

**PUBLIC HEARING ON PROPOSED RULES
RELATING TO THE REGISTRATION OF RECYCLING PROCESSING FACILITIES
THURSDAY, JUNE 16, 2016, 125 WORTH STREET, 2ND FLOOR AUDITORIUM, 10:00 A.M. TO 12:00 P.M.**

<u>Name</u>	<u>Agency/ Organization</u>	<u>Address Or Email Address (For Mailing List)</u>	<u>Do You Wish To Testify or Submit Written Testimony? If Yes, Please indicate which.</u>
① Lawrence Schilling	IS RI	lschilling@msn.com	Yes. Both
② Joseph Andrade		Handrade@hotmail.com	Yes.
JOHN GIOVE	RAPIDPROCESSING,	JOHN@RAPIDPROCESSING.COM	NO
Thomas N. Toscano	Scholar Street Recycling Co	tn71@interesting.com	No
Mike Abbelle	RETT	MATABELLI@RETINDUSTRIES.COM	No
Stephen Fisher	SIMS	Stephen.fisher@simsmm.com	No
③ Julissa Gullon		Jullensulisa@yahoo.com	Yes

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Norman Siegel	TABS CONSULTING GROUP	TOUING@SN.DAOK.COM	
HANK LEVIN	PLATT	4435 Victory Blvd S.I	
SALVATORE VACCAREIS		5709 PROSPECT BELKNUM 71234	
10 Phil Portuese	SAL'S SCRAP	900 EDGEWATER RD.	NO YES
11 Fidel Torres	ISRI	972 68 ST	yes testify
NICK PETROSINO	BENSON SCRAP	543 SMD ST	NO
NORMAN TETTON	TABS CONSULTING	NETONTHEGO	yes
11 James Capasso	PLASCO IL	@PLASCO.COM	YES

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Jack DeBoraso	SAL Metal	900 Ederwater Rd Bronx NY	NO
Tom McMAHON	TUMASSOC	233 B'way 1m 702	NO
Tim Taylor	TIT Scrap	340 Mospark Ave Bldg 1211	NO
Roseval	coco	9000 9CRAP	Yes
Jonathan Greenberg	Frixy Scrap	9525 Ditmars Ave Bklyn 11236	NO
Michael Piny	S.P.M.2	Richardson 7 NY NY	NO
Michael Mucey	Waste Converter	Mike.mucey@hotmail.com	NO
Steve Falcone	FAZtec Inc	Steve@faztec.com	NO

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Justin Wood	NYLPI	151 W 34th St.	Yes No
Elwyn Camera	tutscrap	BR 1000 NY	yes
Alexander Greoberg	Kung Metal	9525 ditmas Ave Bross 7 th Fl NY 11236	NO
Frank Chy	200 E Palm	Rd. Larchmont, NY 10538	
Melissa Iwanan	NYLPI	151 W. 30th St.	No
Tom Raimondo	D+D Salvage Corp.	Tom@ddsavlageny.com	No
Kate Seiden	Cin Paymaso City Council	KSeiden@cinny.gov	No
Danni Chen	BIC	100 church st. 20th floor	No

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Tom Petrosino	/SRI		YES, TESTIFY.
MARK L. WHAREN, ESA		10 BAY ST. LANDING, SUITE 1A STATEN ISLAND, NY 10301	NO
JOHN DIFAZIO	FAZTEC INDUSTRIES	38 KINSEY PLACE SUITE #2 ST. N.Y. 10303	NO
MARC VOORANSI	Metropolitan Paper	847 Shepard Ave Brooklyn NY 11208	NO
Chung Hom	Pine nonferrous Inc	pineexport@aol.com	NO
Juan Bobillo	Juan Bobillo	1148 39 St	NO
MOHANNAD'S KASR		RABA BIG APPLI GAMIL.COM	

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6

**PUBLIC HEARING ON PROPOSED RULES
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Dea Murrey	Metropolitan Paper Community	MPR@mc.com	No
Kareem Chatham	NARA	Kareem@guisinstatgen.com	Yes
B. Warren	ASR	Barbara.warren@2432benjon.com	No
Emmanuel	BALICO		
JUAN L. CHIRINOS			
Scott Miller	SMM	scott.miller@csimsmm.com	Yes
Jack Morgan	Be Apple	21 Ponten Ave Bldg	No
Eddie g. DeBasi	Ewg	94-54 158 th St	No

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Priya Mulgankar	NMCESTA		No
James Witter	Danjon Recycling		No
Alexander Sheehy	FRUG METALS		No
Eric Goldstein	NRDC	egoldstein@nrdc.org	yes
Charles Robert	Paper Fibres	Rapid Processing	No
		Nino@BrooklynDevol.com	No

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Thony David Alcantara 1143-38ST

Louis Ventura louis.ventura@cs.com NO

* Ruan mawing copper wang NO

2

REQUEST TO TESTIFY
(Please Print)



Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
Recycling Processing Facilities
June 16, 2016

Joseph Andrade

Name

Organization (If Applicable)

1

REQUEST TO TESTIFY
(Please Print)



Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
Recycling Processing Facilities
June 16, 2016

Lawrence Schillinger

Name

Institute of Scrap Recycling
Industries - ISRI

Organization (If Applicable)



REQUEST TO TESTIFY
(Please Print)

Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
Recycling Processing Facilities
June 16, 2016

Melissa
Lachn

~~JUSTIN WOOD~~

Name

NYLPI

Organization (If Applicable)

3

REQUEST TO TESTIFY
(Please Print)



Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
Recycling Processing Facilities
June 16, 2016

Julissa Gullon

Name

SAL'S scrap metal

Organization (If Applicable)

6

REQUEST TO TESTIFY
(Please Print)



Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
Recycling Processing Facilities
June 16, 2016

Fidel Torres

Name

ISRI

Organization (If Applicable)

5

REQUEST TO TESTIFY
(Please Print)



Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
Recycling Processing Facilities
June 16, 2016

TOM PETROSINO

Name

ISRI

Organization (If Applicable)

REQUEST TO TESTIFY
(Please Print)

✓ 8

Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
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June 16, 2016

Ellyn Gomera
Name

Int Scrap
Organization (If Applicable)

REQUEST TO TESTIFY
(Please Print)

✓ 7

Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
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June 16, 2016

NORMAN TETTER
Name

TABS Consulting Group
Organization (If Applicable)

REQUEST TO TESTIFY
(Please Print)

Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
Recycling Processing Facilities
June 16, 2016

Phil Portuese
Name

SAL'S SCRAP META
Organization (If Applicable)

REQUEST TO TESTIFY
(Please Print)

✓ 9

Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
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June 16, 2016

Pascual Coco
Name

COCO SCRAP
Organization (If Applicable)

REQUEST TO TESTIFY
(Please Print)

Department of Sanitation Public Hearing
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June 16, 2016

FRANK PETIZ
Name

Self Employed Pascual
Organization (If Applicable)

REQUEST TO TESTIFY
(Please Print)

11

Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
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June 16, 2016

James Capasso
Name

ISRI
Organization (If Applicable)

REQUEST TO TESTIFY
(Please Print)

(14) ✓

Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
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June 16, 2016

ERIC GOLDSTEIN

Name

Natural Resources Defense Council

Organization (If Applicable)

REQUEST TO TESTIFY
(Please Print)

(13) ✓

Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
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June 16, 2016

Kendall Christian

Name

NWRA

Organization (If Applicable)

(TOM TOSCANO)

REQUEST TO TESTIFY
(Please Print)

(16) ✓

Department of Sanitation Public Hearing
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June 16, 2016

Steven Sheenbaeg

Name

STEVEN METAL CO

Organization (If Applicable)

REQUEST TO TESTIFY
(Please Print)

(15) ✓

Department of Sanitation Public Hearing
on Proposed Rules Relating to the Registration of
Recycling Processing Facilities
June 16, 2016

Scott Miller

Name

Some Metal Man

Organization (If Applicable)

WENT

REQUEST TO TESTIFY
(Please Print)

(17) ✓

Department of Sanitation Public Hearing
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June 16, 2016

SAVATORE VACCARO

Name

STANDARD SCRAP IRON

Organization (If Applicable)

+ METAL SKY NY 11724

[Reply](#) [Reply All](#) [Forward](#)

DOS Public Hearing Questions

louis.ventura@ewglass.com

To: [NYC Rules \(DSNY\)](#)

Wednesday, June 15, 2016 16:05

Department of Sanitation,

I will be attending the Public Hearing on the proposed rules establishing registration requirements for recycling facilities. We are a glass recovery and recycling facility located in Jamaica Queens. We process predominantly glass bottle bill material recovered by us at redemption centers and a small percentage is delivered to us also by redemption centers. We do not retrieve or process any curbside glass within NYC. If can pose some questions:

- 1) Are redemption centers that process recyclable materials also effected by these new rules and are they going to have the same reporting procedures?
- 2) We presently hold a AA positive rating with the New York State DEC, are these reporting procedures going to mirror the same reporting we do to hold our two NYS DEC permits?
- 3) In the Notice of Public Hearing, exemptions are mentioned in section 4-55 sub b. The section mentions the environmental conservation law section 27-1003. Does the ECL section waive us as a glass processor regarding the proposed DOS rules?
- 4) Does that section also pertain to beer distributors that also deliver bottle bill material for us to separate and process?
- 5) Are the forms needed for reporting, if the rules apply to us, going to be afforded to us or do we have to create a reporting template?

Thanks for your time.

Lou

Louis Ventura
EWG Glass Recovery and Recycle Corp.
PO Box 313005, Jamaica, NY, 11431
718-739-7270 (main)
347-865-9076 (cell)
718-297-4101 (fax)
louis.ventura@ewglass.com



Registration of Recycling Facilities

David Hillcoat [dhillcoat@coopertank.com]

Sent: Thursday, June 16, 2016 15:50

To: NYC Rules (DSNY)

Cc: Frederick (Rick) H. Inyard [finyard@GFNET.com]

Attachments: DSNY Recycling Registratio~1.pdf (896 KB)



New York City

Department of Sanitation

125 Worth Street, Room 710

New York, NY 10013

June, 16th 2016

Comments on The Proposed Rules to Register Recycling Facilities

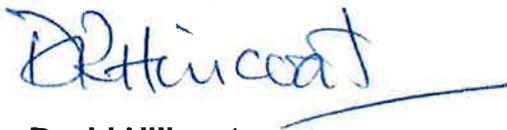
In the pursuit of a Zero Waste Goal, NYC is in effect redefining the waste streams and reformulating the structure of the waste handling industry. This will have deep, serious & long lasting impact on the City's ability to process the waste that it generates, to do so economically and to achieve the environmental & social goals to which it aspires. Any registration or permitting process should therefore be viewed in this light and be considered as a proactive policy tool, not simply as a reactive, control mechanism.

Without instigating some form of registration & reporting system it will become impossible to measure the scale & complexity of the largest & most dynamic waste stream in the country. The question is therefore what form of system is appropriate? We believe it should focus a mixture of policy principles, respect economic reality, and operate in symmetry with the NYS Part 360 requirements. Unfortunately the current draft adopts more of a retrospective & traditional approach. Ie

- There is an existing recycling industry & one that has been relatively successful. Thus it cannot practically nor legally be dispensed with, rather in needs to be encouraged to move strategically in the direction that the City would like to see further progress being made.

- Recycling markets are both regional & global. NYC as a source of recycled material is part of a regional market, whilst the department may wish to know what happens to the NYC waste stream in totality, it should recognize that material may leave the City without going through a domiciled recycling facility and equally any local facility may take in & process material from the surrounding region. All for good economic or environmental reasons and any new regulation should embrace this, not restrict it
- The goal of increasing the percentage of material recycled has both a volume & a value side to the equation. We need to recycle more of the material that currently goes to landfills – organics, metal, glass, plastic, paper, which is about segregation & handling – and we need to do a better job of actually recycling it to a higher standard & thus capture greater value / increase the likelihood that it can be used as a direct substitute for virgin resources within the USA.
- Improving the quality of recycling means investment in expensive, technology & equipment that can achieve higher standards of output & throughput. In effect NYC needs larger, better invested, better managed, more responsible facilities & it should encourage that structure to evolve.
- As the definitions on the constituent parts of the waste stream are fragmenting, the definition of what & how to effectively process material, are merging. Thus the Department should adopt an open & flexible attitude to siting & operational regulation. There are going to be many economies of scale & performance, available to both the private & public sectors by doing so.
- On a simple practical matter the option to report activity by 'weight or volume' is fraught with error & incompatible with the measurement basis for the rest of the waste stream

Yours truly



David Hillcoat

President

Reply Reply All Forward

Comments re Draft DSNY Recycling Facility Regulations

kendallgaia@gmail.com on behalf of Kendall Christianse...

To: NYC Rules (DSNY)
Cc: Kendall Christiansen [KChristiansen@wasterecycling.org]; Ciccone, Andrea (DSNY)
Attachments: NWRA-NYC-DSNYRegs-Comments~1.pdf (255 KB) [Open as Web Page]

Thursday, June 16, 2016 16:36

the attached comments were presented verbally at this morning's public hearing re DSNY proposed Amendments to Title 16 regarding the permitting of Recycling Facilities.

Please let me know if you have any questions.

--

Kendall Christiansen
Manager, NYC Chapter
National Waste & Recycling Association

Gaia Strategies
151 Maple Street
Brooklyn, NY 11225
o: 718.941.9535; cell: 917.359.0725
kendall@gaiastrategies.com

Comments Submitted to the Department of Sanitation
by the New York City Chapter of the National Waste and Recycling Association
regarding additions to Title 16 – regulation of recycling facilities

June 16, 2016

These comments are offered for consideration by the Department of Sanitation (DSNY) with respect to its proposed update to Title 16 of the Rules of the City of New York regarding the oversight and regulation of facilities that receive and process recyclable materials.

As always, the New York City Chapter of the National Waste and Recycling Association (NWRA/NYC) is pleased to support the city's environmental goals, and work with DSNY, the Business Integrity Commission (BIC), the City Council and other interested parties in implementing new regulations, systems and reporting requirements in line with those goals. We understand the critical role our industry plays in the overall success of these initiatives; in fact, companies engaged in our industry have provided recycling-related services to 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 services companies are unique in their focus on optimizing diversion of waste from disposal, given that they generally do not own disposal facilities (e.g., landfills and waste-to-energy facilities) as a primary outlet – which results in their focus on extracting marketable resources from what the city residents and business 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 near-totally on its processing facilities and operations and marketing expertise for the diversion of millions of tons of waste that otherwise would have been disposed of through DSNY's operations.

The point of the above is this: any new regulations should be considered and adopted only if they serve to advance ongoing investment in and successful operation of recycling-related business and their facilities that operate within the city, and do not create unnecessary burdens that discourage such investment and operations. Instead of adopting this regulation, the first step might be to better coordinate with and improve the existing system of registration, permitting and reporting to the New York State Department of Environmental Conservation (NYS/DEC).

As we understand the proposed addition to Title 16, it is advanced primarily for the purposes of adding DSNY's oversight to recycling-related operations for the purpose of ensuring that materials collected for recycling are properly managed, and that data is reported to enable the City to assess progress towards its environmental goals.

This regulation is not necessary and will not significantly advance the achievement of those goals.



Comments Submitted to the Department of Sanitation
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June 16, 2016

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 regulation acknowledges NYS/DEC’s current intentions, every effort should be made to ensure that whatever DSNY regulation is adopted is fully in-synch and harmonized with NYS/DEC regulations 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 NYS/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 is about maintaining a business-friendly climate that encourages investment and operations that aggressively divert wasted resources from disposal, instead of adding potentially competing regulatory schemes oriented towards “compliance” that divert resources from operations and trigger a focus on violations.

With respect to other areas of concern in the draft regulations, Section 4-54 – related to how processed materials 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 products they produce, are best able to determine appropriate practices, and can do so without oversight re unspecified “acceptable” practices as determined by DSNY, which lacks the operational and market experience.

The draft regulation (Section 4-55) appears to restrict the sources of incoming materials to that generated within the city – it, too, should be eliminated. As commercial businesses, companies should be able to provide their services within regional markets without any such restrictions. Doing so can help those facilities operate more efficiently with better access to markets based on product volumes. While not covered 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,” not “volume” – the latter is not standard industry practice.



Comments Submitted to the Department of Sanitation
by the New York City Chapter of the National Waste and Recycling Association
regarding additions to Title 16 – regulation of recycling facilities

June 16, 2016

Also of concern, but not explicitly referenced in the draft: markets – domestic and global – for processed recyclables are subject to constant fluctuations; 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 decisions 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 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 waste from both commercial and residential sources.

At least one currently operating recycling facility is co-located with a NYSDEC permitted transfer station, and extracts certain materials delivered as MSW that are capable of being processed for diversion.

Thank you for your consideration of these comments.

Respectfully submitted,

Thomas Toscano
Chair, Steering Committee
National Waste & Recycling Association – New York City Chapter

For further information:

National Waste & Recycling Association – New York City Chapter
Contact: Kendall Christiansen, Manager
kchristiansen@wasterecycling.org
917.359.0725



Public comments for: Proposed Rules Relating to the Registration of Recycling Processing Facilities

Comments

Lawrence Schillinger

Comment:

Testimony submitted by ISRI (Institute of Scrap Recycling Industries) New York Chapter is attached.

Supporting Document:

 [isri dos testimony-final.pdf](#)

Agency: [DSNY](#)

Lawrence Schillinger

Comment:

see attachment

Supporting Document:

 [isriny to n agarwal 05262016.pdf](#)

Agency: [DSNY](#)

Lawrence Schillinger

Comment:

On behalf of the New York Chapter of the Institute of Scrap Recycling Industries (ISRI, www.isri.org) please accept our appreciation for your interest in our concerns re: the regulation proposed last week by the Dept. of Sanitation. I am sending this email and the attachment as a preliminary comment. By way of introduction, ISRI is a Wash. DC based trade association for the recycling and scrap processing industry. The ISRI New York Chapter has more than 75 member companies which process, broker and consume scrap material commodities. Please note that the scrap processing industry has a significant economic footprint In the City. The attached econometric report provides empirical statistical data. Moreover, the scrap processing industry not only provides needed recycling infrastructure, but also provides good-paying "blue-collar" employment opportunities. ISRI members and I fully expected that a forthcoming proposed regulation would be limited to a simple registration requirement whereby scrap processors (which have historically been required to be licensed with the Department of Consumer Affairs) would (1) also be required to register with DSNY and (2) be required to report to the DSNY aggregate tonnages of processed scrap material. The regulation proposed last week goes far beyond that anticipated scope. 1 - The proposed regulation would require detailed reports consisting not just of aggregate throughput data but would also the require the filing of trade-secret proprietary information concerning the customers and

consuming manufacturers to which processed scrap material is sold. 2 - The proposed regulation would restrict a scrap processor from purchasing scrap material only from an individual or business licensed by the Business Integrity Commission. Note: the BIC does not license scrap material transporters. BIC has neither the interest nor the resources to administer a licensing process for every itinerant scrap "peddler", many of whom but for the opportunity to earn an honest living from scrap may otherwise not be employable due to immigration status and / or personal histories. In short, ISRI finds the proposed regulation to be over-broad, over-reaching and contrary to the best interests of the scrap processing industry and contrary to the public interest. ISRI looks forward to engaging with the Mayor's Office and the Department of Sanitation to craft a reasonable registration / reporting rule. Moreover, state legislation supported by ISRI New York and Empire Chapters (S. 4882 / A. 8051) which has recently passed the State Senate and is pending in the State Assembly, as well as comprehensive revisions to the NYS DEC Solid Waste Management regulations now undergoing public comment, will likely address the purported interests of the City without imposing a duplicative and unnecessary regulatory burden.

Supporting Document:

 [nyc_5-16.pdf](#)

Agency: DSNY

Rick Hwang

Comment:

Why doesn't DOS stick to their job of cleaning the garbage and not monitoring and controlling scrap metal business. DOS, you are you wasting time, wasting tax money and going out of bound from this ridiculous rule? For example, you want to control how we, the scrap metal processor, have to be "effectively processed" recyclable materials. Are you kidding me? What if we can't "effectively processed" the recyclable material, are you gonna give us the capital to buy better tools so we can process it? This rule, was it created because of metal theft? If that's true, get Consumer Affair to crack down on scrap yard who doesn't have the license. Moreover, it's them who's doesn't follow the law.

Agency: DSNY

Source URL: <http://rules.cityofnewyork.us/comments-view/25736>



Institute of
Scrap Recycling
Industries, Inc.

www.isri.org

COMMENTS OF THE INSTITUTE OF SCRAP RECYCLING INDUSTRIES

NEW YORK CHAPTER

TO THE

NEW YORK CITY DEPARTMENT OF SANITATION

REGARDING A PROPOSED RULE FOR

“RECYCLING PROCESSING FACILITIES”

JUNE 16, 2016

NEW YORK, NY

My name is Lawrence R. Schillinger. I am an environmental attorney representing the Empire and New York Chapters of the Institute of Scrap Recycling Industries (“ISRI”).

Nationally, ISRI represents more than 1,600 private, for-profit companies at more than 7,000 facilities throughout the United States that process, broker, and consume scrap commodities, including metals, paper, plastics, glass, rubber, electronics, and textiles. The scrap recycling industry in the U.S. is a \$77 billion industry, directly employing more than 137,000 Americans and processing more than 130 million metric tons of scrap annually into specification grade commodities sold to and used by industrial consumers in the U.S. and in more than 155 countries worldwide.

According to a recent study prepared by John Dunham Associates, 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 study also reported that the recycling industry in 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. However, we acknowledge the Department's interest in diverting from disposal recyclable materials which have been thrown out as solid waste. ISRI will propose a re-written 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.

1. OVERVIEW OF SCRAP METAL

Scrap metal itself is a commodity, analogous in value, physical state, and environmental benefits - if not better in terms of environmental benefits - to any other product or raw material. It is a commodity sold on the open market according to world-wide specifications and in competition with virgin raw materials. It is manufactured by scrap processors to meet the specific needs of specific consumers. Scrap processors have no motivation to dispose of such a valuable and useful product and, in fact, their activities preclude the disposal of these products.

Scrap metal has intrinsic value and is used to produce new products. Wastes on the other hand are disposed of because they are no longer useful.

Processed scrap metal is a product, sold into the open market according to hundreds of globally recognized, industry-wide specifications. These specifications are published annually in ISRI's Scrap Specifications Circular, which provides guidelines for buyers and sellers to ensure consistency in the domestic and international trade of scrap. The Scrap Specifications Circular goes back more than 80 years and is incorporated by reference by numerous governments via regulation. Globally, consuming industries, such as steel mills, refiners and manufacturers refer to and rely upon ISRI Scrap Specifications every day.

2. The Department Has Exceeded its Statutory Authority

The crux of the issue pertains to the definition of “recyclable material” contained in the proposed rule. The proposed definition defies the legislative intent of the City Council and exceeds the Department’s statutory authority. This is not an academic concern over definitions. The consequences of the proposed definition would be devastating to the scrap recycling industry in New York City, as described below, including thousands of hard-working scrap contractors who sell scrap metal to scrap processors located in the outer boroughs.

Collaboratively, ISRI and the City Council carefully crafted the language of Local Law 889-A of 2012 [now codified at §§16-460 et seq. of the New York City Administrative Code] to purposefully define the term “recyclable material” to denote that for purposes of the statute “recyclable material is a sub-set of discarded solid waste [see: ISRI Testimony to the Sanitation and Solid Waste Committee of the New York City Council, June 29, 2012].

ISRI specifically notes for the Administrative Record the critical difference in the definition of “Recyclable Material” as originally proposed by the City Council as compared with the definition which was ultimately adopted. As proposed, the City Council bill provided the following definition:

"Recyclable material" means material (i) designated as recyclable by the commissioner by rule pursuant to chapter three of title sixteen of this code, or (ii) is capable of being recycled, or (iii) that has an identifying mark, stamp or embossment indicating such item is public property of the city or state of New York or property of any public or private utility company;

ISRI strongly objected to the definition of recyclable material as originally proposed, ultimately convincing the City Council that the definition was over-broad and confiscatory. The definition adopted in the enacted legislation is as follows:

"Recyclable material" means material that is discarded by or in excess to its owner at the time of such discard and (i) is designated as recyclable by the commissioner by rule pursuant to subdivision b of section 16-305 of this title or (ii) has an identifying mark, stamp or embossment indicating such material is the public property of the city or state of New York or the property of any public or private utility company. [see: NYC Admin. Code 16-460]

The City Council purposefully and unambiguously declared that for purposes of the applicable statute and its implementing regulations, a "recyclable material" is 1) a solid waste which has been discarded **and** 2) has been designated by the Sanitation Commissioner to be a "recyclable material". Thus, "recyclable materials" are a sub-set of discarded solid waste pursuant to the Administrative Code.

Ignoring the plain language of the governing statute, the Department has now put forth a definition of "recyclable material" which blatantly eviscerates the underlying legislative intent of the City Council by completely omitting that the material must be "discarded" and must be "designated as recyclable". The Department's proposed definition now reads:

Recyclable material. The term "recyclable material" means solid waste that may be separated, collected, processed, marketed and returned to the economy in the form of raw materials or products, including but not limited to, ferrous or non-ferrous metal, glass, paper, cardboard, rigid plastic, food waste, tires and yard waste.

The Department has unlawfully exceeded its statutory authority. The Council plainly intended that the Department's authority to regulate the disposition of Department designated recyclable materials does not begin until the materials have been discarded at the curb.

In fact the legislative preamble establishes that the Council's legislative intent was to address *"...an increase in the theft [by scavengers] of recyclable material placed curbside for collection by the department of sanitation or private carters ..."*

The plain language of Intro 889-A specifies that the conduct which the Council sought to curtail is the removal of Department designated recyclable materials from the solid waste left at the curb for collection by the Department. As codified at §16-416 the clear and unambiguous language of the statute specifically authorizes regulation of the removal of recyclables deposited at the curb. No more than that.

3. HISTORICAL EXCLUSION OF SCRAP METAL

The Federal EPA and the State DEC have historically recognized that scrap metal and scrap processing is distinct from waste and waste disposal. Fundamentally, scrap metal is a commodity purchased in a transactional relationship for ultimate use as a raw material in production, whereas waste is disposed of for a cost when the waste product is discarded. An unseasoned regulator may fail to grasp this critical distinction, mistakenly perceiving that all recyclable material is waste.

It is imperative to remember and understand that the waste management policies of the past several decades are focused on waste diversion; that is, diverting from a landfill wastes that may otherwise be reclaimed, whereas scrap metal has NEVER been part of the waste stream and thus is not properly within the ambit of a waste diversion policy.

4. NEW EPA RCRA DEFINITION OF SOLID WASTE

The new EPA definition of Solid Waste basically codifies an agency policy which relies upon a four-prong analysis to differentiate between solid waste and scrap materials.

ISRI encourages the Department to explicitly reference and adopt this four-prong analysis with the result that scrap metal will not be characterized and defined as a solid waste.

In essence, the four criteria by which a scrap material is excluded from the definition of solid waste can be summarized as follows:

- 1 - Incoming materials must be recycled for valuable products;
- 2 - Incoming materials must be handled like they are valuable;
- 3 - Output materials must be sold or be an effective substitute for another material; and
- 4 - Output material must meet industry commodity type specifications.

5. The Department's Motive and Intent is Misleading

Let's be frank – the Department's underlying 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 appear to magically have undergone a phenomenal increase. But to do so is misleading both to the public and to other policy makers.

The role of municipal government is to divert from disposal that portion of the discarded waste stream which may be recycled. Thus, there will be a proportional reduction in disposal rates as solid wastes are diverted from the waste stream for recycling.

However, scrap metals have NEVER been part of the discarded solid waste stream, and therefore cannot legitimately be recognized as having been diverted from disposal. At this time, when the integrity of government at all levels has come under intense scrutiny and when the public is increasingly cynical and mistrustful of government, it would be a callous miscalculation for the Department to claim diversion credit for scrap metal recycling rates.

6. The Proposed Rule Results in an Unlawful Taking

In clear violation of Federal and State Constitutional protections against the taking of property without just compensation, the proposed rule purports to confiscate lawfully obtained valuable secondary commodities. I note for the record that any attempt to unconstitutionally divert secondary materials will subject the City of New York to the full panoply of remedies provided as 42 USC 1983, including an award of monetary damages and attorney's fees.

7. The Proposed Rule Unlawfully Restrains Trade

The proposed rule unlawfully restrains trade in violation of the United States Sherman Anti-Trust Act and the New York State Donnelly Act. Lacking any express delegation of State immunity from the anti-trust laws, the proposed rule subjects the City of New York to massive monetary damages.

I note for the record that the Department of Sanitation is not simply a regulating agency. In fact the Department is also a full-fledged scrap commodity market participant and a customer of the scrap processing industry. The 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.

8. The Proposed Rule Causes Economic Harm

As noted above, the recycling industry contributes more than \$2 Billion to the New York City economy. Thousands of individuals are directly employed by the recycling industry. Thousands more earn a livelihood as scrap contractors, entrepreneurs who lawfully purchase and re-sell scrap to earn a profit. Several of these scrap contractors will testify here this morning.

Conflicting directly with the policies and the spirit of the incumbent deBlasio administration and the 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, the bold, groundbreaking initiative of the Mayor, the Mayor's Office of Immigrant Affairs and the Council to issue a municipal ID card has allowed hundreds of scrap contractors to emerge from the shadows of the economic landscape.

Tragically, the 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 results from the requirement in proposed Section 4-55, to wit:

No recycling processing facility shall *receive any recyclable material generated within the City of New York* from any person other than: (1) an authorized employee or agent of the Department, (2) *an authorized employee of an entity licensed by or registered with the business integrity commission* pursuant to subdivision a or b of section 16-505 of the administrative code of the city of New York, (3) a not-for-profit corporation, (4) an owner, tenant or occupant of a building returning his or her own recyclable material generated by such owner, tenant or occupant and his or her household members, or (5) a person that has lawfully entered into a written agreement pursuant to subdivision a of section 16-461 of title 16 of the administrative code of the city of New York. (underlining, bold and italics added)

The City's thousands of scrap contractors do not fall within any of these five categories. The proposed rule will prohibit honest, hard-working scrap contractors from engaging in the commerce of scrap metal recycling. Not only do scrap contractors lack the financial capacity to obtain a BIC license, but BIC lacks the resources to process the thousands of applications which the rule would require. As a consequence of the misguided proposed rule thousands of New Yorkers and their families will be forced into abject poverty.

This dire consequence can be prevented. Amend the proposed rule so that it conforms to the federal EPA definition of solid waste to clearly distinguish discarded solid waste recyclable materials from valuable scrap metal.

9. The Proposed Reporting Requirement is Intrusive and Burdensome

ISRI finds the proposed quarterly reporting mandate to be unduly burdensome and disrespectful of proprietary business interests. ISRI recommends the following two significant and critically important amendments:

- 1) Reports shall be limited simply to the gross number of tons of ferrous metal material received for recycling (by far the largest category of recyclables by weight). ISRI objects to and will recommend to its membership to withhold all information pertaining to either the sources of incoming scrap material or the destinations of outgoing scrap material.

Moreover, all reports shall be deemed to be proprietary and protected trade secret, and as such shall be deemed exempt from disclosure under the City and the State Freedom of Information Law.

- 2) Reports shall be submitted annually, not quarterly as proposed. Annual reports will coincide with the Department's annual State reporting obligation.

CONCLUSION

ISRI urges the Department to withdraw this misinformed proposed regulation and start from scratch in an open and consultative manner. ISRI will be submitting to the Department and to the Council appropriate statutory and regulatory amendments which will advance the City's legitimate interest in safeguarding the recyclable component of solid waste which is discarded and left at the curb for collection, while respecting the vital economic role of the scrap processing industry in providing jobs, growing the local economy and delivering essential environmental services. The amendments also will propose lesser revisions to other provisions of the proposed regulation which are not addressed above so that they do not diffuse the importance of the points raised in these comments.



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Recycling Industries**

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Lawrence Schillinger
Schillinger Environmental

Via email and First Class Mail

May 26, 2016

Hon. Nisha Agarwal
Commissioner
Mayor's Office of Immigrant Affairs
253 Broadway Floor 14
New York, NY 10007

Re: DSNY Proposed Regulation on Recycling Facilities

Dear Commissioner Agarwal,

The New York Chapter of the Institute of Scrap Recycling Industries (ISRI, www.isri.org) respectfully brings to your attention the detrimental impact on immigrant and other self-employed entrepreneurs engaged in the recycling industry which will result from the promulgation of a regulation recently proposed by the Department of Sanitation (DSNY).

Specifically, DSNY has proposed that scrap material recycling facilities be prohibited from accepting recyclable materials from any parties other than those licensed by the Business Integrity Commission.

For decades, many hard working immigrants have earned a decent living as self-employed recyclers. These individuals have established a customer base of scrap metal generators such as automotive repair shops and metal fabricators from whom scrap metal is purchased for re-sale to scrap metal processors. Upon information and belief not one of the hundreds of these self-employed recyclers have a BIC license, nor is the BIC lawfully authorized or administratively prepared to process any such erstwhile license applicants. Moreover, it is highly unlikely that hundreds of self-employed recyclers will be willing and / or able to present themselves to the scrutiny of the Business Integrity Commission.

At your convenience I would be pleased to arrange an opportunity for you to meet with several of the recyclers whose livelihoods are at risk. I look forward to working with you and the Mayor's Office to address this serious concern. Thank you for your attention and consideration.

Very truly yours,

Lawrence R. Schillinger

Lawrence R. Schillinger, Esq.

c.c. Hon. Bill de Blasio
Hon. Melissa Mark-Viverito
Hon. Antonio Reynoso
Sung E Bai, MOIA Chief of Staff,
Kavita Pawria-Sanchez, MOIA Asst. Commissioner
Katherine Garcia, DSNY Commissioner
Anthony Shorris, First Deputy Mayor
Alicia Glen, Deputy Mayor
J. Patchett
B. Furnas
K. Garcia
B. Orlin
A. Ciccone
DSNY CAPA website

The U.S. Scrap Recycling Industry Creates and Supports Jobs in New York, NY

	Jobs	Wages	Economic Impact
Direct Impacts			
Recyclers	1,930	\$147,432,100	\$517,982,100
Brokers	132	\$12,927,400	\$32,210,100
Total Direct Impacts	2,062	\$160,359,500	\$550,192,200
Supplier Impacts			
Agriculture	8	\$299,200	\$696,600
Mining	10	\$466,500	\$2,110,000
Construction	63	\$5,042,800	\$10,393,700
Manufacturing	206	\$14,171,400	\$78,566,700
Transportation & Communication	480	\$46,785,300	\$145,798,900
Wholesaling	196	\$19,640,700	\$48,571,100
Retailing	12	\$500,900	\$990,800
Finance, Insurance & Real Estate	510	\$73,041,400	\$188,591,100
Travel & Entertainment	218	\$9,404,000	\$23,355,200
Business & Personal Services	1,533	\$127,308,800	\$247,624,900
Government	49	\$4,565,400	\$6,772,900
Total Supplier Impacts	3,285	\$301,226,400	\$753,471,900
Induced Impacts			
Agriculture	3	\$91,200	\$240,600
Mining	2	\$173,200	\$777,100
Construction	18	\$1,472,100	\$3,094,200
Manufacturing	68	\$5,848,200	\$45,749,300
Transportation & Communication	207	\$22,264,300	\$66,427,200
Wholesaling	100	\$9,913,600	\$24,665,000
Retailing	321	\$13,213,100	\$27,229,300
Finance, Insurance & Real Estate	561	\$59,555,100	\$222,600,500
Travel & Entertainment	380	\$14,645,700	\$34,664,300
Business & Personal Services	1,259	\$87,929,900	\$149,132,800
Government	24	\$2,160,400	\$3,279,700
Other	87	\$1,321,000	\$2,802,300
Total Induced Impacts	3,030	\$218,587,800	\$580,662,300
Total Economic Impact	8,377	\$680,173,700	\$1,884,326,400

Some details may not add due to rounding



TABS CONSULTING GROUP

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TESTIMONY BEFORE A PUBLIC HEARING **ON THE DSNY PROPOSED NEW RULES**

June 16, 2016

Good morning, my name is Norman Teitler. I am speaking to you as Executive Director of the Metropolitan NY Towing, Auto Body & Salvage Association. I am also the President of TABS Consulting Group which represents almost every dismantling facility located within New 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 Generated 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 a car, motorcycle or truck. Almost 90% 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 NYC – this must be changed.

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 processors 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 material 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:

(1) Best Buy and PC Richard stores, among many other businesses, deliver new consumer goods, such as stoves, televisions, refrigerators, etc. and take the old commodity back to deliver to a scrap processor for recycling. Surely, the City does not expect these businesses to become licensed by BIC in order to continue this practice. More importantly the City should not want to impose higher costs on consumers which will occur when these stores cannot recoup expenses as they do now from selling their scrap metal.

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

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? 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 employment of thousands of workers, yet only 1 scrap processor will benefit. That one is Sim's Metal Management, an international enterprise which is an Australian domiciled corporation. Does the Mayor seek to hurt all the mom and pop, multi-generational operations in New York City, simply to benefit one multi-national foreign corporation?

Most important of all, these Rules if passed as written will take almost \$60 million a year out of the pockets of New York City's voters and citizens. There are over 8 million New Yorkers. Every 20 years or so, they replace their stove, refrigerator, air-conditioning units and mattresses. Millions of these citizens have no car or means to personally transport this scrap metal to a processor facility. Other entrepreneurs assist them and pay them for their scrap. That's 400,000 people per year that won't be receiving on the average \$150 for their material, and that's when the price of metal is low as it is now. This totals a loss to NYC voters of \$60 million dollars per year.

Michael James cleans out his home in Fresh Meadows and replaces his stove, resulting in hundreds of pounds of scrap metal. He cannot fit these 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 pick-up truck.

Multiple this ordinary every day 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 their scrap, will be cheated out of money that should deservedly be theirs. The Rules must be changed to allow for 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 a given time frame. Most of these facilities do this reporting annually to the NYS Department of Environmental Conservation already – it would be simple to provide an additional copy to DSNY. Done without having scrap metal 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 NYC Department of Consumer Affairs.

If these Rules pass New York City will cause the following to occur:

- 1 – Destroy scrap metal businesses which have existed for decades within New York City;**
- 2 – Demonstrate that the Mayor of this City does not truly seek to make sure minorities have an opportunity to succeed as these Rules will drive hundreds of small peddlers out of business;**
- 3 – Increase the cost to businesses and citizens as they cannot benefit from the sale of scrap metal as has been done for the last fifty or more years;**
- 4 – Take millions of dollars out of the pockets of New York City voters who cannot sell their own scrap;**
- 5 - Drive business from New York City to Nassau, Westchester and New Jersey, where these horrendous Rules will not exist; and**
- 6 – 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.



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**Testimony of Melissa Iachan,
New York Lawyers for the Public Interest/Transform Don't Trash NYC
DSNY Public Hearing on Proposed Rules for Recycling Facilities
June 16, 2016**

Hello, my name is Melissa Iachan, and I am a senior staff attorney in the environmental justice program at New York Lawyers for the Public Interest (NYLPI). I am presenting public comment today on behalf of both NYLPI and the Transform Don't Trash NYC coalition, of which NYLPI is a core member.

Transform Don't Trash NYC is a diverse group of environmental, labor, environmental justice, and community organizations advocating for fundamental reform of New York City's commercial 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 recyclables.

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 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 NYC's commercial diversion rate lags far behind other major cities, and 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 4-59 and 4-60 of the proposed rules provide the city the ability to revoke or suspend the licenses of operators that violate local, state, and federal regulations including labor laws, recycling laws, and environmental laws. The private waste and recycling industry continues to be one of the most dangerous industries in the nation for workers¹. Tragically, there have been many unnecessary worker deaths in NYC recycling facilities in recent years due 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 recycling facilities comply, and to that facilities found to be violating these laws are not allowed to keep operating.

While we believe the proposed rules are an important step in the right direction, we would like to see some additional clarification and regulations to further address the fundamental problems of the commercial waste industry:

1. Section 4-58(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 material received from specific sources, including specific individual licensed haulers (meaning, company names), DSNY, 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 reporting.

2. We are concerned that the proposed rules do not go far enough to prevent the landfilling or incineration of recyclable materials by commercial waste and

¹ http://nycosh.org/wp-content/uploads/2016/05/DirtyDangerous_FullReport_Final.pdf

recycling facilities. The updated commercial recycling rules adopted by DSNY in February, 2016 require transfer stations to deliver translucent bags of source-separated 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 DEC showing zero recycling of glass material, and front-line workers in the waste industry confirm that recyclable materials including glass and plastics are often sent to landfill. We would like to see stronger language banning disposal of designated materials by recycling and transfer facilities to ensure that materials separated for recycling by customers are in fact recycled.

3. We are concerned that the registration scheme in this rule does not give the city the ability to address the concentration of recycling facilities in low-income communities of color, where many operate in M1 light manufacturing zones in close proximity to residences, parks, and schools. Rather than a registration scheme, 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 rule as a step toward greater transparency and accountability in a portion of city's commercial waste industry, but we believe that more fundamental reforms are needed to make the system efficient, divert far more material from disposal, and to create thousands of local, good jobs in recycling and reuse. 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 important matter.