

In Re Public Hearing on Use of Certain Receptacles by Chain
Stores NYC - Department of Sanitation
July 31, 2023

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THE CITY OF NEW YORK
DEPARTMENT OF SANITATION
PROPOSED RULE RELATING TO THE USE OF
CERTAIN RECEPTACLES BY CHAIN STORES
PUBLIC HEARING

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July 31, 2023
10:09 a.m.

Remotely via
WebEx Video

Julia M. Speros
Court Reporter

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A P P E A R A N C E S:

Madelynn Liguori, Senior Counsel
Department of Sanitation
Bureau of Legal Affairs

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PROCEEDINGS

MS. LIGUORI: Good morning and welcome. My name is Madelynn Liguori. I am Senior Counsel at the Bureau of Legal Affairs for the Department of Sanitation. Thank you for attending this Public Hearing this morning.

DSNY is conducting this remote hearing in accordance with the requirements of the City Administration Procedure Act.

The purpose of this hearing is to receive comments from the public on DSNY's proposed rule relating to the use of certain receptacles for a chain of stores.

This rule was published by DSNY in The City Record on June 30, 2023 with a scheduled hearing date of today, July 31, 2023. Additionally, DSNY emailed copies of the rules to all New York City local-elected officials, the City's 59 Community Boards, media, and interested parties, and published the proposed rule on its website.

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1 DSNY rules currently allow for all
2 commercial establishments to set out
3 their waste and recyclable materials
4 within one hour of closing, provided
5 that the scheduled collection occurs
6 before the establishment next reopens
7 for business and only if such materials
8 are placed out for collection in
9 receptacles with tight-fitting lids.

10 Those establishments that place
11 materials out for collection in bags,
12 regardless of the time they close, may
13 place such materials at the curb earlier
14 than 8 p.m.

15 DSNY recently proposed a rule that
16 requires all food-related businesses to
17 set out any putrescible solid waste,
18 including refuse and organic waste, at
19 the curb for private cart or collection
20 in rigid receptacles with tight-fitting
21 lids.

22 This new proposed rule would amend
23 this recent rule and expand the
24 requirement to include all commercial
25 establishments that are a part of a

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1 chain of stores, regardless of whether
2 such establishments are food-related
3 businesses.

4 A chain of stores includes a
5 commercial establishment that operates
6 five or more stores located within the
7 City of New York that are engaged in the
8 same general field of business and
9 conduct business under the same business
10 name or operate under common ownership
11 or management, or pursuant to a
12 franchise agreement with the same
13 franchiser.

14 These changes are part of the City's
15 commitment to cleaning up New York City
16 streets and reducing food sources for
17 rats.

18 Businesses are generators of
19 putrescible waste, including organics,
20 and bags of waste set out for collection
21 on the curb, even when in compliance
22 with existing waste set-out
23 requirements, attract rats and vermin
24 and are unsightly.

25 Requiring those businesses that

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1 produce any amount of food waste to
2 place their putrescible waste in rigid
3 containers with tight-fitting lids will
4 immediately limit potential food sources
5 for vermin, while also helping to keep
6 our sidewalks free of unattractive piles
7 of black bags.

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

14 A court reporter is present today
15 and will record the hearing.

16 You may present an oral statement or
17 submit written comments concerning the
18 proposed rule. We have been accepting
19 written comments on the proposed rule
20 since it was published.

21 Today is the deadline for submission
22 of written comments. Such comments may
23 be emailed directly to
24 nycrules@dsny.nyc.gov by 5 p.m. today.

25 DSNY will make available a copy of

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1 all written comments received through
2 today, together with the hearing
3 transcript, for viewing on its website
4 within the next few weeks.

5 DSNY will carefully consider all
6 comments it receives today at the
7 hearing and all written comments it
8 receives.

9 I will begin calling those of you
10 who wish to speak this morning in the
11 order in which you have signed up to
12 testify. While the notice requested
13 that persons wishing to testify sign-up
14 in advance of this hearing, anyone
15 wishing to testify at this time may do
16 so by indicating in the chat area that
17 you wish to testify by indicating your
18 name and affiliation, if any.

19 When you speak, please state your
20 name and affiliation, and speak slowly
21 and clearly so that the court reporter
22 can understand and accurately record
23 your statement. We also ask that you
24 limit your statement to five minutes.

25 At this time, no one has registered

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1 to testify at this hearing. If anyone
2 would like to testify, you may indicate
3 so in the chat or you may use the "raise
4 hand" function.

5 (No response.)

6 MS. LIGUORI: Once again, if anyone
7 would like to testify, you may use the
8 "raise hand" function or indicate so in
9 the chat.

10 (No response.)

11 MS. LIGUORI: We will keep the
12 record open for a few more minutes.

13 If anyone would like to testify, you
14 may indicate so in the chat or you may
15 use the "raise hand" function.

16 (No response.)

17 MS. LIGUORI: If anyone would like
18 to testify, you may indicate so in the
19 chat or you may use the "raise hand"
20 function.

21 (No response.)

22 UNKNOWN SPEAKER: Apologies, is the
23 meeting still ongoing? I jumped in a
24 little late.

25 MS. LIGUORI: Yes, the meeting is

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1 still ongoing. If you would like to
2 present testimony, you may do so now or
3 -- you can indicate in the chat or just
4 tell me right now.

5 UNKNOWN SPEAKER: No, I don't want
6 to make any testimony. We were just
7 listening in.

8 MS. LIGUORI: Okay. No problem. No
9 one signed up to testify, so we're just
10 keeping it open for a few more minutes.

11 UNKNOWN SPEAKER: Was there anything
12 said that I might've missed?

13 MS. LIGUORI: The transcript will be
14 available after the hearing at some
15 point on our website.

16 UNKNOWN SPEAKER: Okay. And that
17 would just be rules.cityofnewyork.us?

18 MS. LIGUORI: It will be available
19 on Sanitation's website, nyc.gov/dsny --
20 yeah.

21 UNKNOWN SPEAKER: Okay. Thank you.

22 MS. LIGUORI: If anyone would like
23 to testify, please indicate so in the
24 chat or use the "raise hand" function.

25 (No response.)

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1 MS. LIGUORI: Okay. This is the
2 last call.

3 If anyone would like to testify,
4 please indicate so in the chat. Use the
5 "raise hand" function or un-mute
6 yourself.

7 (No response.)

8 MS. LIGUORI: Hearing none, thank
9 you very much for attending today's
10 Public Hearing.

11 Like I said earlier, comments will
12 be posted on our website, nyc.gov/dsny,
13 and comments can continue to be received
14 today until 5 o'clock at
15 nycrules@dsny.nyc.gov.

16 Thank you very much for attending
17 today.

18 (Time noted: 10:19 a.m.)

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CERTIFICATION

I, JULIA M. SPEROS, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose testimony as
herein set forth, was duly sworn by me;
and that the within transcript is a true
record of the testimony given by said
witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 31st day of July, 2023.



Julia M. Speros

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31st 11:18	are 4:8,25 5:2,7,14,18,24 (7)	certify 11:6,12	consider 7:5	4:2,10,25 5:2 (4)
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herein 11:8	legal 2:4 3:5	missed 9:12	o'clock 10:14	placed 4:8
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				witness

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<p>11:7,11,17</p> <p>would 4:22 8:2,7,13,17 9:1,17,22 10:3 (9)</p> <p>written 6:17,19,22 7:1,7 (5)</p> <p>x 2,8</p> <p>yeah 9:20</p> <p>yes 8:25</p> <p>york 3 3:22 5:7,15 6:13 11:5 (6)</p> <p>your 7:17,19,23,24 (4)</p> <p>yourself 10:6</p> <p>1019 10:18</p> <p>2023 12 3:18,20 11:18 (4)</p>				
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