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## **Comment Submitted by the Center for Zero Waste Design (CfZWD) on Proposed Rule to Amend Department of Sanitation Rules entitled “ Building Waste Management Plans”:**

CfZWD would like to thank the New York Sanitation Department (DSNY) for the opportunity to submit comments in response to their proposed rule change which would require certain buildings to submit a building waste management plan (the “Rule”). CfZWD was created by the authors of the [Zero Waste Design Guidelines \(ZWDG\)](#), a multi-stakeholder initiative including the American Institute of Architects NY (AIANY), architects, developers, urban planners, building managers, waste advocates, DSNY and other city agencies to help NYC achieve its zero waste goals. One of the particular requirements of the ZWDG was that new buildings should be required to develop a [Waste Management Plan](#) to ensure that all waste streams can be separated and collected efficiently with reduced impact to the public realm - see below. We gave input when this bill was first proposed in March 2020, and appreciate the opportunity to give input again.

### **Summary of rule:**

Requires new residential multiple dwellings with 150 or more units to submit a waste management plan that outlines:

- Estimates of waste generation - trash, recyclable materials and organic waste for fully occupied building.
- Storage plans for trash, recyclables and organics that ensure 150 percent of generated waste can be stored, inside the building between regularly scheduled collections
- A plan to ensure that designated recyclable materials and organic waste are kept separate for recycling collection.
- Confirmation of compliance with Building Code sections 1213.1- 3
- Shows how and where the material will be placed out for DSNY collection, which must not impede the flow of pedestrian traffic
- Plans need to be submitted no later than when design drawings submitted to DOB, or the date of the rule, whichever is later. Applies to all buildings that have not yet been approved by DOB.

Such waste management plan must be submitted to DSNY in a form prescribed and made available on its website.

### **Comments:**

We are in strong support of this requirement, and are pleased that it includes a requirement for storage of organic waste, so that buildings will be planned for future organics separation, even though it is not mandated nor currently available in all neighborhoods.

We have the following comments and questions on the specifics of the rule:

1. The prescribed form for the waste management plan should have instructions with detailed information about how to calculate volumes and areas required for all streams, including waste stream densities, capture rates, and compaction rates for any compaction equipment used. These assumptions are all stated the online waste

calculator from the ZWDG, and maybe this could be used for planning purposes, or a similar calculator could be created by DSNY.

2. Criteria for determining “full occupancy” must also be given.
3. Criteria for assessing whether waste placed out for collection is a sidewalk obstruction must be defined. For example, how much width for clear pedestrian flow needs to be provided, must waste be a certain distance from a hydrant, can it be set out in a tree pit, how tall can the stack of bags be? If a sidewalk does not have enough space to accommodate all waste, and the building has used all the compaction equipment they can, what do they do? Do they need to use a Private Carter, or are there options for setting out waste in the street, like is commonly done now in the Financial District, see photos below:



4. We suggest that in these cases DSNY collect waste from containers on the street, like the [Clean Curbs](#) program.
5. We think this new rule should be a clearly communicated to designers and developers, and there need to be an explanatory [building bulletin](#), and it may make sense for the approval process to happen as a requirement for pulling a building permit, much like the process for [street trees](#). We also think there needs to be a clear process for examiners, from DOB or DSNY to review the plan and note objections, which must happen in a timely manner.
6. We would also recommend a requirement for sign-off to ensure that the building was built and any compaction equipment noted was furnished per the plan. This could be a special inspection or a DSNY review.
7. We would like to see a code change made to the BC 1213.3 requirement for a refuse chute. Many cities with high diversion rates, including San Francisco, Milan and Seoul (95% organics diversion) shut down existing chutes and made them non-permissible by building code. Currently NYC code requires a chute for trash and the ability to dispose of recycling on every story within the chute access room. For organics disposal to be equally convenient, bins for organics will be required on every story also, but that requires far more staff time to manage. For equity and affordable separation of organics



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for all buildings, a central waste room should be allowed for residents to dispose of all streams. See ZWDG page 225-226 for further discussion on this point.

8. We would like to see opportunities to process organic waste onsite, such as by use of in-vessel composting or a dry biodigester, or to use a local micro-hauler and compost service, to be options within the waste management plan, which would support local composting businesses, non-profits and urban agriculture initiatives, and support local soil regeneration. How this would figure into the waste calculations would need to be clearly explained, alongside any compaction equipment such as balers.
9. We would strongly recommend that a simple commissioning process also be required. NYC Energy Conservation Code requires commissioning of new buildings, and LL87 requires commissioning of all large buildings. These are essential to reduce energy in buildings. Similarly a requirement for a waste audit a year or two after occupancy would ensure that buildings were actually separating their recyclable materials and managing and setting out waste as outlined in the waste management plan. It would also help calibrate the waste calculator as waste volumes and densities fluctuate over time.
10. We would suggest that this rule be expanded to apply to smaller buildings and commercial buildings too - this may be set for a future date, but we think all buildings should be designed for effective recycling and waste management.