



Shari C. Hyman
Commissioner and Chair

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TRADE WASTE ADVISORY BOARD
Meeting Minutes

Date: April 3, 2012
Time: 10:00 AM – 11:15 AM
Location: 100 Church Street 20th Floor, New York, NY 10007

Agenda:

1. Opening and Introduction
2. E-Waste Haulers Compliance Initiative
3. Online Applications and Other Regulatory Filings
4. Open Discussion (submitted in advance by members)

BIC Attendees:

Shari Hyman, Commissioner and Chair
Megan Bacigalupi, Chief of Staff
Abigail Goldenberg, General Counsel
Jayant Kairam, Assistant Commissioner
John Curry, Assistant Commissioner
Russell Bixler, Assistant Commissioner
Hector Serrano, Assistant Commissioner
Sarah Nasir, Director
David Mandell, Deputy General Counsel
Michael Mirabella, Senior Special Counsel
Patricia Corrigan, Counsel

Mayor's Office Attendees:

Brian Mahanna, Office of Deputy Mayor Holloway
Robert Goldrich, Office of Deputy Mayor Steel
Emily Rubenstein, Office of Long Term Planning and Sustainability
Rachel Van Tosh, Office of Long Term Planning and Sustainability

Industry Attendees:

Ronald Bergamini, Action Carting
Thomas McMahon, TLM Associates, representing Action Carting
Thomas Toscano, Mr. T. Carting
David Biderman, NSWMA
Damyon Filoberto, Filco
Andrew Moss, IESI (Progressive Waste)
Stephen Leone, eRecycling

Members Not Present:

Edward Apuzzi, IESI
Andrew Bartlett, Oakleaf
Robert Conigatti, Cutting Room Recycling
Robert Herinsky, BRM Trucking II
James Hortenstine, Stericycle
Dominick Incantalupo, MM Sanitation
David Lesser, Gotham Grease Recycling
David Nicoletti, AAA Shredding
John Power, Con-Kel Landscaping



Prepared Comments

Opening and Introduction

The Commissioner started the meeting by welcoming board members and introducing her new staff members: Megan Bacigalupi, Chief of Staff; Abigail Goldenberg, General Counsel; and Jayant Kairam, Assistant Commissioner.

e-Waste Haulers Compliance Initiative

Jayant Kairam explained that the Commission was investigating several e-waste hauling companies operating in New York City. These companies will be notified of New York City's license requirement and given an opportunity to come into compliance, where applicable. If they fail to do so, enforcement actions will ensue. The penalties for unlicensed hauling of Trade Waste in New York City include a fine of up to \$10,000 per day of unlicensed operation.

Members thanked the Commission for its efforts and stated that unlicensed carting by e-waste haulers was a growing problem and a clear concern.

Online Application and Other Regulatory Filings

Commissioner Hyman stated that she was exploring design of a platform to accept applications and other regulatory filings online. This system could streamline operational processes and document requirements, saving businesses and the agency time and the expense of the current paper based system. Members stated that they would be in favor of the plan and that it would be most useful for the following to be accepted online: renewal applications, employee disclosure forms, subcontract requests forms, financial statement forms and sale applications. The Commissioner stated that she hoped that this system would be used by all carters, but that paper-based options would still be available.

Open Discussion

Rate Cap

A general discussion of the rate cap commenced. Members stated that the rate cap was stymieing growth and weakening an ailing industry. Members stated that it was possible that companies without large capital reserves may cease operation and interrupt service, if the price of fuel were to skyrocket in response to world events.

In response, Commissioner Hyman stated that the City has been reviewing the industry's request to eliminate the rate cap but that its implications reach far beyond licensed carters. Every citizen of the City will be affected due to the potential impact of prices charged to commercial establishments. To study the issue and conduct outreach, a multiagency team has been assembled and is scheduled to complete its study and outreach in Summer 2012. At which time the Commissioner will make her recommendation to City Hall.

Cardboard Recycling

Commissioner Hyman stated that the Commission's investigations into cardboard theft are ongoing and that there were 6 arrests over the past 3 weeks. Members appreciated the Commission's efforts, but expressed that the misdemeanor penalties were not severe enough to deter the conduct. Members stated that they hired a private security firm to contemporaneously investigate the issue and provide the Commission with any helpful information. Some members claimed to have lost over a million dollars a year in revenue due to cardboard theft. The Commissioner stated that she would welcome information from the consultant and review their findings.

Fuel Surcharges

Members requested the ability to charge customers a fuel surcharge to offset rising fuel prices. The Commissioner reiterated the agency's position that members are free to renegotiate rates with their customers, subject to the terms of their contract and the rate cap. The Commissioner stated that she would not consider such a proposal, as in light of the evaluation of the rate cap.