The Garbage Behind, the Garbage Ahead

Benjamin Miller
Former Director, Policy Planning, New York City Department of Sanitation and author, Fat of the Land: Garbage in New York, the Last Two Hundred Years *(New York: Four Walls Eight Windows, 2000).*

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The 2,800 acre Fresh Kills landfill, where the remains of the World Trade Center are now being buried, the largest human-made object on the planet, has been the fulcrum on which New York's waste-management "policy" has been precariously balanced for more than half a century. And now that we have completely lost our balance—and decided to close it precipitously with no replacement in place, making generations of New Yorkers yet-unborn dependent on the kindness of strangers, the ghosts of the Twin Towers will not be the only parts of those four towering piles that will haunt us in the years to come.

The fact that Fresh Kills had become the only repository for all of the non-commercial waste generated within New York City reflected not just the paucity of our institutional mechanisms for dealing with the off-scourings of our civilization—as Robert Moses used to call them—but the fundamental inability of our democratic municipal processes to plan and implement long-term solutions to many of our most basic life-support needs.

The fact that we have now abandoned this one waste-management facility that was under the city's control points to an even more devastating failure of our political institutions—and to the utter irresponsibility of our municipal leaders.

How did we end up at Fresh Kills in the first place? Perhaps it is not surprising that the kinds of bankrupt public policy that brought us there—the all-but total lack of planning or open decisionmaking or democratic participation that started Fresh Kills—again come to the fore as we leave it.

The Road to Fresh Kills

New York City took its first step toward the creation of the Fresh Kills landfill on Staten Island in 1849. There was a cholera epidemic. People had the idea that the processing of smelly organic materials for recycling might be causing it. And so the city government first got the idea of controlling where waste went.

The city official responsible for managing the epidemic was the City Inspector. (He called himself a doctor, though he wasn't. He was, however, a Whig—as were the mayor and most of the Common Council—so his lack of professional credentials did not much matter.) It was he who first had the idea of getting a law passed to make it illegal to dispose of any animal waste anywhere within the city limits.

He then went on to invent the other three elements of the modern waste-management business model:

- he designated the location where the waste *could* go,

- he decided to make a single private entity responsible for handling it, and
- he decided to *pay* that entity, instead of, as had until then been the practice, allowing waste generators to *get paid* for letting someone take away their offal.

As it turned out, this City Inspector and some of his government colleagues also happened to be secret partners in the firm that got the contract.

The operation that they set up in 1852 on Barren Island in Jamaica Bay (now called Floyd Bennet Field and a part of the Gateway National Recreation Area) lasted until 1916. Only once in that whole 64-year period was there any competition in the award of the contract—and then a group composed of many of the same members got it anyway.

The result, of course, was that over all this time the city's waste-disposal costs simply went up.

The Barren Island garbage factories stayed in operation for decades despite continuous complaints from the neighbors. In the 1890s, one of them described the smell from the garbage factories as having "the range and flatness of trajectory of a modern coastal defense rifle."

The only reason that the Barren Island plant was *ever* closed down was that a *new* measure was adopted by *another* politically connected gang of speculators, who had a city *refuse* contract (for "dry" stuff—including ashes) under the name of the Brooklyn Ash Removal Company. They used this material to make residential real estate on the shores of Jamaica Bay (in which Barren Island nestled). They had the Board of Estimate adopt a measure which made it illegal to dispose of garbage "anywhere within the confines of Jamaica Bay."

Brooklyn Ash was run by a friend of the mayor's who was named William Reynolds. Having succeeded in shutting down the Barren Island plant, Reynolds next decided to get the city's next *garbage* contract for himself.

In 1916 he launched his new company, "Metropolitan By-Products," on an isolated piece of land on the West Shore of Staten Islands that happened to be called Fresh Kills. The buildings he built on the Fresh Kills Creek to process the city's garbage were used until last spring by the City Sanitation Department to run the Fresh Kills landfill.

In a kind of chilling foreshadowing, the mayor whose pal Reynolds happened to be had been elected as an anti-machine Republican reformer. He was a former prosecutor who had come to fame by investigating corruption charges against four of the city's borough presidents. As mayor, he became even more famous for his arrogance: referring specifically to his friend William Reynolds (who at that time was under indictment for a fraudulent land sale to the city), he told reporters that "those who don't like my friends can go to hell."

But when he lost his bid for re-election in 1917—the fumes from Fresh Kills that were knocking down golfers on Todt Hill, four miles downwind, did not help his campaign—the new mayor lost no time in fulfilling his campaign promise to "deal with the Metropolitan By-Products plant with an iron hand."

Herbert Hoover took the train up from Washington (where he was the Food Secretary) to beg the mayor to keep it open—because the allies in Europe depended on its grease for their tanks and its nitroglycerine for their shells. It was no use. Mayor Hylan shut down the plant overnight.

Then what? Hylan had no idea. He thought for a moment about trying to take the stuff back to Barren Island, but the neighbors soon made it clear that he could forget about trying that.

So he started dumping it in the ocean. Instead of pulling up at Fresh Kills creek, the tippy open-topped barges were just hauled miles out to sea, where the workers standing on them—the "Italians," as their commissioner called them—would pitchfork the stuff overboard.

Since a lot of the stuff did not stay in the ocean, but washed up on New Jersey, New Jerseyites could scarcely be blamed for suing the city—especially since ocean-dumping, afterall, had been against federal law since 1888. Unfortunately for New Jersey, their suit dragged on for 16 years before the Supreme Court finally ordered the city out of the ocean on July 1, 1934.

During those years of ocean dumping, the city had used Rikers Island as a backup whenever the weather was too rough for the "the Italians"—which effectively meant most of the winter months. Rikers Island, as a consequence, had more than doubled in size. On July 1, 1934, when it was the city's only remaining dumping place, it started growing faster than ever. It was already 140 feet high, and the city was petitioning the Corps of Engineers for permission to enlarge its area again.

Since the city had to change its waste-management system anyway, it decided to put an end as well to the private contracts that had been costing such a fortune. This meant the end of William Reynolds's Brooklyn Ash Removal

Company, which, ever since it had run out of residential real-estate to build on Jamaica Bay, had been piling refuse and ash on the Corona Meadows.

The huge hill they built there was known as Mount Corona. Mount Corona happened to be the piece of land Robert Moses needed for connecting an access road to the Triborough Bridge that he had just been given the responsibility for building. Using the Sanitation Department's waste-disposal budget, he was able to afford to buy it.

But he could not afford to *level* it until somone came up with the idea of holding a World's Fair there. Moses calculated that the Fair's customers would bring in enough revenue to enable him to turn Corona Meadows into a park. But if he was going to get anyone to come to the fair, he could not allow the Sanitation Department to keep dumping on Riker's Island just across the way. He insisted that landfilling on Rikers Island stop.

When Rikers Island closed, the city needed a new dumping ground. The Board of Estimate unanimously approved a plan to move the city's landfilling operations to Jamaica Bay, where the refuse could be used to build the foundations for an industrial seaport. But without letting anyone know why he did it, Moses single-handedly got the Board of Estimate to overturn the Jamaica Bay plan. At first he thought of immediately making the switch to Fresh Kills, but at the last moment he got cold feet, and used a landfill in the Bronx as a temporary stop gap.

In 1948, he was ready to make his move to Fresh Kills. To get the Borough President of Staten Island on board (the Borough President was a voting member of the Board of Estimate), Moses made a deal: the Borough President would vote for the landfill, and Moses would build the West Shore Expressway. Not coincidentally, obtaining the land to build the West Shore Expressway was Moses's reason for wanting the landfill in the first place: he needed an access road for the Verrazano-Narrows bridge he was secretly planning.

He also promised the Borough President that he would stop dumping raw garbage there within three years. In other words, by 1951.

He didn't do that. It was not that he *meant* to lie: he did build some incinerators. It was just that he could not build new incinerators fast enough to keep up with the pace at which old soot-belching incinerators were being shut down—mainly because even *he* had trouble finding enough neighborhoods willing to accept one.

And just as the old incinerators were shutting down, the city's dozens of landfills were closing too—until there was only one: Fresh Kills.

The Road From Fresh Kills

In 1988, after the *Mobro* garbage barge sailed for two months and six thousand miles trying to find a home before it brought its garbage back to be burned in an old Robert Moses-built incinerator on Jamaica Bay, the New York State legislature passed a law that required every municipality in the state to develop a plan for managing all of its wastes over the next twenty years.

I was asked to take charge of writing New York City's plan. With the help of Wally Jordan and lots of other people, I did. Its primary objective was developing a robust combination of in-city disposal capacity and out-of-city export contracts, combining municipal and private operations in a way that would give the city some control over its waste-management destiny for the next couple of decades.

But the plan that we wrote did not look much like the thing that the City Council finally approved after a tempestuous all-night session on the morning of August 26, 1992—and what was approved could scarcely have been called a "plan."

In its misguided insistence on getting just one facility approved—the waste-to-energy incinerator proposed for the Brooklyn Navy Yard—the administration and its allies spent so many millions of dollars wheeling and dealing the "newly empowered" City Council that as soon as a new mayor, Rudy Giuliani, was elected—and he had a budget crisis to deal with—he threw away all the promises they had made. And then he decided not to build the Brooklyn Navy Yard incinerator anyway.

So much for the garbage behind. What about the garbage ahead?

In 1996, when Rudy Giuliani suddenly announced that Fresh Kills would close on his last day in office, the landfill, by the city's figures, had at least twenty years of capacity left. With any reasonable combination of waste-management programs in place, it could easily have lasted fifty years. With the use of the kinds of bioreactor technology that are now being employed, it might well have stayed open forever.

That, however, is not what will happen. Instead, for the first time in its history, the city will not have the possibility of disposing of its own waste within the boundaries of the five boroughs.

We have completely abdicated control over the transfer and disposal of all of our waste to a particularly predatory segment of the private sector, a segment in which four global firms receive over 85 percent of this country's waste-disposal revenues, and in which the vertical integration from pickup into the collection truck to dump out at the landfill is virtually seamless.

The monopolists who own these landfills will no doubt claim that their "environmentally sound" new landfills will be better for the planet than Fresh Kills was, but the evidence is not yet in to establish that closing Fresh Kills will have any positive effects on the environment, or on anyone's health—especially given the fact that the only environmental impacts we can quantify with any certainty are the additional emissions that will be associated with shipping our waste hundreds or thousands of miles away.

The only *economic* impact that can be established with any reasonable certainty (not that I want to suggest that *any* kind of cost-benefit analysis appears to have gone into this decision-making process) is that the cost of waste disposal is going to go up and up over time, not just for New York City, but for the whole eastern seaboard, since New York City—the nation's single largest waste-generator—no longer has any leverage at the bargaining table.

What does the garbage behind us suggest is likely to happen in the years ahead?

In May, 1996, the Mayor and the Governor announced that FK would close. In March, 1998, the city selected proposals from four private waste-management firms for further review.

The four firms were:

- Browning-Ferris Industries
- Eastern Waste
- USA Waste, and
- Waste Management.

Within a few days, two of the four firms, Waste Management and USA Waste, announced that they were merging. Five months later, the list now reduced through merger to three, Waste Management and Eastern Waste announced that they were merging. Four months after that, to get merger approval from the Justice Department, Waste Management agreed to sell Eastern Waste's NYC proposal to Republic Services. Three months later, Browning-Ferris announced that it was merging with Allied Waste Industries.

Hell of a competitive industry.

Meanwhile, on the commercial side, where, as one person put it, we have gone from fifty wise guys to five guys in suits, the prices that the Trade Waste Commission had been so proud of getting from these publicly owned firms that had recently entered New York City were starting to head north. In the last six months of last year, Waste Management dropped a thousand customers a month, and at the beginning of this year, the big three private carters—who between them control a quarter of the market—told the Trade Waste Commission that if it did not let them raise their rates past the cap they would drop more customers or leave the city altogether.

The day that the mayor and governor announced that they were shutting Fresh Kills, a bill to ban the interstate transport of waste was starting to move ahead in Congress. The announcement gave it a good shot of adrenalin. Interstate waste export restrictions haven't kicked in yet—Governor Gilmore's unilateral attempt to impose them in Virginia was overturned, we like our interstate commerce in this country, and nothing is as sacred as a contract—but surely over time we are headed toward a ratcheting down on import levels. Which will not completely close off the supply of capacity, but certainly will help to jack up its price.

So far the progress in implementing the "plan" to send all of New York City's waste out of New York State has only gotten as far as selecting one vendor for one facility. It happens to be just across the narrow Arthur Kill from Staten Island, only an infield fly away from Fresh Kills—in Linden, NJ. It will take the lion's share of the city's waste, everything from Manhattan and much of the waste from Brooklyn and Queens.

Linden's mayor John T. Gregorio, whether or not by coincidence, is the father-in-law of the man who controls BFI's site. This son-in-law is getting a much higher per-ton reward for his services than the dollar-a-ton "host fee" that Linden would get.

Gregorio's reaction: "This will put us in the butter tub."

Since this whole affair is the subject of an ongoing grand jury investigation, it is too early to be able to tell whether or not the Linden project will ever happen. If it does, our history suggests, the stuff will keep flowing to

Linden not just for the foreseeable future, but for many decades to come, because the political difficulties in acquiring sites
(hence the pay-off, if pay-off it was, to the Gregorio family) mean that whoever controls sites that are already in use for waste-management purposes has in effect a monopoly on supply, and no competitors can get in.

Which means that the price is just going to continue to rise through the roof.

What is more likely, however, is that the Linden deal, like so many in our past, will simply collapse.

And if that happens, we will continue to be stuck for who-knows-how-many-years-to-come in the worst of all worlds, in the absurd situation where we drive our little white garbage trucks hundreds of miles on round trips across bridges and tunnels to New Jersey, increasing the costs of labor and maintenance and truck replacement and diesel fuel, to say nothing of the costs of increased pollution and congestion.

What should we be doing instead?

Our only hope is to reintroduce some degree of municipal control over the system. In order to bring some leverage over contract prices, we need to control, to some extent, *all* aspects of the system (not necessarily through ownership or operation, but at least contractual control): from collection, through transfer, to disposal. And there should be separate contracts for the transfer/containerization piece, and for the disposal piece, so that we will have containerized waste ready to send to any landfill in country. And turnkey contracts for transfer stations so that we can have some possibility for competition when transfer-station contracts come up for re-bidding.

With regard to re-introducing some degree of municipal control over the disposal side, any of the options that we have left would have seemed science fiction before the decision was made to make Fresh Kills illegal:

1. buy landfills outside the city, or lease landfill air rights, as our more-prescient nineteenth-century forebears once bought watersheds;
2. participate in a New York State regional landfill;
3. build garbage islands offshore;
4. implement regulatory reforms to break up the vertical integration in the waste-management industry;
5. amend the law that closed Fresh Kills to allow its use in the event of dire economic necessity—such as the one we now face.

For more reasons than we had ever begun to imagine, the next city administration will have its work cut out for it.