



New York City Environmental Justice Alliance

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On the ground – and at the table

Testimony for the Commercial

Waste Zone Draft EIS Hearing, NYC Environmental Justice Alliance

March 14, 2019

My name is ‘Tok’ Michelle Oyewole, Ph.D., and I am testifying on behalf of the New York City Environmental Justice Alliance (NYC-EJA). Founded in 1991, NYC-EJA is a non-profit citywide membership network linking grassroots organizations from low-income neighborhoods and communities of color in their fight for environmental justice.

For decades, NYC-EJA has led efforts for comprehensive policy reforms to address the disproportionate burden of New York’s solid waste system on a handful of environmental justice communities. To handle nearly 35,000 tons of garbage generated each day in NYC, waste trucks needlessly travel thousands of miles per night through multiple boroughs of New York City, polluting our air with diesel fuel, clogging our streets, and diminishing our quality of life. The impacts are greatest in those few low-income and communities of color where truck-dependent transfer stations are clustered, causing higher proportions of health consequences such as asthma, heart disease, and cancer.

We have reviewed the draft EIS of the commercial waste zone plan in depth and we are overall pleased it confirms what we have been saying all along: the current commercial waste collection system is inefficient, and an exclusive zoning system would result in the greatest possible reductions in air pollution, GHG emission, road damage, and noise, by taking miles of truck traffic and excessive vehicle pollution off of NYC city streets. We are also particularly pleased that the Request for Proposals (RFP) process could incentivize cleaner waste truck fleets by mandating compliance with existing laws such as 2007 EPA standards for vehicles, could incentivize better labor standards for workers, safety standards for pedestrians and cyclists, and transparency and price standards for customers. While our passage of the Waste Equity bill last year was instrumental in ensuring some reductions in permitted waste capacity in overburdened neighborhoods in North Brooklyn, the South Bronx, and Southeast Queens, we have some recommendations for the commercial waste zone proposal in light of the EIS findings that would improve its achievement of stated goals within EJ communities and the city as a whole:

- 1) **Vehicle miles traveled.** Although the exclusive zone proposal outlined in chapter 9 of the DGEIS is likely to result in decreased vehicle miles traveled throughout the city, due to clustering of waste transfer stations and truck depots or garages, certain neighborhoods which have already had historically higher burdens will see much lower reduction than others. We recommend the bill address the following:
 - a) **Geographic proximity.** The Commercial Waste Zone bill should ensure reduction in vehicle miles for overburdened communities by incentivizing waste transport to transfer stations geographically closest to the zones. This needs to include the Marine Transfer Stations which, while costlier to tip in, are equitably distributed throughout the city, well-run, and have the capacity to displace *even more* vehicle miles from the round-trip export of waste, or vehicle miles from 48 long haul diesel trucks per barge. We encourage inclusion of geographic proximity to transfer stations and marine transfer stations within the bill and RFP process; and we must keep in mind that Manhattan does not host any land-based transfer stations, only MTSs which are underutilized, meaning their waste is exported to outer boroughs and communities under the current system. We also propose that the bill subsidize haulers to tip into the well-run, more efficient MTSs.

- b) **Consortiums and subcontracts.** We are concerned with the proposal that operators awarded a zone will be able to form consortiums and subcontracts with other types of haulers, without any specified limits. If subcontracts are allowed and encouraged within each zone, they should be limited in number, specified in detail within the RFP beforehand, and should prioritize subcontractors using at least the same standards for the main carters, lest the functioning of the CWZ bill negate its stated goals and increase vehicle miles. We encourage the RFPs reward women and people of color in this primarily male industry by hiring MWBEs, in primary and subcontracts.
 - c) **Long-term contracts with facilities.** Incentivizing submission of RFPs with proposed contracts between haulers and the most proximate waste transfer station, would provide the added benefit of ensuring the amount of waste that flows to transfer stations, and allow them the ability to plan ahead and make infrastructural improvements.
 - d) **Study overburdened districts.** While we are pleased about and agree with the overall projection of VMT reduction based on three representative case study zones, we recommend that subsequent study specifically quantify the vehicle mile reduction in the three neighborhoods receiving 75% of the city's waste, to ensure they receive a fair share of reductions of vehicle miles traveled.
 - e) **Truck depots.** Future study regarding vehicle mile reductions should analyze and aim to reduce the effects of clustering of waste truck depots on vehicle miles traveled in neighborhoods, considering the added miles from origin and return to neighborhoods with truck depots.
 - f) **Monitoring.** We encourage truck counts and mileage trackers for haulers and subcontractors to ensure that VMTs are actually reduced in communities, where on some corners, such as in the South Bronx at a particularly bad corner, 304 trucks go by per hour, 45% of which are waste trucks.
- 2) **Regulate disposal facilities and improve landfill diversion:** Again we want to reiterate that the bill should not leave out the facilities where waste ends up for processing and export. Likewise, we want local benefits of increased diversion from landfill to include less processing of waste in our communities, which must be informed by fair share principles to avoid the clustering of composting or recycling once again in EJ communities. Further, the bill should:
- a) **Protect EJ communities & workers.** Because of the disproportionate siting of waste facilities in low-income communities of color, the new zoned system should ensure that poorly-sited facilities with a history of violations are not permitted to handle our city's waste. The City should also ensure that transfer, recycling, and compost facilities are required to meet the same basic labor standards as the carters.
 - b) **Prioritize aggressive facility oversight.** The same oversight over carters that this system promises should apply to facilities; communities of color should not have to deal with the noise, smell, pollution, and other disruptions caused by poorly-operating waste facilities.
 - c) **Incentivize diversion.** The EIS proposes to not invest more into construction of facilities, meaning that micro-haulers carting organic waste, who sometimes do so with bikes that do not add greenhouse gases or air pollutant emissions, do not have a guaranteed place to scale up this sustainable work. The bill has the opportunity to prioritize existing or new infrastructure for this work. Relatedly, the RFP process has the opportunity to increase the modest organics and recycling diversion goals stated within the EIS, to be more on par with West Coast cities that have implemented zoning, and more aligned with OneNYC goals of reaching *Zero Waste by 2030*.
 - d) **Increase education and regulation regarding separation along the waste chain.** This includes the customers, carters, facilities, and producers.

Lastly, we suggest that the weight allocated in the proposal of 40% for a carting fee is perhaps too high a proportion, and that reasonable and standardized rates for customers based on the amount of waste they contribute be mandated rather than weighted this way in the RFP; in so doing, weight could be allocated to all of the critical elements mentioned above.