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**Comments Submitted by New York Lawyers for the Public Interest (NYLPI)  
on Proposed Rule to Amend Department of Sanitation Rules  
Dated July 20, 2021**

NYLPI would like to thank the New York Sanitation Department (DSNY) for the opportunity to submit comments in response to a proposed rule which would amend its rules to require certain buildings to submit a building waste management plan (the “Rule”). NYLPI, along with our community partners, have worked to make the city’s waste system safer, more equitable, and more efficient for over two decades – so we appreciate DSNY’s commitment to ensuring adequate public participation and community input before rule or policy changes that affect the future of waste management in New York City.

NYPLI strongly supports this proposed Rule, which would require new multiple dwelling buildings that contain 150 dwelling units or more, and newly altered commercial buildings, to submit waste management plans to DSNY when their design drawings are submitted to the Department of Buildings (DOB). The Rule would also require that the plan include the number of dwelling units; an estimated amount of refuse/recyclable/organic waste that would be generated if building were fully occupied; sanitary storage plans for 150% of estimated waste; a plan to ensure recyclables and organics that need to be source-separated are kept separate for recycling collection; confirmation of compliance with 1213.1 - 1213.3 of the New York City Building Code; and details of how and where the refuse and recyclables will be placed out for collection so that they do not obstruct sidewalks.

NYLPI supports this Rule and commends DSNY for promulgation it because it promises to address the immediate issues of foul odor, vermin, and sidewalk obstructions as a result of the “mountains of black bags” accumulated by large buildings in New York City. Perhaps just as important, this Rule also gives new large buildings a push to prepare for a zero-waste future – a goal that should be at the forefront of all DSNY (and other agency) rulemaking. Particularly, the requirement that buildings have a plan for organic waste separation and storage is a step in the right direction and will help with organic waste diversion. With that being said, NYLPI urges that the Rule be strengthened by: (i) providing consistent guidance for measuring estimated waste; (ii) further encourage organic waste diversion; and (iii) create more rigorous enforcement procedures.

To accomplish this, NYLPI offers the following suggestions:

1. While we support requiring estimates of waste generation, buildings must be equipped with a clear, consistent way to calculate that estimate. The waste management plan form should include a link to Zero Waste Design's [online waste calculator](#), or other uniform means of calculating estimated waste generation.
2. As the curbside compost collection program returns to select districts, NYLPI, our community partners, and the City, all share the goal of having universal curbside compost collection for every New York City neighborhood in the near future. DSNY's proposed Rule should require that the waste management plan specifically accommodates and facilitates composting opportunities beyond just requiring storage space for organic waste.

The Rule should include requirements or incentives to make organic waste diversion and composting more efficient. For example, large, central waste rooms have been proven to be more effective at source separation and organics diversion than the chute system. Cities such as San Francisco and Seoul, have shut down existing chutes and made them non-permissible by building code – this measure is part of what has led to their impressive rates of 95% organics diversion. Another option would be to reward investments in on-site equipment (like a dry biodigester, or onsite composting, or cardboard balers) with reduced requirement for waste storage area.

3. Beyond simply requiring that the building owner or agent submit the waste management plan, the Rule does not ensure that this plan would be followed or enforced. As Zero Waste Design has already suggested in previous comments, the proposed Rule should require sign-off to ensure that the building was built, equipment was furnished, and operations are running according to the plan – either through a special inspection or DSNY review or certification.

Thank you for your time and consideration in hearing our comments on this proposed rule. We look forward to our continued working with DSNY to further our shared mission of waste equity, and reduction.