

New York City Department of Sanitation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules
(AMENDED NOTICE)

What are we proposing? DSNY is proposing to amend its rules to implement the program set forth in Title 16-B (Commercial Waste Zones) of the New York City Administrative Code to designate the Queens Central Commercial Waste Zone as the first such zone to be implemented in the City.

When and where is the hearing? DSNY will hold a public hearing on the proposed rule. The public hearing will take place on March 25, 2024 at 10AM via Microsoft Teams. DSNY had previously scheduled a virtual hearing to take place on March 7, 2024 via Webex. In order to ensure that our public hearing is accessible to all, DSNY will now hold this public hearing on March 25, 2024 at 10AM using the following link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YmQyZTNkNDctNjliZi00MjVkLWEwYWEtNjY1YThkZjUwOTA5%40thread.v2/0?context=%7b%22Tid%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22Oid%22%3a%221d3255a2-4904-4aaa-899e-3f943348182b%22%7d

Meeting ID: 267 125 742 815

Passcode: 2LMe8Q

Or call in (audio only)

[+1 646-893-7101](tel:+16468937101).,588769137# United States, New York City

Phone Conference ID: 588 769 137#

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@dsny.nyc.gov.
- **Mail.** You can mail written comments to DSNY, 125 Worth Street, Room 710, New York, NY 10013.
- **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 March 22, 2024 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 is March 25, 2024 at 5:00 P.M.

What if I need assistance to participate in the hearing? You must tell the Bureau of Legal Affairs if you need a reasonable accommodation for 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 646-885-4996. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by March 18, 2024.

This location has the following accessibility option(s) available: 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 753 and Section 1043(g) of the New York City Charter and Title 16-B of the New York City Administrative Code authorize DSNY to make this proposed rule. The proposed rule was included in the agency rulemaking agenda.

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

In 2019, New York City enacted Local Law 199 requiring the establishment of a new program for the collection of commercial waste. The program, known as the commercial waste zones program, is a safe, efficient, and competitive collection system designed to provide high quality service to New York City businesses while advancing the City’s waste diversion and sustainability goals. Pursuant to Local Law 199, codified in Title 16-B of the New York City Administrative Code, the geographic area of New York City has been divided into 20 “commercial waste zones.”

Pursuant to a request for proposals process, three private carters were selected by the Department to serve businesses within each commercial waste zone and five carters were selected to provide containerized commercial waste collection services citywide. The selected carters are referred to as “awardees.” The resulting contracts with the awardees include standards for pricing, customer service, safety, environmental health, and requirements to promote the City’s commitment to recycling and sustainability.

Local Law 199 requires the Department to promulgate rules setting forth an implementation start date and a final implementation date for each commercial waste zone established pursuant to section 16-1001. Different implementation start dates and implementation end dates may be established for different commercial waste zones. *See* Ad. Code § 16-1002(e)(3). This rule sets the implementation start date and final implementation date only for the first commercial waste zone to be implemented - Queens Central. Subsequent rules will set the implementation dates for the zones being implemented later.

DSNY’s authority for these rules is found in Section 753 and Section 1043(g) of the New York City Charter and Title 16-B 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 b of section 20-01 of title 16 of the rules of the city of New York is amended by adding new definitions, to be placed in alphabetical order, to read as follows:

Final implementation date. The term “final implementation date” means the last day of the transition period.

Implementation start date. The term “implementation start date” means the first day of the transition period.

Transition period. The term “transition period” means the period between the implementation start date established by the Department for a commercial waste zone and the final implementation date established by the Department for such zone.

Section 2. Section 20-02 of title 16 of the rules of the city of New York is amended to add a subdivision (b) to read as follows:

(b) Awardees for one or more of the commercial waste zones set forth in subdivision (a) of this section and for citywide containerized service shall be authorized to commence service in the awarded zones on the following implementation start dates:

<u>Zone name</u>	<u>Implementation Start Date</u>	<u>Final Implementation Date</u>
<u>Queens Central</u>	<u>September 3, 2024</u>	<u>January 2, 2025</u>

Section 3. Subdivision (e) of section 20-20 of title 16 of the rules of the city of New York is amended to read as follows:

(e) If a commercial establishment fails to enter into a written agreement with a zone awardee selected for the zone in which such commercial establishment is located or a containerized

commercial waste awardee in accordance with the requirements of this section by the final implementation date for such zone, the Department will assign a zone carter to such commercial establishment and the processes and terms of service set forth in subdivision (e) of 16 RCNY § 20-26 shall apply. The assignment of a particular awardee to a commercial establishment is at the Department's discretion, and factors that the Department will consider include, but are not limited to, effect on route efficiency, language access needs, awardee capacity, maximum rate, number of customers already served in the zone, and other factors deemed relevant by the Department.

**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: Implementation Dates for Commercial Waste Zones

REFERENCE NUMBER: 2023 RG 106

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
Senior Counsel

Date: January 9, 2024

**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: Implementation Dates for Commercial Waste Zones

REFERENCE NUMBER: DSNY-37

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

January 9, 2024
Date