

New York City Department of Sanitation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? DSNY is proposing to amend its rules to include a section on petitions for rulemaking.

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 10:00 AM on November 3, 2021 using the following link:

DSNY Public Hearing - Proposed Rule to Petition for Rulemaking

<https://dsnynyc.webex.com/dsnynyc/j.php?MTID=mcdf85fdf76e8bb77d4cb4a23e3762e77>

Wednesday, Nov 3, 2021 10:00 am | 1 hour | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 2633 787 7130

Password: 110321

Join by video system

Dial [26337877130@dsnynyc.webex.com](tel:26337877130)

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 263 378 77130

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

- **Website.** You can submit comments to the DSNY through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to nycrules@dsnynyc.gov.
- **Mail.** You can mail written comments to DSNY, 125 Worth Street, Room 710, New York, NY 10013.
- **Fax.** You can fax written 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 ecooper@dsnynyc.gov by November 1 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? The deadline for submitting written comments shall be November 3, 2021.

What if I need assistance to participate in the hearing? You must tell the Bureau 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 or by telephone at 646-885-4989. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by October 27, 2021.

This location has the following accessibility option(s) available: Wheelchair and Sign Language Interpretation.

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/>. A few days after the hearing, 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 at 125 Worth Street, Room 710, New York, NY 10013 and on DSNY's website.

What authorizes DSNY to make this rule? Section 1043(g) of the Administrative Code authorize DSNY to make this proposed rule.

Where can I find the 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

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 chose 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

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 rulecomments@dny.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 will assign the Petition a number or other unique identifier.
 - (2) The Petition will be denied or approved to proceed 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.

**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: Submission of Rulemaking Petitions to Department of Sanitation

REFERENCE NUMBER: 2021 RG 068

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: August 27, 2021

**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: Submission of Rulemaking Petitions to Department of Sanitation

REFERENCE NUMBER: DSNY-28

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

August 29, 2021
Date