

New York City Department of Sanitation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Sanitation (“DSNY”) is proposing a rule that would establish 20 commercial waste zones.

When and where is the hearing? DSNY will hold a public hearing on the proposed rule. The public hearing will take place at 9:30 a.m. on January 13, 2020 in the Second Floor Auditorium at 125 Worth Street, New York, NY 10013 (DSNY Headquarters).

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DSNY through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to nycrules@dsny.nyc.gov.
- **Mail.** You can mail comments to DSNY, Bureau of Legal Affairs, 125 Worth Street, Room 710, New York, NY 10013.
- **Fax.** You can fax comments to DSNY at 212-788-3876.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing can sign up in the hearing room before the hearing begins on January 13, 2020.

Is there a deadline to submit comments? Comments will be due to the Department of Sanitation by January 13, 2020.

What if I need assistance to participate in the hearing? You must tell the Office 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 mail at the address given above. You may also tell us by telephone at (646) 885-5006. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by January 6, 2020.

This location has the following accessibility option(s) available: Wheelchair and 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 on DSNY’s website.

What authorizes DSNY to make this rule? Sections 1043 and 753 of the New York City Charter and section 16-1001 of the New York City Administrative Code authorize DSNY to make this proposed rule. This proposed rule was included in DSNY’s published regulatory agenda for this Fiscal Year 2020.

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

Each year in New York City, more than 100,000 commercial establishments generate more than 3 million tons of refuse and recyclables. Approximately 90 private carters collect this waste from commercial establishments across the City.

The current system for collecting commercial waste from the City's businesses has been plagued by dangerous driving and insufficient attention to public safety, harmful environmental impacts, and poor customer service. Since 2010, private waste collection trucks have killed at least 28 people on New York City streets.

In some parts of the city, more than 50 carters service a single neighborhood, and an individual commercial block may see dozens of different private waste collection trucks on a given night. This has resulted in millions of excess truck miles driven every year that harm the City's air quality, increase greenhouse gas emissions, create noise pollution and negatively impact public health. Additionally, the industry has lacked strong customer service standards, and pricing has remained unclear and confusing to most customers, putting small businesses at a significant disadvantage.

In response to these documented problems in the commercial waste collection industry, the Department released a comprehensive plan for reforming the private carting industry in November 2018 ("the Plan"), available at <http://www.nyc.gov/commercialwaste>. The Plan proposed the establishment of commercial waste zones - a safe and efficient collection system to provide high quality, low cost service to New York City businesses while advancing the City's zero waste and sustainability goals. The Department developed this plan after years of extensive public outreach and engagement with a wide variety of stakeholders. On November 20, 2019, Local Law number 199 for the year 2019 was enacted, which authorizes the Department to create a commercial waste zones system.

Under Local Law 199, codified in Title 16-B of the New York City Administrative Code, the Sanitation Commissioner must divide the geographic area of New York City into at least 20 "commercial waste zones." This proposed rule describes the 20 zones designated by the Commissioner and provides a map. The zone map described here largely reflects the zone map described in the Plan, with a few differences. While the Plan assumed that certain zones in Manhattan would have up to five carters operating, Local Law number 199 authorizes up to three carters per zone. Accordingly, the Department made some adjustments to reflect this change, taking into consideration the number of customers and the average tonnage of waste per contract and per zone. First, this proposed map divides lower Manhattan into two zones. It

also consolidates three Brooklyn zones described in the Plan into two zones. Finally, this proposed map includes geographic areas of the City that are not assigned to community districts, such as Central Park, which were not included in the map described in the Plan. The following is a map of the zones described in this proposed rule. In this map, the numbers refer to either community districts or “Joint Interest Areas,” or “JIAs” which denote geographic areas of the City identified by the Department of City Planning that are not assigned to community districts, as described on the Department of City Planning webpage:

<https://www1.nyc.gov/site/planning/community/jias-sources.page>. The colors denote the different commercial waste zones, which are labeled with the zone names.



This is the first of several rules that the Department intends to propose to implement the program. Thereafter, the Department will use a competitive procurement process to select up to three private carters to service businesses within each commercial waste zone. The competitive solicitation process will also be used to select up to five carters to provide containerized commercial waste collection services citywide. This process will identify the carters that can provide high quality service at low prices. The resulting contracts will include standards for pricing, customer service, safety, environmental health, and requirements to promote the City's commitment to recycling and sustainability.

Commercial waste zones will apply to the collection of commercial refuse, recyclables, and source-separated organic waste. It will exclude specialized or intermittent waste streams, such as construction and demolition debris, medical waste, hazardous waste and other types of waste that will continue to be collected and managed under existing City and State regulations.

Under the new commercial waste zones system, instead of dozens of different carters operating in a City neighborhood on a given night, only a few carters will operate in each area. With fewer trucks on the streets and shorter routes, zoned collection will also mean improved traffic and air quality and less unsafe driving behavior and worker fatigue. Citywide, the adoption of the commercial waste zones system will dramatically reduce truck traffic associated with this industry by 50 percent. This system will improve the quality of life of all New Yorkers, serve the needs of the City's local businesses, and support the City's short and long-term goals for a cleaner, safer, and more sustainable city.

DSNY's authority to promulgate these rules is found in New York City Charter §§ 753 and 1043, and Administrative Code § 16-1001.

New material is underlined.

"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. Title 16 of the rules of the city of New York is amended by adding a new chapter 20 to read as follows:

CHAPTER 20: COMMERCIAL WASTE ZONES

§ 20-02 Commercial waste zones

- a. The geographic area of the city of New York shall be divided into 20 commercial waste zones as follows:

<u>Zone name</u>	<u>Zone geographic area</u>
Lower Manhattan	Community district 101

<u>Manhattan Southwest</u>	<u>Community district 102</u>
<u>Manhattan Southeast</u>	<u>Community districts 103, 106</u>
<u>Midtown South</u>	<u>The geographic area of community district 105 south of 37th Street</u>
<u>Midtown North</u>	<u>The geographic area of community district 105 north of 37th Street</u>
<u>Manhattan West</u>	<u>Community districts 104, 107, and commercial establishments located on Central Park West</u>
<u>Manhattan Northeast</u>	<u>Community district 108, excluding Roosevelt Island, community district 111, and Central Park (Joint Interest Area 64), excluding commercial establishments located on Central Park West</u>
<u>Upper Manhattan</u>	<u>Community districts 109, 110, 112</u>
<u>Bronx West</u>	<u>Community districts 201, 203, 204, 205, 206, 207, 208, Van Cortlandt Park (Joint Interest Area 26), and Bronx Park (Joint Interest Area 27)</u>
<u>Bronx East</u>	<u>Community districts 202, 209, 210, 211, 212, and Pelham Bay Park (Joint Interest Area 28)</u>
<u>Brooklyn North</u>	<u>Community districts 301, 303, 304</u>
<u>Brooklyn West</u>	<u>Community districts 302, 306, 307</u>
<u>Brooklyn East</u>	<u>Community districts 305, 308, 309, 316, 317, 318, Prospect Park (Joint Interest Area 55), and Brooklyn Gateway National Recreation Area (Joint Interest Area 56)</u>
<u>Brooklyn Southwest</u>	<u>Community districts 310, 311, 312</u>
<u>Brooklyn South</u>	<u>Community districts 313, 314, 315</u>
<u>Queens West</u>	<u>Community districts 401, 402, and Roosevelt Island</u>
<u>Queens Central</u>	<u>Community districts 403, 404, 405, 406, LaGuardia Airport (Joint Interest Area 80), and Forest Park (Joint Interest Area 82)</u>
<u>Queens Northeast</u>	<u>Community districts 407, 408, 411, and Flushing Meadows-Corona Park (Joint Interest Area 81)</u>
<u>Queens Southeast</u>	<u>Community districts 409, 410, 412, 413, 414, JFK International Airport (Joint Interest Area 83), and Queens Gateway National Recreation Area (Joint Interest Area 84)</u>
<u>Staten Island</u>	<u>Community districts 501, 502, 503, and Staten Island Gateway National Recreation Area (Joint Interest Area 95)</u>

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: Establishment of Commercial Waste Zones

REFERENCE NUMBER: 2019 RG 101

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

Date: December 5, 2019

Acting Corporation Counsel

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: Establishment of Commercial Waste Zones

REFERENCE NUMBER: DSNY-21

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

December 5, 2019

Date