

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 rule to alter the level of service commercial waste zone awardees must provide to assigned customers.

When and where is the hearing? DSNY will hold a public hearing on the proposed rule. The public hearing will take place via Microsoft Teams at 11:00 A.M. on December 27, 2024 using the following link:

https://teams.microsoft.com//meetup-join/19%3ameeting_YzZhYTFmNDktZmE2Ny00ZWE5LWJIMzMtMjk5MTUzYzQ2ZTcx%40thred.v2/0?context=%7b%22id%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22oid%22%3a%22f4a08eec-e230-4b7d-8b09-96df53e165e6%22%7d

Meeting ID: 214 196 771 124
Passcode: S8uS9z2j

Dial in by phone

+1 646-893-7101, [825665197#](tel:+16468937101) United States, New York City
[Find a local number](#)
Phone conference ID: 825 665 197#

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 website 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 rlipman@dsny.nyc.gov by December 26, 2024. 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. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit comments? The deadline for submitting written comments shall be December 27, 2024.

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 email at eluna@dsny.nyc.gov or by mail at the address given above. You may also tell us or by telephone at 646-885-4996.

Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by December 20, 2024.

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? Sections 753 and 1043(a) of the New York City Charter and Section 16-1002(e) of the New York City Administrative Code authorize DSNY to make this proposed rule. This proposed rule was not included in DSNY’s regulatory agenda for this Fiscal Year because it was not contemplated when DSNY published the 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

The Department of Sanitation is currently implementing the first zone of the Commercial Waste Zones program mandated by Local Law 199 of 2019. The private waste carters who have been awarded the right to operate within the first zone (“awardees”) have been signing up customers, but the percentage of businesses that have signed up with an awardee remains low. Pursuant to 16 RCNY 20-20(e), the Department will assign an awardee to any businesses that have failed to sign up with an awardee by the final implementation date for the zone. The rules of the Department currently state that assigned businesses shall receive two days of refuse collection per week and one day of designated recyclable materials collection per week, as well as one day of source separated organics collection per week if the commercial establishment is a designated covered establishment. However, there are businesses that generate a large amount of waste such that they currently require waste collection as frequently as five days per week. If these businesses were assigned an awardee for waste collection just two days per week, their waste would not be collected in a timely manner, and it could build up on the street. Therefore, the Department proposes to give itself the flexibility to assign a business up to five days a week of waste collection if an assigned business generates an amount of waste that requires collection more frequently than two days a week.

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. Paragraph 1 of subdivision e of section 20-26 of Title 16 of the Rules of the City of New York is amended to read:

(e) (1) If a customer has been assigned to the awardee by the Department pursuant to paragraph (4) of subdivision (e) of § 16-1002 of the Administrative Code or rules promulgated pursuant to such section, the standard contract that the awardee has submitted to the Department pursuant to subdivision (c) of this section shall be deemed to be in effect, and the awardee shall provide commercial waste collection service at the level of service described in paragraph (2) of subdivision (a) of 16 RCNY § 20-22 at the maximum rates the awardee is authorized to charge pursuant to the awardee's agreement with the Department pursuant to § 16-1002 of the Administrative Code, unless and until such customer and such awardee negotiate alternative terms by following the procedures in subdivision (d) of this section or the customer selects a different awardee pursuant to paragraph (4) of subdivision (e) of § 16-1002. Notwithstanding any other provision of this paragraph, the Department may require that an awardee provide up to five days of refuse collection to a commercial establishment that has been assigned to such awardee as provided in this paragraph if the Department determines that such commercial establishment requires commercial waste collection service at a higher level of service than that described in subparagraph (i) of paragraph (2) of subdivision (a) of 16 RCNY § 20-22.

**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: Amendment of Rules Relating to Level of Service Required to be Provided to Commercial Waste Zone Customers

REFERENCE NUMBER: DSNY-47

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

November 22, 2024
Date

**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: Amendment of Rules Relating to Level of Service Required to be Provided to Commercial Waste Zone Customers

REFERENCE NUMBER: 2024 RG 130

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: November 22, 2024