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                    REMOTE PUBLIC HEARING
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    PUBLIC HEARING REGARDING RULE RELATING TO USE OF
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              STATIONARY ON-STREET CONTAINERS
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6
                            Held Remotely
                             Webex Video Conference
7
                             DATE: November 12, 2024
                             TIME: 10:05a.m. - 10:39a.m
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                     REMOTE PUBLIC HEARING in the
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  above-
referenced matter, held via videoconference
14
    at the above time, before Michele Simone, a
    Notary Public for and within the State of New
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    York.
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1	APPEARANCES:
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3	MADELYNN LIGUORI - Senior Counsel Bureau of Legal Affairs, DSNY
4	negai Allalis, DBNi
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7	SPEAKERS:
8	Clare Miflin
9	Benny Rosenberger
10	Carole Friedman
11	Michael Holder
12	Lisa Baptiste
13	Jeremy Haniquet
14	Richard Walkes
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MS. LIGUORI: Good morning and welcome. My name is Madelynn Liguori and I am the senior counsel in 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 Administrative Procedure Act. The purpose of this hearing is to receive comments from the public on DSNY's proposed rule relating to establishing a pilot program for the use of stationary on-street containers.

This rule was published by DSNY in the City Record on October 11, 2024, with a scheduled hearing date of today, November 12, 2024. Additionally, DSNY emailed copies of the rule 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.

This rule sets the framework for the

Department of Sanitation's application
of trash containerization requirements
to residential buildings with 10 or more
units, starting with a limited pilot
program. This rule designates Manhattan
Community District 9, encompassing West
Harlem, which also includes the
neighborhoods of Hamilton Heights,
Manhattanville, and Morningside Heights,
as the first area in which to pilot
these requirements, with an expected
implementation date of June 1, 2025 and
end date of May 31, 2026. This area was
chosen because it is one of the rat
mitigation zones designated by the
Department of Health and Mental Hygiene
and it offers a very diverse set of
building types and streetscapes. A
portion of this area was also the
subject of a much smaller scale
assessment for containerization that
resulted in fewer 311 rat complaints in
the area.
Specifically, this would require all
residential buildings having 31 or more

dwelling units located in the pilot area
to utilize stationary on-street
containers for the disposal of refuse
beginning on the implementation date.
Such buildings would be required to use
stationary on-street containers rather
than their own rigid receptacles with
tight-fitting lids, because large
residential buildings tend to generate
too much refuse to fit in such
receptacles. The Department would affix
stationary on-street containers in the
roadway in the parking lane along the
curb, with specific locations for each
stationary on-street container chosen in
coordination with the Department of
Transportation. A building with 31 or
more dwelling units in the pilot area
would not be required to utilize a
stationary on-street container if it
receives off-street collections,
including collection from inside a
loading dock, or if the Department
determines that such building's location
warrants a different containerization

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method or alternative set-out method based on its own independent analysis.

Residential buildings containing 10 to 30 dwelling units located in the pilot area would be required either to dispose of their refuse in stationary on-street containers or to set out their refuse at the curb for collection by the Department in rigid receptacles with tight-fitting lids not exceeding 55 gallons in size. A building of this size could apply to use a stationary on-street container during the application period, proposed to be December 15th of 2024 to February 1st of 2025. The Department would notify a building if the request to utilize a stationary on-street container has been approved or denied, no later than two months prior to the implementation date. If a building's application to use a stationary on-street container is denied, or if a building did not apply to use a stationary on-street container in the first place, such building would

have to use rigid receptacles with tight-fitting lids not exceeding 55 gallons in size or, if the Department determines that the amount of waste generated by the building warrants a different containerization method or an alternative set-out method for such building, such method as designated by the Department. Any such method would need to be in place by the implementation date.

Any building utilizing stationary on-street containers would also be responsible for certain maintenance and cleanliness requirements. Specifically, stationary on-street containers must be kept clean, well maintained, and clear of trash, debris, graffiti, vermin, food scraps, and unsanitary conditions.

Additionally, the area of the roadway extending one and one-half feet beyond each side of the stationary on-street container must be kept clean. These changes are a part of the City's commitment to cleaning up New York City

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streets and reducing food sources for rats. Residences and other buildings that receive Department collection are generators of refuse, and bags of waste set out for collection on the curb, even when in compliance with existing waste setout requirements, attract rats and vermin. Requiring these buildings to utilize a specific City-approved receptacle for the disposal of refuse will allow DSNY to streamline collections and further limit potential food sources for vermin. Based on the results of this rule in the pilot area, the Department will consider whether any changes are necessary prior to establishing a more permanent program in the pilot area and expanding these requirements to other parts of the city in future rulemakings.

These changes align with other City initiatives to increase the use of containers for waste storage and collection, creating cleaner, more livable, and more vibrant streets and

1	neighborhoods	across	New	York	City.
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A court reporter is present today and will record the hearing. You may present an oral statement or submit written comments concerning the proposed rule. We have been accepting written comments on the proposed rule since it was published. Today is the deadline for submission of written comments. Such comments may be emailed directly to nycrules@dsny.nyc.gov by 5 p.m. today.

DSNY will make available a copy of all written comments received through today, together with the hearing transcript, for viewing on its website within the next few weeks.

DSNY will carefully consider all the comments it receives today at the hearing and all written comments it receives.

I will begin calling those of you who wish to speak this morning in the order in which you have signed up to testify. While the notice asked that persons wishing to testify sign up in

advance of the hearing, anyone wishing 1 2 to testify at this time may do so by indicating in the chat area that you 3 4 wish to testify by indicating your name 5 and affiliation, if any. When you 6 speak, please say your name and 7 affiliation, and speak slowly and 8 clearly so that the court reporter can 9 understand and accurately record your 10 statement. We also ask that you limit 11 your statements to three minutes. Thank 12 you. 13 I would like to now call the first 14 person that has signed up in advance, 15 Clare Miflin. Clare? Thank you. 16 MS. MIFLIN: Hi. Μу name is Clare Miflin. I am the 17 18 executive director of the Center for 19 Zero Waste Design. I am very happy that 20 the Department is piloting solutions for 21 containerization of waste. We think 22 this is a very important thing, but we also just issued a report, called 23 24 "Uncontainerization", which looked at

how waste containerization could be well

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designed into streetscapes, to improve public space. It could be good for labor, for the people in buildings and the Department of Sanitation staff, and it could help the city get to its zero-waste goals.

So, we believe any pilot should really be evaluated -- not evaluated, it should be shared with the public. The only shared information from the Hamilton Heights pilot is that it resulted in fewer 311 rat complaints. That seems a very small thing to -- that is the only thing that is being shared? What else happened? Was there any illegal dumping? Did it increase the amount of trash generated and reduce recycling? We need to know a lot more. If an expensive pilot is going to be done, it should be evaluated thoroughly and that evaluation should be shared.

We also think that some of our suggestions should be piloted, like large buildings with trash chutes and room inside, it doesn't make sense for

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them to have permanent containers on the street. In my mind, it would be better for public space and for labor to use four-wheel bins.

So, we would love the Department to pilot that, in just a couple of buildings, so they can evaluate, is this solution better or is that one? And we definitely think the evaluation should include diversion rates. Our worry is a trash-only pilot, containerization just for trash, will make trash incentivized. People, if it's more convenient to throw away trash, will be less inclined to recycle and separate food scraps. And that goes for building staff who are often really trying to do their best in limited circumstances. If you make trash easier and they don't have storage for recycling, they have to keep a week, they are going to be incentivized to throw more in the trash. We've seen this time and time again with our existing building staff. Also evaluated for labor. Figure out, are they the

right capacity? Evaluate the impacts on public space. Evaluate stakeholders' concerns. Ask residents, building managers, and DSNY labor. And evaluate it for equity. How does this work for underresourced buildings as well. So I think there should be a clear statement saying how this pilot is going to be evaluated and that this should be shared with the public, the evaluation, as I think the evaluation of the previous Hamilton Heights pilot should be shared with the public.

Thank you so much for this time and I would also really welcome a discussion with the Department of Sanitation, because here at the Center for Zero Waste Design, we've been working on waste containerization since the release of the Zero Waste Design guidelines in 2017. And at that time, we had really good conversations with the Department of Sanitation, City Planning, DOT. It was a really engaged stakeholder process where people who have expertise in

1	designing streetscapes should be part of
2	this conversation, so should the Design
3	Commission. We really would want to
4	help DSNY do this major change to public
5	space in a good way. And we are here to
6	help. But, for some reason, Department
7	of Sanitation is not responding to our
8	requests to discuss and help them ensure
9	that waste containerization is done in a
10	way that helps the city get to
11	zero-waste goals, helps improve
12	streetscapes, and doesn't take up too
13	much space and is good for labor.
14	Thank you, again.
15	MS. LIGUORI: Thank you very much,
16	Miss Miflin.
17	The next person signed up to testify
18	is Carole Friedman. Carole? I do not
19	think she's joined yet, so I'm going to
20	skip her and go to Benny Rosenberger.
21	Mr. Rosenberger.
22	MR. ROSENBERGER: Yes. Hello, can
23	you hear me?
24	MS. LIGUORI: Yes, we can hear you.
25	MR. ROSENBERGER: I'm a Brooklyn

resident. I have three questions. 1 2 is, has the Department of Sanitation considered any recourse for these bins 3 4 that get -- are going to be used for 5 containerizing trash? Because I used to use bins in front of my house, but I 6 7 stopped putting them out and I'm putting my trash in bins, because I saw how the 8 9 workers were handling the bins and 10 pretty much destroying my containers. 11 So, I want to know what recourse 12 citizens will have of damaged bins. 13 Another problem could be, bins get 14 stolen after the trash is taken out of 15 them, so I want to know if the Department of Sanitation has considered 16 17 this. 18 Another question I have is regarding 19 the pickup. Considering how, you know, 20 most cars are parked on the sidewalk, how does the Department of Sanitation 21 22 expect to be able to lift, from the 23 sidewalk, over cars, into the trucks, 24 just practically? 25 Another thing I want to mention,

1	(inaudible) from the previous speaker,
2	that all these containerization of
3	trash, especially for big apartment
4	buildings, are going to take up lots of
5	parking (connection difficulty), so I
6	don't know if (connection difficulty).
7	Thank you very much for your time. I
8	hope you consider this in your
9	evaluation.
10	MS. LIGUORI: Thank you,
11	Mr. Rosenberger, for your comments.
12	Is Miss Friedman on?
13	MS. FRIEDMAN: Hi. I'm sorry I am
14	joining late and
15	MS. LIGUORI: No problem.
16	MS. FRIEDMAN: I don't want to not
17	respect the agenda. I see that, you
18	know, the agenda is really not about the
19	regular bins, but the gentleman before
20	me, I am assuming, was speaking about
21	the regular bins?
22	MS. LIGUORI: I am not here to opine
23	on the comments received, so please, we
24	are here for a rule, but you can
25	comment, as you see fit.

MS. FRIEDMAN: Thank you. I am a long time Soho resident and I may -- again, I am coming on late, so if I am reiterating something that's already been said, I apologize, but I will be as succinct here.

I see a situation that -- we have two situations. One, the bins can not contain the amount of refuse that the buildings have. I am in the category of the one to nine in Soho. So, routinely, the people who are in compliance so far, they will have three bins. And then I just came in right now, seeing it right now, that there is three bins and nine bags, so what's the point of the bins?

But the main problem, and this is a serious problem, we have nowhere to store our bins. So, for instance, my building yields about six or seven bags. If we get two bins, we have nowhere to put them. The basement doesn't have an elevator that goes down to the basement. We are not allowed to keep them on the sidewalk. It's a single-lane sidewalk,

as it is.

So you've got these gigantic bins, plus bags, and I came in on the tail end of that gentleman saying the sanitation men. I talk to them all the time. They can't even get the garbage on the truck, because the parked cars are chockablock. They can't throw the bags on the truck like they used to.

So I can't imagine that it's good for you on the revenue side, because their job is taking twice as long.

They've got to walk all around the cars with these bins.

So what I'm saying is, for the one to nine status buildings, in Soho and elsewhere, these bins make no -- they make no sense. And we won't even talk about what they look like. But they are not -- and the whole problem was to abate the rat situation. The rats just have private dining rooms now. Because no one is locking down the tops and the rats are just going inside and they are eating in peace and quiet, privately.

1	The rats are still coming.
2	And, again, I am sorry if I deviated
3	from the agenda today.
4	MS. LIGUORI: Thank you very much,
5	Miss Friedman, for your comments.
6	MS. FRIEDMAN: Thank you.
7	MS. LIGUORI: If anyone else wishes
8	to testify, please indicate so in the
9	chat or you can use the "raise hand"
10	function.
11	Mr. Holder, would you like to
12	testify? Mr. Holder, you are on mute.
13	We still can't hear you. I can't
14	hear you. I don't know if anyone else
15	can.
16	MS. FRIEDMAN: His mute button is
17	off now. Oh, there he goes. No.
18	MS. LIGUORI: No, we still can't
19	hear you, Mr. Holder. Do you want to
20	reconnect in? We'll just give it a few
21	minutes for Mr. Holder to reconnect in.
22	MS. FRIEDMAN: May I ask one
23	question? May I just jump in to ask one
24	question?
25	MS. LIGUORI: Okay, this is not a Q

1	and A, it's only to receive comments,
2	but if you'd like to add that question
3	to your testimony, you're more than
4	welcome.
5	MS. FRIEDMAN: The question is,
6	since I know I'm not alone in my view of
7	the inappropriateness for just the size
8	of these bins and where we live and not
9	having storage, what will be the means
10	to create some sort of form where there
11	are exceptions for certain buildings
12	down the line?
13	MS. LIGUORI: Thank you very much
14	for your comment.
15	MS. FRIEDMAN: Thank you.
16	MS. LIGUORI: While we are waiting
17	for Mr. Holder to join, is there anyone
18	oh, Mr. Holder? Mr. Holder, we still
19	can't hear you. While we are waiting
20	for Mr. Holder to fix his technical
21	difficulties, is there anyone else that
22	wishes to testify? You can use the
23	"raise hand" function or indicate in the
24	chat.
25	Remember, comments can be received

1	up until 5 o'clock today. You can email
2	them to nycrules@dsny.nyc.gov or you can
3	submit your comments online at the NYC
4	Rules website.
5	Mr. Holder, are you calling in, as
6	well, because that might work.
7	Mr. Holder, we are going to go on to
8	the next persons that wants to testify,
9	while you're fixing your problem, if
10	that's okay.
11	I'm going to call Marc Fontaine.
12	Mr. Fontaine?
13	Mr. Fontaine, we can't hear you. We
14	can't hear you, Mr. Fontaine. You want
15	to try to call in, Mr. Fontaine? Do you
16	want to call the number to call in,
17	since we can't hear you? You dial in.
18	Yeah, dial in.
19	Mr. Holder, let's see if this works.
20	Mr. Holder?
21	MR. HOLDER: Yeah, hold on, let me
22	just un-mute. You can hear me, guys?
23	I'm un-muted.
24	MS. LIGUORI: We can hear you.
25	MR. HOLDER: Yeah, so I'm calling

2 3	Marc are from the same site, we are sister buildings. So, with these bins, we don't have
3	
1	So with these hins we don't have
4	50, with these bins, we don't have
5	adequate space to store them in our
6	basement, one. And two, like the other
7	lady said, that Sanitation doesn't have
8	access to pull all those bins to the
9	curb, due to the fact of all the cars
10	being parked so close to each other.
11	So, we usually put your bags directly,
12	straight out and our buildings contain,
13	with both buildings combined, we're 212
14	units.
15	So, we are trying to also trying
16	to figure that out with the regular
17	garbage and with the new compost
18	situation, we don't have the adequate
19	storage for that, either.
20	Hello?
21	MS. LIGUORI: Do you have anything
22	else, Mr. Holder?
23	MR. HOLDER: No.
24	MS. LIGUORI: Thank you so much,
25	Mr. Holder.

1	MR. HOLDER: You're welcome.
2	MS. LIGUORI: Mr. Fontaine, did you
3	fix your audio? Mr. Fontaine?
4	While we are waiting for
5	Mr. Fontaine, is there anyone else that
6	wishes to testify, you can use the
7	"raise hand" function or you can
8	indicate so in the chat.
9	Mr. Fontaine, do you wish to speak,
10	still? While we are waiting for
11	Mr. Fontaine, if anyone else wishes to
12	speak, you may use your "raise hand"
13	function or indicate so in the chat.
14	Mr. Fontaine? You are still having
15	problems. We still can't hear you. Did
16	you try calling in? We can't hear you.
17	You can try calling in to the number.
18	You can dial in.
19	MR. HOLDER: I spoke for both myself
20	and Marc, because we are from the same
21	buildings.
22	MS. LIGUORI: Okay, great. So,
23	Mr. Holder and Mr. Fontaine are
24	together. Thank you very much. I just
25	wanted to make sure. If he does fix his

1	audio, before this hearing is over, he
2	can use the "raise hand" function again
3	and we can call on him.
4	MR. HOLDER: Hold on one second, my
5	property manager wants to say something.
6	MS. BAPTISE: Hi there, I'm Lisa. I
7	put my hand up a few minutes ago.
8	MS. LIGUORI: Everyone, this is a
9	public hearing. We can't have side
10	conversations, I'm sorry, I apologize,
11	we can't do that. Thank you.
12	MS. BAPTISE: Thank you. I put my
13	hand up a few minutes ago to just
14	explain. We are having
15	MS. LIGUORI: Can you please can
16	you please provide us with your name?
17	MS. BAPTISTE: Lisa Baptiste.
18	MS. LIGUORI: Lisa Baptiste, okay,
19	great. Okay.
20	MS. BAPTISTE: Yeah. We are having
21	a little issue here at our building for
22	internet, so the guys are having issues
23	connecting.
24	I wanted to address a few things, if
25	you don't mind. Our building is on the
	l

corner, 1 Navy Green, at the Navy Yard in Brooklyn, so we're right off the BQE and we're having quite a bit of issues with the BQE having a lot of trash rolling down to our building towards Flushing Avenue.

One of the concerns we have is, you know, picking up the leaves and disposing them properly, so they can be put out. But these containers that we are provided, these brown containers, they are too small. And we are provided one per building, so we are not sure how that is going to work, if we are going to -- should we provide one per floor, if you guys would be able to provide that to us, or do we purchase them? Since they are brown, they are very difficult to find.

And two, we need to find out if it is possible that we can be provided with those things. You know what I mean? Is it the expense of the owners? Would the owners of these buildings have to pay for these cans? How would we go about

requesting for these cans, you know what I mean? Because they were delivered to us last year, October. And if we are only given one per building, with 213 units, or 212 units, to be precise, we need one per floor. And if we are going to put one per floor, how are we going to store that food scraps? Food scraps itself decay and smell. You know what I mean?

So we are trying to prevent rats, but if we double bag and we triple bag, it is an expense to the owners. But, again, we still come back to not having enough, you know, equipment to use, and the cost to the owners, you know, being fined for not doing it properly.

We are not getting the service that we need. So if it is a method that is supposed to be put in place, we need to know how that is going to affect us, you know, representatives for the building, how it's going to, you know, affect the tenants, our communities. It's not just one small can that is 30 gallons.

1	We are an affordable-housing
2	building and most affordable-housing
3	buildings produce a lot of trash. So it
4	is something that we need to be thought
5	through and considered.
6	I'm not sure if that's something
7	that was, you know, on the table, but
8	we'd like to bring that to your
9	attention. Thank you.
10	MS. LIGUORI: Thank you, Miss
11	Baptiste.
12	I'd now like to call Jeremy.
13	Jeremy, if you can also give your last
14	name.
15	MR. HANIQUET: Sure, my last name is
16	Haniquet.
17	COURT REPORTER: Can you spell that,
18	please?
19	MR. HANIQUET: H-A-N, as in Nancy,
20	I-Q-U-E-T.
21	MS. LIGUORI: Thank you. You can
22	begin whenever
23	MR. HANIQUET: I actually just
24	wanted to clarify something really
25	quickly, because I'm actually joining a

1	little bit late, but this is referring
2	to the new garbage can rules, where it
3	has to have a closeable top; is that
4	correct?
5	MS. LIGUORI: This hearing is for
6	the stationary on-street container
7	program that's taking place in Manhattan
8	9.
9	MR. HANIQUET: Right. Okay, so, my
10	question, and it kind of stemmed a
11	little bit from the previous comments as
12	well, but my question is, how does this
13	policy serve to alleviate the issue of
14	rats and garbage, kind of, being
15	available to rats, when rats can access
16	this garbage, whether it's in your
17	house, in a closed container, on the
18	curb, on anything.
19	And my follow-up question would be,
20	what kind of improvement has been
21	noticed since the food-scraps policy
22	went into effect and became the policy
23	en masse?
24	MS. LIGUORI: Thank you very much
25	for your comments, Mr. Haniquet.

1	Richard Walkes?
2	MR. WALKES: Yeah, can you hear me?
3	MS. LIGUORI: Yes, we can hear you.
4	MR. WALKES: Yeah, my comment is
5	about the stationary containers. My
6	issue is particularly with paper waste.
7	I do not see the significance of needing
8	a container of any kind for paper waste,
9	seeing that there is no food involved.
10	And with Amazon and delivery services,
11	that will be probably the largest form
12	of waste available to New Yorkers.
13	So to put that in containers and not
14	having any food waste in there is a
15	waste of resources, and taxpayer
16	dollars, and sanitation services. That
17	particular waste, whether it's
18	residential or apartments, belongs in
19	plastic bags. That's it.
20	MS. LIGUORI: Thank you very much,
21	Mr. Walkes.
22	Is there anyone else that wishes to
23	testify? You can use your "raise hand"
24	function or you can indicate so in the
25	chat.

1	Also, for anyone that has questions
2	relating to the one to nine residential
3	program or the composting program,
4	please email outreach@dsny.nyc.gov with
5	your questions and concerns. This
6	hearing is on the stationary on-street
7	container Manhattan 9 Rule.
8	Does anyone else have any questions?
9	Anyone else wish to testify? Apologies.
10	Hearing and seeing none, we will
11	call this hearing to a close. Thank you
12	very much for attending today's hearing.
13	Have a wonderful day.
14	(TIME NOTED: 10:39 a.m.)
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                   CERTIFICATE
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    STATE OF NEW YORK)
                         ss:
    COUNTY OF NASSAU )
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 7
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             I, Michele Simone, a shorthand reporter
    within and for the State of New York, do hereby
9
10
    certify that the within is a true and accurate
11
    transcript of the hearing taken on November 12,
12
    2024.
13
             I further certify that I am not related
14
    to any of the parties to this action by blood or
15
    by marriage, and that I am in no way interested
16
    in the outcome of this matter.
17
             IN WITNESS WHEREOF, I have hereunto set
18
    my hand this 15th day of November, 2024.
19
20
21
                                  Wychele Simone
22
23
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November 12, 2024 32			
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1039am 8	affix 5:11	apologies 30:9	
15th 6:15 31:18	affordablehousing 27:1,2	apologize 17:5 24:10	
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