

New York City Department of Sanitation

Notice of Adoption of Final Rule Relating to the Level of Service Commercial Waste Zone Awardees Must Provide to Assigned Customers

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 the Department of Sanitation by sections 753 and 1043(a) of the New York City Charter and section 16-1002(e) of the New York City Administrative Code, that DSNY adopts the following rule relating to the level of service commercial waste zone awardees must provide to assigned customers. DSNY published a Notice of Opportunity to Comment on the proposed rule in the *City Record* on November 27, 2024. On December 27, 2024, DSNY held a public hearing on the proposed rule. One supportive comment was provided at the hearing, and two supportive written comments were received. One written comment requested that DSNY expand the rule to give the Department the flexibility to assign businesses a greater number of days of recycling or organics collection. The Department does not anticipate a need for additional assigned recycling or organics pickups at this time. However, the Department will consider this proposed change when it reviews the implementation of the first zone.

Statement of Basis and Purpose

The Department of Sanitation is currently implementing the first zone of the Commercial Waste Zones program mandated by Local Law 199 of 2019. The private waste carters who have been awarded the right to operate within the first zone (“awardees”) have been signing up customers, but the percentage of businesses that have signed up with an awardee remains low. Pursuant to 16 RCNY 20-20(e), the Department will assign an awardee to any businesses that have failed to sign up with an awardee by the final implementation date for the zone. The rules of the Department currently state that assigned businesses shall receive two days of refuse collection per week and one day of designated recyclable materials collection per week, as well as one day of source separated organics collection per week if the commercial establishment is a designated covered establishment. However, there are businesses that generate a large amount of waste such that they currently require waste collection as frequently as five days per week. If these businesses were assigned an awardee for waste collection just two days per week, their waste would not be collected in a timely manner, and it could build up on the street. Therefore, this rule will give the Department the flexibility to assign a business up to five days a week of waste collection if an assigned business generates an amount of waste that requires collection more frequently than two days a week.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“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. Paragraph 1 of subdivision e of section 20-26 of Title 16 of the Rules of the City of New York is amended to read:

(e) (1) If a customer has been assigned to the awardee by the Department pursuant to paragraph (4) of subdivision (e) of § 16-1002 of the Administrative Code or rules promulgated pursuant to such section, the standard contract that the awardee has submitted to the Department pursuant to subdivision (c) of this section shall be deemed to be in effect, and the awardee shall provide commercial waste collection service at the level of service described in paragraph (2) of subdivision (a) of 16 RCNY § 20-22 at the maximum rates the awardee is authorized to charge pursuant to the awardee's agreement with the Department pursuant to § 16-1002 of the Administrative Code, unless and until such customer and such awardee negotiate alternative terms by following the procedures in subdivision (d) of this section or the customer selects a different awardee pursuant to paragraph (4) of subdivision (e) of § 16-1002. Notwithstanding any other provision of this paragraph, the Department may require that an awardee provide up to five days of refuse collection to a commercial establishment that has been assigned to such awardee as provided in this paragraph if the Department determines that such commercial establishment requires commercial waste collection service at a higher level of service than that described in subparagraph (i) of paragraph (2) of subdivision (a) of 16 RCNY § 20-22.

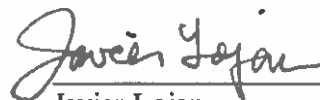
Statement of Substantial Need for Earlier Implementation

I hereby find, pursuant to Section 1043(f)(1)(d) of the New York City Charter, that there is a substantial need for the implementation, immediately upon its final publication in the City Record, of a rule to alter the level of service commercial waste zone awardees shall provide to assigned customers.

The Department of Sanitation is currently implementing the first zone of the Commercial Waste Zones program mandated by Local Law 199 of 2019. This first zone is currently in a transition period, which will end on January 2, 2025, the final implementation date that has previously been set by rule. The private waste carters who have been awarded the right to operate within the first zone (“awardees”) have been signing up customers, but the percentage of businesses that have signed up with an awardee remains low. Pursuant to 16 RCNY 20-20(c), the Department shall assign an awardee to any businesses that have failed to sign up with an awardee by the final implementation date for the zone.

The rules of the Department currently state that assigned businesses shall receive two days of refuse collection per week and one day of designated recyclable materials collection per week, as well as one day of source separated organics collection per week if the commercial establishment is a designated covered establishment. However, there are businesses that generate a large amount of waste such that they currently require waste collection as frequently as five days per week. If these businesses were assigned an awardee for waste collection just two days per week, their waste would not be collected in a timely manner, and it could build up on the street. Therefore, the Department proposes to give itself the flexibility to assign a business up to five days a week of waste collection if an assigned business generates an amount of waste that requires collection more frequently than two days a week. This change will ensure all commercial waste is picked up after the final implementation date, and commercial waste is not sitting out on the street due to insufficient pickups.

In order to be able to achieve these goals prior to the final implementation date of January 2, 2025, there is a substantial need for this rule to be implemented immediately upon its final publication in the City Record.



Javier Lojan
Acting Commissioner

Approved:



Eric Adams, Mayor

Date: 12.27.24