

Commentary of the Brooklyn Solid Waste Advisory Board



Regarding proposed regulations requiring Waste Management Plans for certain buildings

July 20, 2021

This comment is presented on behalf of the Brooklyn Solid Waste Advisory Board (BkSWAB) concerning the proposed change to the Rules of the City of New York (RCNY) requiring Waste Management Plans for certain buildings.

BkSWAB supports the intent of the proposed Rule to ensure that adequate provision is made, in new buildings with over 150 units and buildings converted from commercial to residential use, among other categories, for the effective separation and management of recyclable materials and organic waste from the municipal solid waste stream managed by the Department of Sanitation (although such buildings can opt for private-carrier collection services). However, we have concerns over the impact of this proposed rule change, and believe a more wide-ranging implementation would create more meaningful change.

- 1. The number of units in the rule change should be lowered to 50 units.** The residential construction market remains in a state of flux following the economic and social impact of Covid-19 on New York City. Buildings with over 150 units are large developments representative of a booming housing market; it is not possible to predict with confidence that a large number of these developments will be built in the decade to come. Applying this rule change to the upper end of the market therefore risks significantly limiting its implementation. By lowering the required number of units, a larger number of new developments will be included in the requirement, and its impact will be increased.
- 2. The requirement for a Waste Management Plan should be extended to existing buildings, not limited to new developments.** A Waste Management Plan for an existing building need not mandate upgrades to the building, but could include an assessment of the limitations of its current system, and what changes and investment would be required to upgrade it to the standards required of new buildings. This would be a valuable exercise for the building's operators and provide useful data to DSNY for operational and long-range planning purposes.
- 3. DSNY should be adequately resourced to actively engage with Waste Management Plans.** Particularly if point 2 above is implemented, the regulation should

provide assurances that DSNY will have appropriate staff and resources to review the plans that builders are required to provide. The regulation should also specify the timeframe for DSNY's review of both the initial and revised plans.

4. Best practice guidance should be made available to architects and designers.

DSNY should provide guidance to architects and builders as they design the program for new residential buildings by developing and issuing guidance materials. This will help to avoid unnecessary duplication of work and reduce the potential for redesign costs.

5. These regulations should be incorporated into the City's building code. In addition to amending Chapter 16 of the RCNY, it is essential that the intent of these regulations also be integrated into the process by which the City's building code is regularly updated. The code is more often referred to by the professionals involved in the conception, planning, design, development and management of residential buildings, and this regulation's inclusion in the code will maximise its impact.

This proposed Rulemaking also offers the opportunity to remind the Department of Sanitation that the Solid Waste Advisory Boards constituted under Local Law 19 of 1989, along with other stakeholders, exist for the purpose of advising the Department, the City Council and other entities as various rules, regulations, policies and program initiatives are considered, developed and promulgated. Such consultation can be more beneficial to developing consensus-driven outcomes if they are conducted prior to formal initiation of the CAPA process, which constrains the opportunity for contributing ideas, wisdom and experience, and makes unnecessarily opaque a process that should be regarded as collaborative.

We encourage the Department to consider its methods and processes for developing other Rules and regulations to more actively solicit the engagement and contributions of its external stakeholders - including the SWABs - as it is those stakeholders that actually will be charged with the effective implementation of those initiatives.

Thank you for your consideration.

The Brooklyn Solid Waste Advisory Board

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