

New York City Department of Sanitation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing?

Pursuant to section 16-120 of the New York City Administrative Code, the Department of Sanitation (DSNY) is proposing a rule that states the time at which those that receive DSNY collection and those that receive private carter collection may place out their refuse and recyclables at the curb for pick-up.

When and where is the Hearing? DSNY will hold a public hearing on the proposed rule. The public hearing will take place 9:30 A.M. – 11:30 A.M. on January 6, 2015. The hearing will be at 125 Worth Street in Room 819.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DSNY through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to nycrules@dsny.nyc.gov
- **Mail.** You can mail written comments to DSNY, 125 Worth Street, Room 710, New York, NY 10013.
- **Fax.** You can fax written comments to DSNY at 212-788-3876.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing can sign up in the hearing room before the hearing begins on January 6, 2015.

Is there a deadline to submit written comments? The deadline for submitting written comments shall be January 6, 2015.

Do you need assistance to participate in the Hearing? You must contact the Department of Sanitation's Bureau of Legal Affairs if you need a reasonable accommodation because of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 646-885-5006. You must tell us by December 30, 2014.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at 125 Worth Street, Room 710, New York, NY 10013.

What authorizes DSNY to make this rule? Sections 753 and 1043(a) of the New York City Charter and Section 16-120 of the New York City Administrative Code authorize DSNY to make this proposed rule. This proposed rule was not included in DSNY's regulatory agenda for this Fiscal Year because it was not contemplated when DSNY published the agenda.

Where can I find DSNY's rules? DSNY's rules are in Title 16 of the Rules of the City of New York.

What rules govern the rulemaking process? DSNY must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

Section 16-120 of the New York City Administrative Code requires that all refuse and recycling be kept inside a building or at the rear of a building prior to collection time by the Department of Sanitation (DSNY) or a private carter. These rules specify how long before scheduled collection receptacles and bags containing refuse and recyclables may be placed at the curb for collection.

Collection by DSNY

Persons receiving DSNY collection will now be allowed to place their receptacles and bags containing solid waste and recyclables at the curb for collection by DSNY no earlier than 4:00 P.M. on the day before their scheduled collection.

Collection by Private Carter while an Establishment is Closed

Commercial establishments that receive collection from a private carter after the establishment is closed will be permitted to set out their solid waste and recyclables at the curb for collection within one hour of closing provided that the establishment's scheduled collection occurs before the establishment next reopens for business.

Collection by Private Carter while an Establishment is Open

Commercial establishments receiving collection from a private carter during hours in which the establishment is open can set out their solid waste and recyclables at the curb for collection no earlier than two hours before the scheduled collection time.

DSNY's authority for these rules is found in sections 753 and 1043(a) of the New York City Charter and section 16-120 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Chapter one of Title 16 of the Rules of the City of New York is amended by adding a new section 1-02.1, to read as follows:

§1-02.1 Placement of Receptacles and Bags Containing Solid Waste and Recyclables for Collection

(a) Occupants of residential buildings, public buildings, and special use buildings, except commercial occupants of residential buildings where Department collection service is not otherwise authorized by section 1-03 of this chapter, shall not place receptacles or bags containing solid waste or recyclables out at the curb for collection by the Department earlier than 4:00 p.m. on the day before scheduled collection.

(b) A commercial establishment that receives collection from a private carter while the establishment is closed may place receptacles or bags containing solid waste or recyclables out at the curb for collection within one hour of closing, provided that the scheduled collection occurs before the establishment next reopens for business. If collection is performed while an establishment is open, receptacles or bags containing solid waste or recyclables may be placed out at the curb for collection no earlier than two hours of before the scheduled collection time.

(c) If the Mayor declares a health or solid waste emergency, the Commissioner may change the authorized times for placement of receptacles or bags containing solid waste or recyclables for collection for the duration of the emergency.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Time for Placing Solid Waste for Collection

REFERENCE NUMBER: 2014 RG 081

RULEMAKING AGENCY: Department of Sanitation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: November 7, 2014

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Time for Placing Solid Waste for Collection

REFERENCE NUMBER: DSNY-8

RULEMAKING AGENCY: DSNY

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

November 7, 2014
Date