

New York City Department of Sanitation

Notice of Adoption of Initial Zone Rule for Commercial Waste Zones

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 sections 753 and 1043(a) of the New York City Charter, and Title 16-B of the New York City Administrative Code that DSNY adopts the initial zone rule for commercial waste zones. DSNY published a Notice of Opportunity to Comment on the proposed rule in the City Record on February 22, 2024. On March 25, 2024, DSNY held a public hearing on the proposed rule.

Statement of Basis and Purpose of 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 from dumpsters and compactors 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 three 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 by adding a new 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 are authorized to commence service in the awarded zones on the following implementation start and final implementation 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.