate of steel for their basement. We don't charge them. They need a valve for their hot water heater, we give them one. It doesn't cost us anything. They'll bring us the old one back. We're part of our community

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every day. We deal with homeless people. We help direct them to places to go for food. We give them phone numbers to call when they can't get clothes. It's an insensitive statement. People should come and visit the facilities that they're mocking.

We had two people coming in from solid waste, God knows what they're from about, they sit in their offices, they have no idea what is going on at the street level. When Sandy devastated the five boroughs, we worked 20 hours a day supplying roll off trucks and men and expertise to homeowners in Rockaway, Brooklyn, Staten Island and Queens. We cleaned up the entire City of New York without one penny of cost to the City; no overtime, no union benefits, no labor strikes, no slow downs. We did it every day because that was our business. It was our privilege. We were happy we could serve our city. Now all of a sudden nobody wants to open up because scrap commodity

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prices are up so other people that are in business that are larger than us, all of a sudden say we don't need you, we're going to do it without them. I doubt they could. And then who's going to offset the loss, the great loss of the hundreds of jobs, hundreds? I have elderly people that come to me in their 80's for eight bucks. They have nothing to do all day. They're thrilled to come. We say hello; oh, where are you from; have a nice day. We're like the neighborhood fruit stand. We're not intimidating. We stop every customer, we open their trunk, we help them unload.

We have this picture of a scrap yard as this big, scary place with fuel, oil and smoke. It doesn't exist. I've never seen it. They're thinking of, what was it, 30 or 40 years ago. I'd like anyone in this room or anyone from any city, state or federal agency or private, once again, visit our facility at any time and see how we really operate and maybe then they can reconsider this dangerous law that's going

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to have a devastating effect on a lot of members of New Yorkers. One of the hardest cities in the world to make a living in. People finally find their niche and they want to take it away. I thank you for this opportunity.

MS. LIGUORI: Thank you.

If anyone else would like to testify, please fill out a slip in the back. If not, we are keeping the hearing open until noon. All written comments can still be submitted to the end of the day. The instructions are in the rules on how to do that. Thank you.

(Whereupon, a recess is taken.)

MS. LIGUORI: It is now noon and the hearing is now officially closed. Thank you, everyone, for attending.

(Time noted: 12:00 p.m.)

C E R T I F I C A T E

[illegible]

I, JENNIFER CASSELLA, a Notary Public  
within and for the State of New York, do hereby  
certify:

I reported the proceedings in the within-entitled matter, and that the within transcript is a true record of such proceedings to the best of my ability.

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 22nd day of June, 2016.

JENNIFER CASSELLA

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