

12/13/2019

Commercial waste zones

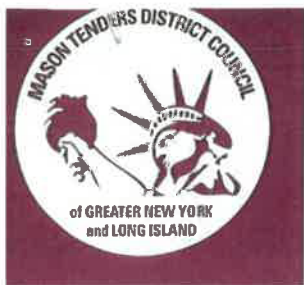
Commercial waste zones

[REDACTED]

Sent: Wednesday, December 11, 2019 15:39

To: NYC Rules (DSNY)

Greetings As the Bronx is LEAST
healthy area in the state #62.
PLEASE refrain from considering
ANY area in bronx for commercial
waste. Thank you,peace



Mason Tenders District Council

OF GREATER NEW YORK & LONG ISLAND

Tamir Rosenblum

GENERAL COUNSEL

January 8, 2020

By Electronic Mail

New York City Department of Sanitation
125 Worth Street
New York, NY 10013
nycrules@dny.nyc.gov

Re: DSNY Commercial Waste Zone Proposed Rule-Making Establishing 20 Commercial Zones

To Whom It May Concern:

Please accept this letter as the comment of Waste Material, Recycling, and General Industrial Laborers' Local 108 ("Local 108") to the Proposed Rule Change referenced above.

Local 108 supports the consolidation of zones in Brooklyn and opposes the splitting of zones in lower Manhattan. We believe that a system with far fewer zones would allow contractors to engineer efficient routes unrestricted by multiple artificial regulatory barriers (i.e. zone-boundaries). Carters lose money driving long distances putting wear-and-tear on their vehicles and burning gas without picking up waste material. They are actually very good at designing efficient routes if they are not incentivized to cut corners on safety and wages to make distant unconsolidated stops profitable. So if the Plan is really designed to improve working conditions, far fewer artificial boundaries will actually enhance route-efficiency.

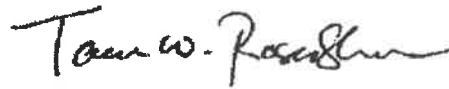
But of course that assumes that the Plan – as marketed – is really in any way about workers, which the introduction to the proposed rule once again indicates it is not (describing it as intended to bring about "high quality service at low prices."). As such, Local 108 strongly objects to the DSNY's failure to even manage to characterize its objectives in issuing regulations as inclusive of the enhancement of working conditions for the employees of the regulated carters.

Local 108 also objects to DSNY's failure to include any proposal to engage in rule-making that will directly benefit workers other than as particularly regards "safety". The Local requests that DSNY issue regulations that give meaning to the term "quality service" in a way that includes a wide range of issues that workers care about, such as long-term continuity of employment, paid time off, fair compensation, employer responsiveness to employee complaints, and general labor-law compliance.

We ultimately do not actually disagree with the implicit assumption DSNY seems to be operating under that the legislation is not about workers. But we would ask that the DSNY publicly commit itself – and regulate in such a manner – as to make the most of this law for the benefit of the people who work in the industry.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tamir W. Rosenblum". The signature is written in a cursive style with a long, sweeping underline.

Tamir Rosenblum

DSNY Proposed Rule To Establish 20 Commercial Waste Zones

Steve Changaris [REDACTED]

Sent: Monday, January 13, 2020 11:24
To: NYC Rules (DSNY)
Attachments: DSNY CWZ MAP PROPOSED RULE~1.pdf (557 KB)

To Whom It May Concern:

The NYC Chapter of the National Waste and Recycling Association is submitting this email today -- to go on the record with NYC and the DSNY -- that the New York City members of the association support the above mentioned proposed rule and map of the new districts to be created by LL 199 of 2019.

Thank you for your review of this email and the association's support of this proposed DSNY CWZ Map and rule.

Regards,
Steve Changaris
NYC NWRA Chapter Director

Steve Changaris
Northeast Region Vice President
482 Southbridge Street, Suite #373
Auburn, MA 01501

[REDACTED]
Ph: 800 679 6263; C [REDACTED]

wasterecycling.org





**STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL
REGARDING THE NEW YORK CITY DEPARTMENT OF SANITATION'S
PROPOSED RULE DESIGNATING COMMERCIAL WASTE ZONES**

January 13, 2020

Good morning. My name is Eric A. Goldstein and I am New York City Environment Director at the Natural Resources Defense Council, ("NRDC"). NRDC is a national non-profit legal and scientific organization active on a wide range of environmental, public health and quality-of-life issues around the world, across the country and right here in New York City where the organization was founded in 1970. Among our most important goals in New York has been to transform the region's solid waste policy from primary reliance on landfilling and incineration to making waste prevention, recycling, composting and equity the cornerstones of 21st century waste policy here.

With respect to the rulemaking proposal that is the subject of today's hearing, NRDC has worked for more than five years with ALIGN, the New York City Environmental Justice Alliance, New York Lawyers for the Public Interest, and the Teamsters, in cooperation with a diverse group of community organizations all of whom came together as the Transform Don't Trash coalition, to advance commercial waste zoning in New York City. We are pleased to be here today to support the Department of Sanitation's first proposed rulemaking under the Commercial Waste Zone statute, Local Law 199 of 2019.

The Department has proposed to divide the city into twenty zones for the purpose of issuing contracts to haulers for the collection of commercial waste in each zone. The specific zones that are being proposed are presented in a zoning map that is linked to the draft rule. Winning contractors in each zone will be selected by the Department based upon their track-records and extent to which they satisfy a variety of environmental, worker health and safety, and customer service criteria.

NRDC supports the proposed designation of the commercial waste zones set forth in the rulemaking proposal.

- The proposed rule and zoning map are consistent with the statute. Local Law 199, in fact, mandates today's rulemaking. Among other things, it directs the Department to advance a 20-zone system and limits the number of carters to no more than three per zone (and up to five carters citywide for containerized waste collection service). Under what is now Section 16-1001 of the Administrative Code of the City of New York, the Sanitation Commissioner "shall divide the geographic area of New York city into no less

NATURAL RESOURCES DEFENSE COUNCIL

40 W 20TH STREET | NEW YORK, NY | 10011 | T 212.727.2700 | F 212.727.1773 | NRDC.ORG



than twenty commercial waste zones” within 120 days after the effective date of the statute.

- The proposed rule and zoning map logically follow from the 20-zone framework set forth in the Department’s Commercial Waste Zones plan, with only minor adjustments to that outline, which were made as a result of the City Council’s decision to limit the number of carters per zone to no more than three.
- The proposed rule and zoning map are also in accord with the September 2019 Final Generic Environmental Impact Statement for this initiative. The EIS fully explored the environmental and socio-economic impacts of creating a non-exclusive zone system of 20 geographic zones. And it concluded that a 20-zone system would cut commercial waste truck traffic by half, enhance pedestrian and public safety, slash commercial waste handling greenhouse gas emissions by 42 to 67%, help advance the DeBlasio Administration’s Zero Waste goal, provide more transparent pricing and more accountable service to customers and assure more equitable treatment for private sanitation workers.
- Finally, the proposed rule and zoning map were developed following extensive public input and engagement, including a comprehensive stakeholder process that involved numerous industry representatives, public review and comment on the Draft Environmental Impact Statement and years of debate and consideration, as well as public hearings, held by the New York City Council and its Sanitation and Solid Waste Management Committee, chaired by Councilmember Antonio Reynoso.

NRDC looks forward to reviewing further Sanitation Department rulemaking proposals connected with implementation of the Commercial Waste Zone system in New York City. We hope and expect that such proposals will seek to achieve, to the maximum extent practicable, the environmental and health and safety goals set forth by the Council in the legislative findings section of Local Law 199. In this regard, the competitive procurement process to be employed by the Department in selecting private carters to service businesses in each zone will be a most critical step. We urge the Department to give these environmental, worker protection and public policy goals the highest consideration as it moves forward with the procurement process.

DISTRICT OFFICE
73-03 BELL BOULEVARD
OAKLAND GARDENS, NY 11364
(718) 468-0137
FAX: (718) 468-0178

CITY HALL OFFICE
250 BROADWAY, SUITE 1744
NEW YORK, NY 10007
(212) 788-7075
FAX: (212) 608-6382



THE COUNCIL
OF
THE CITY OF NEW YORK

BARRY S. GRODENCHIK
COUNCIL MEMBER, 23RD DISTRICT, QUEENS

COMMITTEES
EDUCATION
FINANCE
GENERAL WELFARE
HOUSING AND BUILDINGS
LAND USE

SUBCOMMITTEES
CAPITAL BUDGET
ZONING AND FRANCHISES

JEWISH CAUCUS

January 13, 2020

**STATEMENT FROM NEW YORK CITY COUNCIL MEMBER BARRY S. GRODENCHIK
ON THE ESTABLISHMENT OF 20 COMMERCIAL WASTE ZONES**

I disapproved of the legislation creating commercial waste zones in New York City because of my strong concerns about creating monopolistic practices. While proponents of the plan won the day in the New York City Council, I want to ensure that, as the establishment of commercial waste zones moves forward, the New York City Department of Sanitation (DSNY) remains cognizant of the potential pitfalls of such a system and that New York City does not ignite the same problems that plagued the City of Los Angeles, California when that city implemented a similar system.

Local Law 199 requires the DSNY Commissioner to divide New York City into at least 20 "commercial waste zones." The proposed rule establishes exactly 20 zones. Since Local Law 199 authorizes up to 3 carters per zone, I am concerned that having oligopolies in large zones such as Northeast Queens and Southeast Queens will stifle competition. Under the proposed rule, at most six carters will serve all of Eastern Queens from Little Neck Bay to the Rockaways. I am afraid this will lead to a lack of competition, higher prices, and poor customer service for the many small businesses in Eastern Queens. In addition, having just 20 zones with a maximum of three carters in each zone could lead to New York City's commercial carting becoming dominated by a handful of large carters based in other states. I strongly suggest that DSNY increase the number of zones and authorize the maximum three carters per zone.

The City of Los Angeles offers a cautionary tale. In July 2017, seven waste services companies were awarded the exclusive contracts to pick up trash and recycling at 70,000 businesses, apartment complexes, and condominiums throughout the city's 11 geographical regions.ⁱ By February 2018, more than 28,000 complaints had been filed with LA's Bureau of Sanitation.ⁱⁱ Under the current system in New York, customers who have complaints about their carter can simply hire another. The zoned system will limit such market decisions. In addition to the many service complaints made by customers in Los Angeles, those same customers saw huge increases in their bills.

DSNY has witnessed the debacle in Los Angeles. I implore DSNY to do whatever possible to avoid the same issues experienced in Los Angeles as DSNY creates New York City's new oligopoly system of garbage collection.

ⁱ Waste Today Magazine. posted online February 7, 2018.

ⁱⁱ *ibid*

Statement to the Department of Sanitation
Regarding Proposed Map for Twenty (20)
Commercial Waste Zones

Submitted January 13, 2020

By

Kendall Christiansen
Executive Director



As submitted

This statement is submitted on behalf of **New Yorkers for Responsible Waste Management**, a trade association of approximately twenty (20) locally owned and operated companies licensed and in good standing with the Business Integrity Commission (BIC) which are engaged in various services managing waste, recyclables and organics generated by New York City's business sector.

These comments are offered in response to the proposed map of commercial waste zones as an initial step towards implementation of Local Law 199 (of 2019).

1. DSNY should provide further explanation as to why the minimum number of zones required by LL199 (twenty) is optimal, as opposed to more – such as 25 or 30; especially given the expressed concern about providing real opportunity for small and medium-size waste service providers to continue in operation. Likewise, the pros and cons of creating smaller zones in the outer boroughs for that purpose should be fully presented.
2. DSNY should restore the zone deleted from the Borough of Brooklyn, creating at least 21 zones – for the reason cited by others: the Plan maps, even though tentative, already were in use by companies to inform business decisions about acquisition or shedding of customers in order to consolidate their operations.
3. Throughout this regulatory process, DSNY should routinely provide transparent and substantive data for its proposal; in this case, clearly indicating how many customers and the various tonnages (waste, recyclables and organics) it estimates will be generated within each zone, as well as the geographic area (e.g., square miles) of each zone. While that data may exist elsewhere, interested parties should be able to access it readily for planning purposes as this process moves forward.
4. DSNY should provide further explanation as to how zone boundaries will be regarded – e.g., whether service providers on a zone-boundary street will be restricted to just one side of it, and the number and nature of possible exemptions to the zone system for various types of customers.
5. DSNY should provide further explanation as to its commitment to award the maximum number of contracts (three) in each zone.

Finally, as the arguments for the Commercial Waste Zone system already have been adopted into law, it should not be necessary to present them as the preamble to each proposed rule. A close review of current BIC, for example, affirms that while ninety (90) companies may hold licenses for commercial waste-related services, only forty-five (45) currently are active providers of those services, with approximately twenty-five (25) providing in excess of 95% of the market's services. [In fact, the remaining twenty companies operate three or fewer trucks, and may be more subject to compliance with the clean-emission requirements of Local Law 145 (of 2013) that are now in effect, suggesting a likely reduction in that segment.]

Further dialogue on these matters would be welcomed by NYRWM and its members; when possible, we encourage that dialogue to precede formal presentation of proposed rules.

Thank you for your consideration of these comments.



New York Lawyers
For The Public Interest, Inc.
151 West 30th Street, 11th Floor
New York, NY 10001-4017
Tel 212-244-4664 Fax 212-244-4570
TTY 212-244-3692 www.nylpi.org

**Comments of Justin Wood, New York Lawyers for the Public Interest
To the NYC Department of Sanitation
On the Proposed Rule to Establish 20 Commercial Waste Zones
January 13, 2020**

Good morning, my name is Justin Wood and I am the Director of Organizing and Strategic Research at New York Lawyers for the Public Interest (NYLPI.) Thank you for the chance to comment on the proposed rule to establish 20 commercial waste zones citywide. NYLPI strongly supports adoption of this rule as part of a comprehensive reform of the commercial waste system, as mandated by Local Law 199 of 2019.

The proposed 20-zone map will enable a more than a 50% reduction in the number of vehicle miles traveled by large trucks collecting commercial waste throughout the City. By limiting the number of carters to a maximum of three in each of these 20 zones, the waste industry will be able to operate more safely and with far lower local air pollution while offering better customer service, better recycling services, and just conditions for workers at fair prices to businesses.

It is important that the CWZ system offers carters a sufficiently large and stable customer base zone to create route efficiencies, and to create economies of scale that enable fair prices, improved customer service, and much needed investments in infrastructure. We believe the proposed 20-zone map will achieve this. We also believe the geographic diversity and varying size of the proposed zones gives ample opportunity to various responsible waste companies (including locally owned companies) that wish to competitively bid for contracts to serve these zones.

In future rulemaking and in the RFP process, we urge the department to lay out clear and measurable sustainability and waste reduction criteria for bidders consistent with the City's climate emissions and zero-waste goals. We also encourage the City to create rules that will prioritize pollution reduction, noise and odor reduction, and safety improvements in communities historically burdened by waste industry facilities, such as transfer stations, recycling facilities, and truck garages. Examples of such green investments could include zero-emissions truck fleets, plans to use marine- and rail-based transfer and recycling facilities, plans to partner with local re-use and recycling organizations, and plans to upgrade existing facilities to reduce truck traffic, noise, and odors for neighboring communities.

We look forward to working with the Department of Sanitation on implementing a more efficient, sustainable, and equitable commercial waste system this year, and can be contacted at:

Justin Wood, Director of Organizing and Strategic Research
New York Lawyers for the Public Interest
151 West 30th Street, 11th floor
New York, NY 10001
[REDACTED]
(212) 244-4664

NYLPI has fought for more than 40 years to protect civil rights and achieve lived equality for communities in need. Our Environmental Justice program works to eliminate the unfair burden of environmental hazards borne by low-income communities and communities of color, and to create a more equitable and sustainable city.