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THE CITY OF NEW YORK
BUSINESS INTEGRITY COMMISSION
CITY ADMINISTRATIVE PROCEDURE ACT
PUBLIC HEARING ON THE INCREASE OF
MAXIMUM RATES FOR TRADE WASTE REMOVAL

March 21, 2016

100 Church Street

New York, New York

10:26 a.m.

Reported By:

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A P P E A R A N C E S

Daniel D. Brownell, BIC Commissioner

Salvador Arrona, BIC Director of Policy

SPEAKERS:

Thomas N. Toscano, Chairperson, New York City Chapter
of the National Waste and Recycling Association;
CFO of Mr. T Carting Corp.

Adam Pasquale, Chief Operating Officer Recycle Track
Systems

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Proceedings

MR. BROWNELL: Good morning,
everyone. Sorry for the delay. The
initial court reporter had a problem so
this young lady was kind enough to come all
the way from Staten Island so we could
continue our hearing.

So my name is Dan Brownell,
Commissioner and Chairman of the Business
Integrity Commission, or BIC. Thank you
for attending today's hearing.

BIC is conducting this hearing
pursuant to the requirements set forth by
the City Administrative Procedure Act or
CAPA. The purpose of this hearing is to
receive comments from the public on BIC's
proposed rule governing the maximum rates
for trade waste removal, otherwise known as
the rate cap. BIC published the proposed
rule in the City Record on February 19th of
2016. We also disseminated a copy of the
rules via e-mail to all New York City local
elected officials, all 59 community board
managers, several media organizations in
the City and other interested parties.

1 Proceedings

2 Pursuant to Section 1043 of the New York
3 City Charter and exercising the authority
4 vested in the Commission by
5 Sections 1043(a) and 2101 of the New York
6 City Charter, and by Sections 16-504 and
7 16-519 of Title 16-A of the New York City
8 Administrative Code, BIC has the authority
9 to adopt rules relating to the maximum
10 rates for trade waste removal.

11 The last adjustment to the maximum
12 rates was in 2013. On October 30th of
13 2015, and I think many of you were at that
14 hearing over -- closer to the court house,
15 BIC held an open hearing regarding the
16 maximum rates charged by a licensee for the
17 collection, removal, disposal or recycling
18 of trade waste. The hearing was attended
19 by representatives of the trade waste
20 industry and other interested parties, some
21 of whom testified and others who submitted
22 written testimony. In addition, the
23 Commission received and considered written
24 submissions after the hearing.

25 The Commission has carefully

Proceedings

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2 evaluated the information provided
3 throughout the process, as well as other
4 information, including the Producer Price
5 Index and other factors enumerated by NYCRR
6 Title 17, Chapter 1, Section 5-02(g).

7 After such consideration, BIC has proposed
8 an increase to the current maximum rate
9 allowed to be charged by the trade waste
10 haulers of 3.3 percent. This increase
11 would result in maximum rates of \$18.87 per
12 cubic yard and \$12.38 per 100 pounds.

13 You may present an oral statement or
14 submit written comments concerning the
15 proposed rule change. Additionally, BIC
16 has been accepting written comments on the
17 proposed rule since its publication in the
18 City Record and will continue to do so
19 through the close of business today which
20 is March 21st of 2016, for the record.

21 BIC will make available a copy of
22 any written comments that we receive in
23 connection with today's hearing for viewing
24 on its website later this week. BIC will
25 carefully consider all such comments.

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Proceedings

Following that consideration, we will issue proposed final rules and publish them in the City Record. The rules will become effective 30 days after publication.

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

I think Tom Toscano is the first speaker.

MR. TOSCANO: Good morning. I'm Thomas Toscano. I'm the Chairperson of the New York City Chapter of the National Waste and Recycling Association, and I'm also the Chief Financial Officer at Mr. T Carting.

On behalf of NWRA, I thank the BIC and Commissioner for moving on increasing the rate cap. As I previously testified, New York City is an extremely competitive

Proceedings

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2 market, and the rate cap is not necessary
3 to prevent customers from being
4 overcharged. In fact, the rate cap
5 prevents customers from getting additional
6 and enhanced services because carters are
7 constrained by the cap. Despite this, we
8 feel the rate increase is a move in the
9 right direction and I look forward to
10 working with the BIC to eliminate it in the
11 future. Thank you.

12 MR. ARRONA: Is there anyone else in
13 the room who wishes to testify at this
14 moment?

15 (No response.)

16 MR. BROWNELL: Anyone have any jokes
17 or anything?

18 (No response.)

19 MR. BROWNELL: So as we said at the
20 October meeting, you know, we very much
21 know that this is a very fluid
22 conversation. The issue of the rate cap is
23 just a lot of issues with regard to trade
24 waste that are, you know, up for discussion
25 as things are accelerating at all sorts of

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Proceedings

levels.

So, you know, I expect we're going to have lots of conversations, both informal, formal and otherwise as we move forward to try to come up with the best measures that we can to move the industry forward with regard to, you know, environmental concerns, safety concerns, obviously, you know, making sure that the trade waste industry itself is economically viable and functioning well and all of these things. And as always, and I know a lot of you have called and set up meetings, you know, we're happy to sit down and discuss anything with anybody, I mean, basically. So I look forward to hearing from you, and thanks for coming today.

MR. ARRONA: So we'll keep the record open for ten minutes in case anyone -- do you want to keep it open for ten minutes or do you want to close it?

MR. BROWNELL: You don't think that's a waste of electricity?

You're the sergeant at arms, you

1 Proceedings

2 call the shots.

3 MR. ARRONA: Let's keep it open for
4 ten minutes and then we'll close it.

5 MR. BROWNELL: Is there anything, as
6 long as some of us are here, that you want
7 to talk about?

8 We have one question.

9 MR. PASQUALE: When is the new rate
10 cap -- Adam Pasquale. When is the new rate
11 cap actually in effect?

12 MR. BROWNELL: Probably by the end
13 of April.

14 UNIDENTIFIED SPEAKER: 30 days.

15 MR. BROWNELL: Yeah.

16 MR. PASQUALE: Just change those
17 contracts online that don't reflect that.

18 MR. BROWNELL: All right. Well,
19 thanks for coming, everybody.

20 (Whereupon, there is a pause in the
21 proceedings.)

22 MR. ARRONA: This concludes our CAPA
23 Hearing. Thank you. I will now close the
24 record. It is 11:00 a.m.

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

**Business Integrity Commission City Administrative Procedure Act Hearing
March 21, 2016**

<p align="center">A</p> <p>a.m (3) 1:11 9:24,25 ability (1) 10:14 accelerating (1) 7:25 accepting (1) 5:16 accurately (1) 6:12 Act (2) 1:4 3:14 action (1) 10:16 Adam (2) 2:10 9:10 addition (1) 4:22 additional (1) 7:5 Additionally (1) 5:15 adjustment (1) 4:11 Administrative (3) 1:4 3:14 4:8 adopt (1) 4:9 affiliation (1) 6:10 allowed (1) 5:9 anybody (1) 8:16 April (1) 9:13 arms (1) 8:25 Arrona (5) 2:4 7:12 8:19 9:3,22 Association (2) 2:8 6:20 attended (1) 4:18 attending (1) 3:11 authority (2) 4:3,8 available (1) 5:21 AVENUE (1) 1:22</p>	<p>Chairperson (2) 2:7 6:18 change (2) 5:15 9:16 Chapter (3) 2:7 5:6 6:19 charged (2) 4:16 5:9 Charter (2) 4:3,6 Chief (2) 2:10 6:21 Church (1) 1:9 City (14) 1:2,4 2:7 3:14,20,22,25 4:3,6,7 5:18 6:4,19,25 clearly (1) 6:11 close (4) 5:19 8:22 9:4,23 closer (1) 4:14 Code (1) 4:8 collection (1) 4:17 come (2) 3:5 8:6 coming (2) 8:18 9:19 comments (5) 3:16 5:14,16,22,25 Commission (5) 1:3 3:10 4:4,23 4:25 Commissioner (3) 2:3 3:9 6:23 community (1) 3:23 competitive (1) 6:25 concerning (1) 5:14 concerns (2) 8:9,9 concludes (1) 9:22 conducting (1) 3:12 connection (1) 5:23 consider (1) 5:25 consideration (2) 5:7 6:2 considered (1) 4:23 constrained (1) 7:7 continue (2) 3:7 5:18 contracts (1) 9:17 conversation (1) 7:22 conversations (1) 8:4 copy (2) 3:21 5:21 Corp (1) 2:8 COUNTY (1) 10:6 court (3) 3:4 4:14 6:11 cubic (1) 5:12 current (1) 5:8 customers (2) 7:3,5</p>	<p align="center">E</p> <p>E (4) 2:2,2 10:2,2 e-mail (2) 1:24 3:22 economically (1) 8:11 effect (1) 9:11 effective (1) 6:5 elected (1) 3:23 electricity (1) 8:24 eliminate (1) 7:10 enhanced (1) 7:6 enumerated (1) 5:5 environmental (1) 8:9 evaluated (1) 5:2 everybody (1) 9:19 exercising (1) 4:3 expect (1) 8:3 extremely (1) 6:25</p>
<p align="center">B</p> <p>basically (1) 8:17 behalf (1) 6:22 best (2) 8:6 10:14 BIC (13) 2:3,4 3:10,12,19 4:8,15 5:7,15,21,24 6:22 7:10 BIC's (1) 3:16 blood (1) 10:16 board (1) 3:23 Brownell (10) 2:3 3:2,8 7:16,19 8:23 9:5,12,15,18 business (3) 1:3 3:9 5:19</p>	<p align="center">D</p> <p>D (1) 2:3 Dan (1) 3:8 Daniel (1) 2:3 day (1) 10:20 days (2) 6:5 9:14 delay (1) 3:3 Despite (1) 7:7 direction (1) 7:9 Director (1) 2:4 discuss (1) 8:16 discussion (1) 7:24 disposal (1) 4:17 disseminated (1) 3:21</p>	<p align="center">F</p> <p>F (1) 10:2 FACSIMILE (1) 1:24 fact (1) 7:4 factors (1) 5:5 February (1) 3:20 feel (1) 7:8 final (1) 6:3 Financial (1) 6:21 first (1) 6:15 five (1) 6:14 fluid (1) 7:21 Following (1) 6:2 foregoing (1) 10:12 formal (1) 8:5 forth (1) 3:13 forward (4) 7:9 8:6,8,17 full (1) 6:9 functioning (1) 8:12 further (1) 10:15 future (1) 7:11</p>
<p align="center">C</p> <p>C (3) 2:2 10:2,2 call (1) 9:2 called (1) 8:14 calling (1) 6:6 cap (8) 3:19 6:24 7:2,4,7,22 9:10 9:11 CAPA (2) 3:15 9:22 carefully (2) 4:25 5:25 carters (1) 7:6 Carting (2) 2:8 6:21 case (1) 8:20 Cassella (3) 1:17 10:8,23 certify (2) 10:10,15 CFO (1) 2:8 Chairman (1) 3:9</p>	<p align="center">G</p> <p>getting (1) 7:5 going (1) 8:3 Good (2) 3:2 6:17 governing (1) 3:17</p>	<p align="center">H</p> <p>hand (1) 10:20 happy (1) 8:15 haulers (1) 5:10 hearing (12) 1:5 3:7,11,12,15 4:14 4:15,18,24 5:23 8:17 9:23 held (1) 4:15 hereunto (1) 10:19 house (1) 4:14</p>
<p align="center">I</p>	<p align="center">I</p>	

**Business Integrity Commission City Administrative Procedure Act Hearing
March 21, 2016**

<p>including (1) 5:4 increase (4) 1:5 5:8,10 7:8 increasing (1) 6:23 Index (1) 5:5 industry (3) 4:20 8:7,11 informal (1) 8:5 information (2) 5:2,4 initial (1) 3:4 Integrity (2) 1:3 3:10 interested (3) 3:25 4:20 10:17 Island (1) 3:6 issue (2) 6:2 7:22 issues (1) 7:23</p>	<p align="center">N</p> <hr/> <p>N (2) 2:2,7 name (2) 3:8 6:9 National (2) 2:8 6:19 necessary (1) 7:2 new (15) 1:2,10,10,23 2:7 3:22 4:2 4:5,7 6:19,25 9:9,10 10:4,9 Notary (1) 10:8 noted (1) 9:25 NWRA (1) 6:22 NYCRR (1) 5:5</p>	<p>question (1) 9:8</p> <hr/> <p align="center">R</p> <hr/> <p>R (2) 2:2 10:2 rate (9) 3:19 5:8 6:24 7:2,4,8,22 9:9,10 rates (6) 1:6 3:17 4:10,12,16 5:11 receive (2) 3:16 5:22 received (1) 4:23 record (7) 3:20 5:18,20 6:4 8:20 9:24 10:13 Recycle (1) 2:10 recycling (3) 2:8 4:17 6:20 reflect (1) 9:17 regard (2) 7:23 8:8 regarding (1) 4:15 related (1) 10:15 relating (1) 4:9 removal (4) 1:6 3:18 4:10,17 reported (2) 1:16 10:11 reporter (2) 3:4 6:11 REPORTING (1) 1:22 representatives (1) 4:19 requirements (1) 3:13 response (2) 7:15,18 result (1) 5:11 RICHMOND (1) 10:6 right (2) 7:9 9:18 room (1) 7:13 rule (4) 3:17,20 5:15,17 rules (4) 3:22 4:9 6:3,4</p>
<p align="center">J</p> <hr/> <p>Jennifer (3) 1:17 10:8,23 jokes (1) 7:16</p>	<p align="center">O</p> <hr/> <p>obviously (1) 8:10 October (2) 4:12 7:20 Officer (2) 2:10 6:21 officials (1) 3:23 online (1) 9:17 open (4) 4:15 8:20,21 9:3 Operating (1) 2:10 oral (1) 5:13 order (1) 6:8 organizations (1) 3:24 outcome (1) 10:18 overcharged (1) 7:4</p>	<p align="center">S</p> <hr/> <p>S (1) 2:2 safety (1) 8:9 Salvador (1) 2:4 Section (2) 4:2 5:6 Sections (2) 4:5,6 sergeant (1) 8:25 services (2) 1:22 7:6 set (3) 3:13 8:14 10:19 shots (1) 9:2 signed (1) 6:8 sit (1) 8:15 slowly (1) 6:10 Sorry (1) 3:3 sorts (1) 7:25 speak (3) 6:7,9,10 speaker (2) 6:16 9:14 SPEAKERS (1) 2:6 ss (1) 10:5 state (3) 6:9 10:4,9 statement (2) 5:13 6:14 statements (1) 6:13 Staten (1) 3:6 STENO-KATH (1) 1:22 Stenokath@verizon.net (1) 1:24</p>
<p align="center">K</p> <hr/> <p>keep (3) 8:19,21 9:3 kind (1) 3:5 know (8) 7:20,21,24 8:3,8,10,13,15 known (1) 3:18</p>	<p align="center">P</p> <hr/> <p>P (2) 2:2,2 parties (3) 3:25 4:20 10:16 Pasquale (4) 2:10 9:9,10,16 pause (1) 9:20 percent (1) 5:10 please (1) 6:9 Policy (1) 2:4 pounds (1) 5:12 present (1) 5:13 prevent (1) 7:3 prevents (1) 7:5 previously (1) 6:24 Price (1) 5:4 Probably (1) 9:12 problem (1) 3:4 Procedure (2) 1:4 3:14 proceedings (10) 3:1 4:1 5:1 6:1 7:1 8:1 9:1,21 10:11,13 process (1) 5:3 Producer (1) 5:4 proposed (6) 3:17,19 5:7,15,17 6:3 provided (1) 5:2 public (3) 1:5 3:16 10:8 publication (2) 5:17 6:5 publish (1) 6:3 published (1) 3:19 purpose (1) 3:15 pursuant (2) 3:13 4:2</p>	<p align="center">Q</p> <hr/>
<p align="center">L</p> <hr/> <p>lady (1) 3:5 Let's (1) 9:3 levels (1) 8:2 licensee (1) 4:16 limit (1) 6:13 local (1) 3:22 long (1) 9:6 look (2) 7:9 8:17 lot (2) 7:23 8:14 lots (1) 8:4</p>	<p align="center">M</p> <hr/> <p>making (1) 8:10 MAMARONECK (2) 1:22,23 managers (1) 3:24 March (3) 1:8 5:20 10:20 market (1) 7:2 marriage (1) 10:17 matter (2) 10:12,18 maximum (7) 1:6 3:17 4:9,11,16 5:8,11 mean (1) 8:16 measures (1) 8:7 media (1) 3:24 meeting (1) 7:20 meetings (1) 8:14 minutes (4) 6:14 8:20,22 9:4 moment (1) 7:14 morning (3) 3:2 6:7,17 move (3) 7:8 8:5,7 moving (1) 6:23</p>	<p align="center">S</p> <hr/>

**Business Integrity Commission City Administrative Procedure Act Hearing
March 21, 2016**

<p>Street (1) 1:9 submissions (1) 4:24 submit (1) 5:14 submitted (1) 4:21 sure (1) 8:10 Systems (1) 2:11</p> <hr/> <p align="center">T</p> <hr/> <p>T (4) 2:8 6:21 10:2,2 talk (1) 9:7 ten (3) 8:20,22 9:4 testified (2) 4:21 6:24 testify (2) 6:7 7:13 testimony (1) 4:22 thank (4) 3:10 6:22 7:11 9:23 thanks (2) 8:18 9:19 things (2) 7:25 8:13 think (3) 4:13 6:15 8:23 Thomas (2) 2:7 6:18 Time (1) 9:25 Title (2) 4:7 5:6 today (2) 5:19 8:18 today's (2) 3:11 5:23 Tom (1) 6:15 Toscano (4) 2:7 6:15,17,18 Track (1) 2:10 trade (8) 1:6 3:18 4:10,18,19 5:9 7:23 8:11 transcribe (1) 6:12 transcript (1) 10:13 true (1) 10:13 try (1) 8:6</p> <hr/> <p align="center">U</p> <hr/> <p>understand (1) 6:12 UNIDENTIFIED (1) 9:14</p> <hr/> <p align="center">V</p> <hr/> <p>vested (1) 4:4 viable (1) 8:12 viewing (1) 5:23</p> <hr/> <p align="center">W</p> <hr/> <p>want (3) 8:21,22 9:6 waste (11) 1:6 2:8 3:18 4:10,18,19 5:9 6:19 7:24 8:11,24 way (2) 3:6 10:17 we'll (2) 8:19 9:4 we're (2) 8:3,15 website (1) 5:24 week (1) 5:24 WHEREOF (1) 10:19 wish (1) 6:7 wishes (1) 7:13 within-entitled (1) 10:12 WITNESS (1) 10:19 working (1) 7:10</p>	<p>written (5) 4:22,23 5:14,16,22</p> <hr/> <p align="center">X</p> <hr/> <p align="center">Y</p> <hr/> <p>yard (1) 5:12 Yeah (1) 9:15 York (13) 1:2,10,10,23 2:7 3:22 4:2 4:5,7 6:19,25 10:4,9 young (1) 3:5</p> <hr/> <p align="center">Z</p> <hr/> <p align="center">0</p> <hr/> <p align="center">1</p> <hr/> <p>1 (1) 5:6 10:26 (1) 1:11 100 (2) 1:9 5:12 1043 (1) 4:2 1043(a) (1) 4:5 10543 (1) 1:23 11:00 (2) 9:24,25 12.38 (1) 5:12 139 (1) 1:22 16-504 (1) 4:6 16-519 (1) 4:7 16-A (1) 4:7 17 (1) 5:6 18.87 (1) 5:11 19th (1) 3:20</p> <hr/> <p align="center">2</p> <hr/> <p>2013 (1) 4:12 2015 (1) 4:13 2016 (4) 1:8 3:21 5:20 10:20 21 (1) 1:8 2101 (1) 4:5 212.95.DEPOS (1) 1:23 21st (1) 5:20</p> <hr/> <p align="center">3</p> <hr/> <p>3.3 (1) 5:10 30 (2) 6:5 9:14 30th (2) 4:12 10:20</p> <hr/> <p align="center">4</p> <hr/> <p align="center">5</p> <hr/> <p>5-02(g) (1) 5:6 59 (1) 3:23</p> <hr/> <p align="center">6</p> <hr/> <p align="center">7</p> <hr/> <p align="center">8</p>	<hr/> <p align="center">9</p> <hr/> <p>914.381.2061 (1) 1:23 914.722.0816 (1) 1:24 953.3767 (1) 1:23</p>
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