

New York City Department of Sanitation

Notice of Adoption of Final Rule Relating to Building Waste Management Plans for Certain Buildings

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 Sanitation by sections 753 and 1043(a) of the New York City Charter, and Section 16-120 of the Administrative Code that the Department of Sanitation (“DSNY”) adopts the following rule to require certain buildings to submit a building waste management plan. DSNY published a Notice of Opportunity to Comment on the proposed rule in the City Record on June 16, 2021. On July 20, 2021, DSNY held a public hearing on the proposed rule.

Statement of Basis and Purpose of Rule

When large, new buildings are designed, there currently is no requirement that such buildings consider waste management planning and incorporate measures for managing the substantial amount of refuse and recyclables generated by residents of such buildings. Curbside placement of piled bags of refuse generated at such buildings for collection by DSNY, given their large size, results in mountains of black bags placed along the curb on the sidewalks, not only obstructing pedestrian flow, but also impacting the quality of life of the surrounding area, especially in the summer months and after delayed collection during the winter months due to snow. These bags are also a huge food source for rats.

This rule requires owners and/or managing agents of certain new residential multiple dwellings to submit a building waste management plan, which is subject to the approval of DSNY.

Section 1 of the rule makes technical amendments to 16 RCNY 1-02(a) to conform with the new changes.

Section 2 of the rule adds a new section 16 RCNY 1-02.2 that requires the submission of a waste management plan to DSNY. Such waste management plan is required for the following classes of buildings:

- any new multiple dwelling building that contains 150 or more dwelling units; or
- any commercial building that is altered, enlarged or otherwise modified from its original physical design in order to be classified by DOB as a multiple dwelling building that contains 150 or more dwelling units; or
- any commercial building with 50 percent or more of its floor area renovated in order to be classified by DOB as a multiple dwelling building that contains 150 or more dwelling units.

Such waste management plan must be submitted to DSNY in a form prescribed and made available on its website. The plan must include:

- the name and contact information of the owner of such building, and his or her agent, if applicable;
- the number of dwelling units;

- the estimated amount of refuse, designated recyclable material, and organic waste that could be generated if building operates at full capacity;
- storage plans for refuse, designated recyclable material, and designated organic waste that could be generated while the building is in operation, ensuring sanitary storage of 150 percent of all the above materials as normally accumulated or generated within the building between any regularly scheduled collection;
- a plan to ensure that designated recyclable materials and organic waste that are required to be source separated are kept separate for recycling collection;
- a plan for educating tenants as to proper set-out requirements for refuse and recyclable materials, including the placement of applicable signage as required by all rules and regulations;
- confirmation of compliance with the provisions relating to refuse and recyclable storage space, refuse chute and chute access rooms as required by the Department of Buildings (“DOB”) pursuant to Sections 1213.1, 1213.1.1, 1213.1.2, 1213.2 and 1213.3 of the New York City Building Code;
- how and where the refuse and recyclable material will be placed out for collection by DSNY, which placement must be in accordance with all rules and regulations and may not impede the flow of pedestrian traffic or otherwise constitute a sidewalk obstruction, including maintaining, where practicable, eight feet of clear pedestrian space;_and
- any additional information that DSNY deems necessary.

A building must submit the waste management plan to DSNY when plans that include design drawings are submitted to DOB.

Upon submission of a waste management plan, DSNY will have 90 days to review such plan for conformance with the requirements outlined in this rule. If such plan is disapproved, the Department shall provide details to the applicants of the plan’s deficiency. If such plan is not disapproved within 90 days, it shall be deemed approved by DSNY.

If a waste management plan is disapproved by DSNY, the applicant will have 60 days to submit an amended waste management plan. DSNY shall have 90 days to review such amended waste management plan for approval and shall make its final determination as to the adequacy of such waste management plan. DSNY may deny collection service to any building that receives a certificate of occupancy from DOB prior to having an approved waste management plan.

At the time a building applies for collection service, DSNY may deny collection service to any building that fails to submit a waste management plan in accordance with this section or fails to certify that an approved waste management plan has been properly implemented.

Section 3 of the rule states that the effective date of this rule is April 1, 2022.

DSNY’s authority for these rules is found in section 753 of the New York City Charter and section 16-120 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 (a) of section 1-02 of Chapter 1 of Title 16 of the Rules of the City of New York is amended to read as follows:

- (a) Subject to the conditions and fees set forth in [16 RCNY § 1-03] sections 1-02.2 and 1-03 of this Chapter, the Department will provide collection service for ashes and solid waste generated by occupants of residential buildings, public buildings and special use buildings, excluding, however, all commercial occupants of said residential buildings unless such service is otherwise authorized by [16 RCNY § 1-03] section 1-03 of this Chapter.

§ 2. Chapter 1 of Title 16 of the Rules of the City of New York is amended by adding a new Section 1-02.2, to read as follows:

§ 1-02.2 Waste Management Plan.

(a) For the purposes of this section:

(1) A “new multiple dwelling building” means a multiple dwelling for which plans that include design drawings have been submitted to the Department of Buildings on or after the effective date of this rule. A new multiple dwelling building also includes those buildings for which plans that include design drawings have been submitted to, but have not been approved by, the Department of Buildings as of the effective date of this rule. A new multiple dwelling does not include an existing multiple dwelling, unless any alteration increases the amount of floor surface area by more than 110% over the amount of existing floor surface area.

(2) A “newly altered commercial building” means (i) any commercial building that is altered, enlarged or otherwise modified from its original physical design in order to be classified by the Department of Buildings as a multiple dwelling building on or after the effective date of this rule or (ii) any commercial building having 50 percent or more of its floor area renovated in order to be classified by the Department of Buildings as a multiple dwelling building on or after the effective date of this rule. A newly altered commercial building also includes those buildings for which plans that include design drawings have been submitted to, but have not been approved by, the Department of Buildings as of the effective date of this rule.

(b) An owner of a new multiple dwelling building that contains at least 150 dwelling units or a newly altered commercial building that contains at least 150 dwelling units, or his or her agent, must submit a waste management plan for such building in accordance with this section.

(c) An owner, or his or her agent, of any building for which a waste management plan is required pursuant to this section, must submit such waste management plan to the Department in a form prescribed by the Department and made available on its website. Such waste management plan must include:

- (1) the name and contact information of the owner of such building, and his or her agent, if applicable;
 - (2) the number of dwelling units in such building;
 - (3) the estimated amount of refuse, designated recyclable material, and organic waste that would be generated if the building were fully occupied;
 - (4) storage plans for such estimated amount of refuse, designated recyclable material, and designated organic waste that would ensure sanitary storage of 150 percent of all such materials that would be accumulated or generated between regularly scheduled collections;
 - (5) a plan to ensure that designated recyclable materials and organic waste that are required to be source-separated are kept separate for recycling collection;
 - (6) a plan for educating tenants as to proper set-out requirements for refuse and recyclable materials, including the placement of applicable signage as required by all rules and regulations;
 - (7) confirmation of compliance with the provisions relating to refuse and recyclable storage space, refuse chutes and refuse chute access rooms as required by the Department of Buildings pursuant to sections 1213.1, 1213.1.1, 1213.1.2, 1213.2 and 1213.3 of the New York City Building Code;
 - (8) how and where the refuse and recyclable material will be placed out for collection by the Department, which placement must be in accordance with all rules and regulations and may not impede the flow of pedestrian traffic or otherwise constitute a sidewalk obstruction, including maintaining, where practicable, eight feet of clear pedestrian space; and
 - (9) any additional information deemed necessary by the Department.
- (d) A waste management plan required by this section must be submitted to the Department no later than when plans that include design drawings are submitted to the Department of Buildings or the effective date of this rule, whichever is later.
- (e) Upon submission of a waste management plan, the Department shall have 90 days to review such plan for conformance with the requirements of subdivision (c) of this section. Upon review, if such plan is disapproved, the Department shall provide details to the applicant of the plan's deficiency. If such plan is not disapproved within 90 days, it shall be deemed approved by the Department.
- (f) If a waste management plan required by this section is disapproved by the Department, the applicant will then have an additional 60 days to submit an amended waste management plan for approval. The Department shall have 90 days to review such amended waste management plan for approval and shall make its final determination as to the adequacy of such waste management plan. The Department may deny collection service to any building that receives a certificate of occupancy from the Department of Buildings prior to having an approved waste management plan.

(g) At the time a building applies for collection service from the Department, the Department may deny collection service to any building that fails to submit a waste management plan in accordance with this section or fails to certify that an approved waste management plan has been properly implemented.

§ 3. This rule shall take effect on April 1, 2022.