

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Sanitation (“DSNY”) is proposing to amend its rules to require certain buildings to submit a building waste management plan.

When and where is the hearing? DSNY will hold a public hearing on the proposed rule.. The public hearing will take place via Webex at 9:30AM on July 20, 2021 using the following link:

<https://dsnynyc.webex.com/dsnynyc/j.php?MTID=m65110b35cc806f754f13b087346781cf>

Tuesday, Jul 20, 2021 9:30 am | 1 hour 30 minutes | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 132 794 8866

Password: DSNYWMP720

Join by video system

Dial 1327948866@dsnynyc.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 132 794 8866

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

- **Website.** You can submit comments to DSNY through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to nycrules@dsny.nyc.gov.
- **Mail.** You can mail comments to DSNY, Bureau of Legal Affairs, 125 Worth Street, Room 710, New York, NY 10013.
- **Fax.** You can fax 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 must sign up to speak. You can sign up before the hearing by emailing mliguori@dsny.nyc.gov by July 19, 2021 at 5:00 P.M. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign-up in advance. You can speak for up to three minutes.

Is there a deadline to submit comments? Comments will be due to the Department of Sanitation by July 20, 2021.

What if I need assistance to participate in the hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation 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. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by July 13, 2021.

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/>. 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 on DSNY's website.

What authorizes DSNY to make this rule? Sections 753 and 1043 of the City Charter and Section 16-120 of the Administrative Code authorize DSNY to make this proposed rule. This rule was included in DSNY's regulatory agenda for this Fiscal Year.

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

What laws 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

When large, new buildings are designed, there currently is no requirement that such buildings consider waste management planning and incorporate measures for managing the substantial amount of refuse and recyclables generated by residents of such buildings. Curbside placement of piled bags of refuse generated at such buildings for collection by DSNY, given their large size, results in mountains of black bags placed along the curb on the sidewalks, not only obstructing pedestrian flow, but also impacting the quality of life of the surrounding area, especially in the summer months and after delayed collection during the winter months due to snow. These bags are also a huge food source for rats.

The proposed rule would require owners and/or managing agents of certain new residential multiple dwellings to submit a building waste management plan, which is subject to the approval of DSNY.

Section 1 of the proposed rule would make technical amendments to 16 RCNY 1-02(a) to conform with the new changes.

Section 2 of the proposed rule would add a new section 16 RCNY 1-02.2 that would require the submission of a waste management plan to DSNY. Such waste management plan would be required for the following classes of buildings:

- any new multiple dwelling building that contains 150 or more dwelling units; or
- any commercial building that is altered, enlarged or otherwise modified from its original physical design in order to be classified by DOB as a multiple dwelling building that contains 150 or more dwelling units; or

- any commercial building with 50 percent or more of its floor area renovated in order to be classified by DOB as a multiple dwelling building that contains 150 or more dwelling units.

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

- the name and contact information of the owner of such building, and his or her agent, if applicable;
- the number of dwelling units;
- the estimated amount of refuse, designated recyclable material, and organic waste that could be generated if building operates at full capacity;
- storage plans for refuse, designated recyclable material, and designated organic waste that could be generated while the building is in operation, ensuring sanitary storage of 150 percent of all the above materials as normally accumulated or generated within the building between any regularly scheduled collection;
- a plan to ensure that designated recyclable materials and organic waste that are required to be source separated are kept separate for recycling collection;
- confirmation of compliance with the provisions relating to refuse and recyclable storage space, refuse chute and chute access rooms as required by DOB pursuant to Sections 1213.1, 1213.1.1, 1213.1.1, 1213.2 and 1213.3 of the New York City Building Code;
- how and where the material will be placed out for DSNY collection. Such placement must be in accordance with all rules and regulations and may not impede the flow of pedestrian traffic; and
- any additional information that the Department deems necessary.

A building must submit the waste management plan to DSNY when plans that include design drawings are submitted to DOB.

DSNY's authority for these rules is found in section 753 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. Subdivision (a) of section 1-02 of Chapter 1 of Title 16 of the Rules of the City of New York is amended to read as follows:

- (a) Subject to the conditions and fees set forth in [16 RCNY § 1-03] sections 1-02.2 and 1-03 of this Chapter, the Department will provide collection service for ashes and solid waste generated by occupants of residential buildings, public buildings and special use buildings, excluding, however, all commercial occupants of said residential buildings

unless such service is otherwise authorized by [16 RCNY § 1-03] section 1-03 of this Chapter.

§ 2. Chapter 1 of Title 16 of the Rules of the City of New York is amended by adding a new Section 1-02.2, to read as follows:

§ 1-02.2 Waste Management Plan.

(a) For the purposes of this section:

(1) A “new multiple dwelling building” means a multiple dwelling for which plans that include design drawings have been submitted to the Department of Buildings on or after the effective date of this rule. A new multiple dwelling building also includes those buildings for which plans that include design drawings have been submitted to, but have not been approved by, the Department of Buildings as of the effective date of this rule. A new multiple dwelling does not include an existing multiple dwelling, unless any alteration increases the amount of floor surface area by more than 110% over the amount of existing floor surface area.

(2) A “newly altered commercial building” means (i) any commercial building that is altered, enlarged or otherwise modified from its original physical design in order to be classified by the Department of Buildings as a multiple dwelling building on or after the effective date of this rule or (ii) any commercial building having 50 percent or more of its floor area renovated in order to be classified by the Department of Buildings as a multiple dwelling building on or after the effective date of this rule. A newly altered commercial building also includes those buildings for which plans that include design drawings have been submitted to, but have not been approved by, the Department of Buildings as of the effective date of this rule.

(b) An owner of a new multiple dwelling building that contains at least 150 dwelling units or a newly altered commercial building that contains at least 150 dwelling units, or his or her agent, must submit a waste management plan for such building in accordance with this section.

(c) An owner, or his or her agent, of any building for which a waste management plan is required pursuant to this section, must submit such waste management plan to the Department in a form prescribed by the Department and made available on its website. Such waste management plan must include:

(1) the name and contact information of the owner of such building, and his or her agent, if applicable;

(2) the number of dwelling units in such building;

(3) the estimated amount of refuse, designated recyclable material, and organic waste that would be generated if the building were fully occupied;

(4) storage plans for such estimated amount of refuse, designated recyclable material, and designated organic waste that would ensure sanitary storage of

150 percent of all such materials that would be accumulated or generated between regularly scheduled collections;

- (5) a plan to ensure that designated recyclable materials and organic waste that are required to be source-separated are kept separate for recycling collection;
 - (6) confirmation of compliance with the provisions relating to refuse and recyclable storage space, refuse chutes and refuse chute access rooms as required by the Department of Buildings pursuant to sections 1213.1, 1213.1.1, 1213.1.1, 1213.2 and 1213.3 of the New York City Building Code;
 - (7) how and where the refuse and recyclable material will be placed out for collection by the Department, which placement must be in accordance with all rules and regulations and may not impede the flow of pedestrian traffic or otherwise constitute a sidewalk obstruction; and
 - (8) any additional information deemed necessary by the Department.
- (d) A waste management plan required by this section must be submitted to the Department no later than when plans that include design drawings are submitted to the Department of Buildings or the effective date of this rule, whichever is later.
- (e) The Department may deny collection service to any building that fails to submit a waste management plan in accordance with this section.

**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: Waste Management Plans for Certain Buildings

REFERENCE NUMBER: 2020 RG 010

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: 5/20/21

**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: Waste Management Plans for Certain Buildings

REFERENCE NUMBER: DSNY-25

RULEMAKING AGENCY: Department of Sanitation

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

May 20, 2021
Date