



2/10/2025

Re:

RULE TITLE: Amendment of Rules Relating to Placement of Refuse and Recycling for Collection

REFERENCE NUMBER: 2024 RG 108

RULEMAKING AGENCY: Department of Sanitation

Public Testimony by David Estrada, Executive Director, Sunset Park Business Improvement District

Good morning, my name is David Estrada, and I am the Executive Director of the Sunset Park Business Improvement District. I greatly appreciate the opportunity to submit testimony regarding the proposed new DSNY rule.

In short, we believe this rule is unnecessary and unlikely to contribute effectively to our shared goals of rat mitigation and public trash containerization. Our organization urges DSNY to pause this rule—and any similar initiatives—until there has been comprehensive planning and support for a smooth transition to citywide containerization. As written, the proposed rule is vague, overbroad, and, in some places, oddly specific, which makes it incompatible with the real work that BIDs and community groups are doing to keep our neighborhoods clean.

Additionally, this rule contradicts DSNY's own claims that BIDs are "trusted partners." Instead, it risks becoming a punitive measure that undermines our longstanding, collaborative relationship with the city. Furthermore, the issue of illegal dumping and improper use of corner baskets is already addressed by existing DSNY laws and regulations.

The suggestion that this rule is merely a "clarification" is misleading, to say the least.

Since 1995, our small, independent, locally-run nonprofit has proudly served Brooklyn's Fifth Avenue, from 38th to 64th Streets. Our district covers 1.3 miles, a dense, mixed-use commercial corridor with 26 blocks, 52 block faces, 400 buildings, and over 600 businesses. We also maintain 96 designated DSNY corner waste basket locations.

While our community is bustling, it is also an underserved, lower-income, immigrant neighborhood, home to small "mom-and-pop" businesses with residential units above. It's crucial to understand the scale of our operations in a district that is both large and high-need. Our annual assessment totals \$300,000, with one-third allocated to sanitation and related services, such as tree pit care, graffiti

removal, and volunteer cleanups. However, the majority of our budget supports a supplemental sanitation worker who works seven days a week. This worker collects trash blown by the wind, overflowing from baskets, and discarded in tree pits. We collect about 25,000 bags of trash annually.

Despite our modest size—we have only two employees—we play a central role in the community as a social service and economic development anchor. We are part of the solution, and we want to continue supporting DSNY. That's why we're here today.

We value our local DSNY sanitation garage (BK07) and consider the Superintendent and Cleaning Supervisors to be partners in this effort. We acknowledge that containerization is the ideal solution, and we are committed to collaborating with urgency to achieve it. However, replacing entrenched practices with rules that penalize partners will not lead to success.

Consider this: if our BID didn't sweep, bag, and deposit trash at corner baskets, that waste would remain on the sidewalks, clogging gutters and overflowing from baskets. BIDs don't create waste—we make DSNY's job easier by managing the daily volume of public trash that DSNY alone cannot handle.

About a year ago, DSNY ordered BIDs to take on the responsibility of containerizing public trash at our own expense. The demands were not only impractical, but they also lacked a clear plan, support, or funding. While there has been some progress in dialogue, we are still far from a true partnership on containerization.

For 30 years, we've been eager to help, but we need a clear path forward. While we support containerization—especially for rat mitigation—we recognize that implementing it quickly within our district presents significant challenges.

If DSNY is concerned about bags accumulating at corner baskets, why not simply increase the frequency of service? Too often, we find baskets already overflowing, which means much of the trash we consolidate into bags comes from baskets that have been neglected too long. If DSNY is struggling to keep up with street trash, how can we expect them to suddenly manage corner baskets and bins more effectively?

Our board of directors will be forced to reevaluate our sanitation services in light of this new rule. Should DSNY begin issuing tickets in response to our efforts to maintain cleanliness, we will be forced to suspend our corner basket service.

It's also worth noting that about a third of our 96 corner waste baskets are missing at any given time. This has been a long-standing issue. While we respect our local DSNY garage and workers, the agency has not done enough to maintain the fixtures that already exist on our streets, yet now they want us to add more.

We also urge you to consider that residential overcrowding, street vendors, construction crews, and storefronts that avoid commercial waste hauling contracts contribute to significant improper dumping—primarily in bags, and typically at corners whether or not a basket is present. This waste is outside our BIDs control and clearly not within DSNY's ability to stop.

If DSNY is serious about containerization, they must fund and establish a program that BIDs can reasonably participate in. This funding must cover the startup costs, ongoing maintenance, labor, permits, and insurance. DSNY must actively partner with our community stakeholders, not just offload siting, permitting, and public relations to BIDs.

Let's work together to create a concrete plan with clear logistical support, reliable funding, and service-level agreements that involve both BIDs and DSNY. Let's plan for the future with realistic goals and a step-by-step approach, knowing that we all want a cleaner, safer neighborhood.

The bottom line is this: Business Improvement Districts want to help. We are ready to collaborate and take action, but we need DSNY to bring the necessary resources and cooperation to make sustainable success a reality.

To that end, we recommend:

- Deferring any new rule until proper planning and funding are in place.
- Addressing this issue after the Commercial Waste Zones are fully established.
- Clarifying DSNY enforcement practices for mixed-use small retail and residential zones, as current enforcement times and the distinction between household and commercial trash are problematic.
- Acknowledging that containerization cannot be imposed overnight and that in some areas a reasonable multi-year timeline is essential.
- Developing reasonable standards for the number and placement of bins, and streamlining the DSNY/DOT permitting process.
- Providing provisions for DSNY to support BIDs in maintaining and periodically replacing bins.
- Issuing an RFP for group purchasing of bins at discounted rates for BIDs.
- Clarifying the need for insurance on street fixtures and whether bins are considered capital or programming expenses.
- Collaborating with large sanitation service providers like ACE, StreetsPlus, and Block by Block, whose field knowledge is invaluable.
- Requiring DSNY to provide written terms of engagement for BIDs serving commercial zones where multiple entities are involved in waste management.
- Setting a realistic, achievable goal for transitioning to containerization that aligns with BID funding, budget cycles, and governance processes.

Thank you for your consideration.

Sincerely,



David Estrada

Executive Director