

**Notice of Adoption of Final Rule Relating to Use of Certain Receptacles
By Certain Entities that Receive Department Collection Service**

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 section 16-120 of the New York City Administrative Code, that DSNY adopts the following rule relating to the use of certain receptacles by certain entities that receive Department collection service. DSNY published a Notice of Opportunity to Comment on the proposed rule in the *City Record* on July 8, 2024. On August 8, 2024, DSNY held a public hearing on the proposed rule.

Statement of Basis and Purpose

This rule would require that all buildings that receive Department collection or collection from another City agency, other than residential buildings containing ten or more dwelling units, set out any refuse at the curb for collection in rigid containers with tight-fitting lids. This requirement would go into effect on November 12, 2024. By June 1, 2026, the rule would require that such rigid containers with tight fitting lids be purchased from an authorized vendor. Such authorized vendor would be chosen through a competitive procurement process and such receptacles would be available for purchase from a retail outlet or online platform.

In response to comments received, the Department clarified and made several changes to the rule. Such changes include the modification of the date of implementation from November 13, 2024 to November 12, 2024, which was technical in nature. Additionally, the Department clarified that such containerization requirements would apply to all waste set out at the curb, including if such waste is collected by another city agency.

This rule would allow all buildings that receive Department collection, or are applying for collection service, to apply for and receive a waiver if compliance would create a public safety hazard for pedestrians or would pose an unreasonable hardship. Instructions relating to such waiver requests would be outlined on the Department's website. There will also be an appeals process for those buildings that are denied such waiver request.

These changes are a part of the City's commitment to cleaning up New York City streets and reducing food sources for rats. Residences and other buildings that receive Department collection are generators of refuse, and bags of waste set out for collection on the curb, even when in compliance with existing waste setout requirements, attract rats and vermin. Requiring such buildings to utilize a specific City approved receptacle for the disposal of refuse will allow DSNY to streamline collections and further limit potential food sources for vermin.

These changes align with other City initiatives to increase the use of containers for waste storage and collection, creating cleaner, more livable, and more vibrant streets and neighborhoods across New York City.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“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 (a) of section 1-02.1 of Title 16 of the Rules of the City of New York is amended to read as follows:

(a) Except as otherwise authorized in 16 RCNY § 1-02.3, occupants of residential buildings, public buildings, and special use buildings, except commercial occupants of residential buildings where Department collection service is not otherwise authorized by 16 RCNY § 1-03, shall place their receptacles or bags containing solid waste or recyclables out at the curb for collection by the Department as follows:

1. Except as provided in paragraph (2) of this subdivision, and in accordance with section 1-02.5 of this chapter, materials must be placed out at the curb no earlier than 8:00 p.m. on the day before scheduled collection and no later than 12:00 a.m. on the scheduled collection day;

2. The following materials must be placed out at the curb no earlier than 6:00 p.m. on the day before scheduled collection and no later than 12:00 a.m. on the scheduled collection day: (i) materials placed out for collection in receptacles with a tight-fitting lid; and (ii) designated

recyclable paper that is tied and bundled securely without a container and set out in accordance with the requirements found in 16 RCNY § 1-08(h);

3. Receptacles containing solid waste that are set out at the curb must not exceed fifty-five gallons in size, except for those receptacles that are authorized for use pursuant to section 1-02.5 of this chapter;

4. Receptacles containing designated recyclable materials, organic waste or yard waste that are set out at the curb must comply with the container specifications found in 16 RCNY § 1-08; and

5. All receptacles shall be removed before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection.

§ 2. Chapter 1 of Title 16 of the Rules of the City of New York is amended by adding a new section 1-02.5, to read as follows:

§ 1-02.5 Receptacles Required for Certain Buildings that Receive Department Collection

(a) For purposes of this section, the term “authorized vendor” means any vendor selected by the Department through a competitive procurement process to produce New York City standardized receptacles, with the approval of the Department of Health and Mental Hygiene and the Department of Housing Preservation and Development.

(b) No later than November 12, 2024, all buildings that receive Department collection pursuant to 16 RCNY § 1-02(a) or collection from another city agency, other than residential buildings containing ten or more dwelling units, must set out any refuse at the curb for collection by the Department or another city agency in rigid receptacles with tight fitting lids.

(c) No later than June 1, 2026, all buildings that receive Department collection pursuant to 16 RCNY § 1-02(a) or collection from another city agency, other than residential buildings containing ten or more dwelling units, must set out any refuse at the curb for collection by the Department or another city agency in rigid receptacles with tight-fitting lids that are purchased from an authorized vendor, and in accordance with 16 RCNY § 1-02.1(a).

(d) Buildings that receive Department collection, or are applying for collection service, may request a waiver from the Department of the requirements set forth in subdivisions (b) and (c) of

this section if compliance would create a public safety hazard for pedestrians, or if compliance with these requirements would pose an unreasonable hardship, provided that:

1. Buildings must submit a waiver request using a form available on the Department's website;

2. The Department will notify such building within 60 days if such temporary waiver has been granted or denied;

3. Buildings denied a temporary waiver have 30 days to submit an appeal in writing to the Commissioner. The Commissioner will issue a decision on such appeal in a reasonable time, and such decision will be deemed a final determination. Such building will not be required to comply with the requirements of this section until a final determination is made by the Department; and

4. Such temporary waiver will only be in effect until the Department implements a containerization solution that can accommodate the volume of refuse that such building regularly produces without creating a public safety hazard for pedestrians or an unreasonable hardship.