

New York City Department of Sanitation

Notice of Adoption of Final Rule Regarding Submission of Rulemaking Petitions to the Department of Sanitation.

NOTICE IS HEREBY GIVEN in accordance with the requirements of Sections 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by section 1043(g) of the New York City Charter, that DSNY adopts the following rule relating to petitions for rulemaking. DSNY published a Notice of Opportunity to Comment on the proposed rule in the City Record on October 1, 2021. On November 3, 2021, DSNY held a public hearing on the proposed rule.

Statement of Basis and Purpose of Rule

The Citywide Administrative Procedure act requires that every agency's rules include a procedure by which citizens may submit proposals for rulemaking. The Department of Sanitation ("DSNY", "the Department") is amending its rules to include such a procedure.

These proposed rules govern the procedures by which members of the public may submit to the Department Petitions for Rulemaking pursuant to § 1043(g) of the New York City Charter (City Administrative Procedures Act) and the procedures for the consideration and disposition of such Petitions by the Department. Should DSNY choose to adopt a proposal, DSNY will inform the person submitting the petition of the approximate timeline for adoption of the rule. Should DSNY choose to deny a proposal, DSNY will notify the person making the petition of the reason for denial.

DSNY's authority for these rules is found in section 1043(g) of the New York City Charter.

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. Title 16 of the Rules of the City of New York is amended by adding a new Chapter 21, to read as follows:

Chapter 21 Petitions For Rulemaking

Section 21-01 Purpose. These Rules govern the procedures by which members of the public may submit to the Department Petitions for Rulemaking pursuant to § 1043(g) of the New York City Charter (City Administrative Procedures Act) and the procedures for the Department's consideration and disposition of such Petitions.

Section 21-02 Definitions

Department. "Department" means the Department of Sanitation.

Person. "Person" means an individual, partnership, corporation or other legal entity, and any individual or entity acting in a fiduciary or representative capacity.

Petition. "Petition" means a request or application for the Department to adopt a Rule.

Petitioner. "Petitioner" means the person who files a Petition.

Rule. "Rule" has the same meaning as in § 1041(5) of the New York City Charter.

Section 21-03 Procedures for Submitting Petitions.

- (a) Any Person may submit a Petition to consider the adoption of a Rule. The Petition must include:
- (1) The Rule to be considered, with proposed language for adoption;
 - (2) Petitioner's arguments in support of adoption of the Rule;
 - (3) The name, address, telephone number, and email address of the Petitioner or his or her authorized representative; and
 - (4) The signature of Petitioner or his or her representative.
- (b) The Petition must be submitted by mail to New York City Department of Sanitation, Bureau of Legal Affairs, 125 Worth Street, Room 710, New York, NY 10013 or by electronic mail to rulepetitions@dsny.nyc.gov.
- (c) Any change in the name, address or telephone number of the Petitioner or his or her authorized representative must be reported to the office of which the Petition was submitted.

Section 21-04 Procedures for Consideration and Responses to Petitions.

- (a) When a Petition submitted in proper form is received, the Department will:
- (1) Register receipt of the Petition with the date it was received and assign the Petition a number or other unique identifier.
 - (2) Deny or approve the Petition within 60 days from the date the Petition was received.
A – If such petition is denied, the Department will deny such Petition in a written statement containing the reasons for denial.
B – If such petition is granted, the Department will state in writing the intention to grant the Petition and to initiate Rulemaking by a specified date. The Department is not required to grant the entirety of a Petition or to follow the wording of a petition that has been granted.