



## Commentary of the Brooklyn and Manhattan Solid Waste Advisory Boards

### Regarding the proposed rules for carters operating in Commercial Waste Zones (CWZ)

February 9, 2021

This commentary is presented on behalf of the Brooklyn Solid Waste Advisory Board (BkSWAB) and Manhattan Solid Waste Advisory Board (MSWAB). We are grateful for the opportunity to present commentary on the proposed rule changes. Given the SWABs' position as volunteer citizens' boards, and acknowledging that much discussion between DSNY and the commercial waste industry will be required to finalize the regulations from the logistical side, our commentary is focused on elements within the proposed rule changes that will support local businesses to manage their waste more sustainably through clear guidance, incentives to reduce and recycle, and access to consistent and accurate data.

Our comments on specific sections are as follows:

**Subchapter B, §20-21 (a) 2 (page 10):** *Rates for collection of designated recyclable materials and source separated organic waste must be proportionally lower than rates for refuse collection services*

It is important for the incentivization of recycling that it is cheaper than refuse. This rule change is positive but remains vague: rates could remain so close as to be meaningless. A minimum threshold for the difference in rates, commensurate with market conditions (e.g. recycling must be 10% cheaper) would strengthen this rule.

**§20-22 (a) 2 (page 12):** *An awardee must offer to each commercial establishment within a zone for which the awardee has been awarded an agreement including the following minimum level of service:*

- (i) At least two days of refuse collection per week;*
- (ii) At least one day of designated recyclable materials collection per week; and*
- (iii) If the commercial establishment is a designated covered establishment, at least one day of source separated organics collection per week.*

While the rules state that there is no issue with agreeing to fewer collections, the default balance of collections in the minimum level of service is still slanted in favor of refuse rather than recycling. A business that is recycling effectively will create as much, or more, recycling than refuse; to truly send the message that recycling is a priority, this should be reflected in equal levels of service as standard.

Additionally, the current language implies that an awardee in a particular zone must have the capacity to potentially serve every business within that zone. This has the potential to disproportionately favor larger carters and disadvantage smaller local carters including micro haulers. In line with [City Council Resolution of 0864-2019](#) declaring a climate emergency and President Biden's recent executive actions on climate change, this rule and future rules on subcontracting throughout the RFP process should encourage awardees to pursue local solutions for processing of waste, in particular organic waste, where possible.

**§20-22 (b) 2 (page 13):** *reasons for denial or termination*

The reasons for denial or termination of service do not explicitly include "persistent contamination of recycling". Although it may qualify as an "other good cause... consistent with the purposes of title 16-B" for refusal of collection, at present the burden of proof sits unduly with the carter who must continue to service the business until any dispute is resolved. A solution would be to allow the carter to collect previously uncollected contaminated recycling as refuse, and charge the customer at the refuse rate for this.

**§20-23 (a) 2 (page 15):** *An awardee may only refuse to collect commercial waste from a customer set out on a particular day resulting in the non collection of commercial waste, in the following circumstances: (2) Designated recyclable materials or source separated organic waste with contamination of at least 10 percent.*

It is unclear how the level of contamination is determined by the carter. This should be clearly explained to allow for consistency of assessment by different carters.

**§20-27 (a) 6 (page 22):** *(charges to be included on bill): An itemized list of actual charges being imposed detailing: The weight or volume of refuse, designated recyclable materials and source separated organic waste, if any, removed, and the charge for such weight or volume of such waste, broken down by waste stream, or, where the customer is being charged on a " or " billing rate, the estimated volume or weight of refuse, designated recyclable materials and source separated organic waste, if any, removed, and the charge for such estimated weight or volume of such waste, broken down by waste stream, along with a statement as to the method by which the estimated volume or weight was determined;*

It is good that an estimate of weight & volume will be included on each bill, allowing businesses to track their waste quantities. In the interests of consistency, it would be useful to define minimum standards for estimations that must be adhered to by all carters (e.g. estimated fill

levels for wheeled bins, standard weights of sacks, etc) to give each business a more accurate report of waste quantities.

**§20-30 (c) (page 23):** *If an awardee is authorized to operate in more than one zone... neither the awardee nor any of the awardee's designated carters shall operate a collection route with pick ups of commercial waste from customers in more than one zone.*

It is unclear what the reason is for not allowing collection routes to cross zone boundaries. It may facilitate collection of data on a zone-by-zone basis, but this is not explicitly mentioned in the rules. One of the major advantages of the implementation of CWZ is to reduce truck miles and associated carbon emissions; requiring carters to potentially drive past customers without being able to pick up their refuse or recycling has the potential to undermine this.

**§20-31 (d) (page 25):** *Upon request by a customer, an awardee must inform such customer of the location where such awardee transported such customer's designated recyclable materials for recycling, reuse or sale for reuse.*

Given that each awardee holds information on the destination of each customer's waste and recycling streams, it makes no sense to limit this information to "upon request". Including this information as standard, with notification of any changes, empowers the customer and potentially leads to less administrative burden in processing requests for information.

**§20-33 (d) 2 (page 28):** *In the case of an agreement with a transfer station, [such agreement must] provide that such transfer station must report to the awardee on an annual basis the name and address of each material recovery facility or other destination where designated recyclable materials received by such transfer station are sent and the mode of transport of such designated recyclable materials to each such facility or destination. Such information may be provided in the aggregate for all designated recyclable materials received by such transfer station.*

This reporting requirement only provides awardees with information on one step downstream in the supply chain. In the case of the material going to brokers or another transfer facility, there will be no information on its ultimate destination. Ideally the rules would require a transparent supply chain where transfer stations report to awardees the destination of each waste stream up to final processing.

The BkSWAB and MSWAB are committed to working with elected representatives and citizens towards a waste management system that effectively supports the environment and economy of New York City while enhancing the living spaces inhabited by all its residents.

Thank you for your consideration.

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