

In Re Public Hearing Regarding Level of Service Commercial Waste
Zone Awardees Must Provide to Assigned Customers
December 27, 2024

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THE CITY OF NEW YORK
DEPARTMENT OF SANITATION
PROPOSED RULE RELATING TO THE
LEVEL OF SERVICE COMMERCIAL WASTE ZONE
AWARDEES MUST PROVIDE TO ASSIGNED CUSTOMERS
PUBLIC HEARING

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December 27, 2024
11:01 a.m.
Remotely via
Microsoft Teams

Julia M. Speros
Court Reporter

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

Rebecca Lipman, Counsel
Department of Sanitation
Bureau of Legal Affairs

TESTIMONY GIVEN BY THE FOLLOWING INDIVIDUALS:

Thomas Toscano, CEO of Boro-Wide Recycling

In Re Public Hearing Regarding Level of Service Commercial Waste
Zone Awardees Must Provide to Assigned Customers
December 27, 2024

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PROCEEDINGS

MS. LIPMAN: Good morning and welcome. My name is Rebecca Lipman. I am an attorney in the Bureau of Legal Affairs for the Department of Sanitation.

Thank you for attending the 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 the level of service commercial waste zone awardees must provide to assigned customers.

This rule was published by DSNY in The City Record on November 27, 2024 with a scheduled hearing date of today, December 27, 2024.

Additionally, DSNY emailed copies of the rule to all New York City local-elected officials, the City's 59

In Re Public Hearing Regarding Level of Service Commercial Waste
Zone Awardees Must Provide to Assigned Customers
December 27, 2024

1 community boards, media, and interested
2 parties, and published the rule on its
3 website.

4 The Department of Sanitation is
5 currently implementing the first zone of
6 the Commercial Waste Zones program
7 mandated by Local Law 199 of 2019.

8 The private waste carters who have
9 been awarded the right to operate within
10 the first zone ("awardees") have been
11 signing up customers, but the percentage
12 of businesses that have signed up with
13 an awardee remains low.

14 Pursuant to 16 RCNY 20-20(e), the
15 Department will assign an awardee to any
16 businesses that have failed to sign-up
17 with an awardee by the final
18 implementation date for the zone.

19 The rules of the Department
20 currently state that assigned businesses
21 shall receive two days a week of refuse
22 collection and one day of designated
23 recyclable materials collection per
24 week, as well as one day of source
25 separated organics collection per week

In Re Public Hearing Regarding Level of Service Commercial Waste
Zone Awardees Must Provide to Assigned Customers
December 27, 2024

1 if the commercial establishment is a
2 designated covered establishment.

3 However, there are businesses that
4 generate a large amount of waste such
5 that they currently require waste
6 collection as frequently as five days
7 per week. If these businesses were
8 assigned an awardee for waste collection
9 just two days per week, their waste
10 would not be collected in a timely
11 manner and it could build up on the
12 street.

13 Therefore, the Department proposes
14 to give itself the flexibility to assign
15 a business up to five days a week of
16 waste collection if an assigned business
17 generates an amount of waste that
18 requires collection more frequently than
19 two days a week.

20 A court reporter is present today
21 and will record the hearing. You may
22 present an oral statement or submit
23 written comments concerning the proposed
24 rule.

25 We have been accepting written

In Re Public Hearing Regarding Level of Service Commercial Waste
Zone Awardees Must Provide to Assigned Customers
December 27, 2024

1 comments on the proposed rule since it
2 was published. Today is the deadline
3 for submission of written comments.

4 Such comments may be emailed
5 directly to nycrules@dssny.nyc.gov by 5
6 p.m. today.

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

12 DSNY will carefully consider all the
13 comments it receives today at the
14 hearing and all written comments it
15 receives.

16 I will begin calling those of you
17 who wish to speak this morning in the
18 order in which you have signed up to
19 testify.

20 While the notice asked that persons
21 wishing to testify sign-up in advance of
22 this hearing, anyone wishing to testify
23 at this time may do so by indicating in
24 the chat area that you wish to testify
25 by indicating your name and affiliation,

In Re Public Hearing Regarding Level of Service Commercial Waste
Zone Awardees Must Provide to Assigned Customers
December 27, 2024

1 if any.

2 When you speak, please say your name
3 and affiliation, and speak slowly and
4 clearly so that the court reporter can
5 understand and accurately record your
6 statement. We also ask that you limit
7 your statement to three minutes.

8 Okay. So, there's nobody who has
9 pre-signed-up, so if anybody wants to
10 speak, just go ahead and drop your name
11 and affiliation in the chat.

12 Okay. Mr. Toscano, go ahead and
13 introduce yourself, please.

14 MR. TOSCANO: Good morning. My name
15 is Thomas Toscano. I'm the CEO of
16 Boro-Wide Recycling. We are one of the
17 awardees in Queens central.

18 My statement is very simple. I
19 agree with the rule as written and we
20 have approximately now 200 customers
21 that have been assigned to us that
22 currently have more than the two days a
23 week MSW and one day a week recycling on
24 the assignment.

25 To take customers off routes for the

In Re Public Hearing Regarding Level of Service Commercial Waste
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1 extra days and put them back on causes
2 issues not only for the customer, but
3 for the drivers. It results in more
4 missed pick-ups with changing routes
5 that they used to.

6 The rule makes a lot of sense and
7 the sooner it can be passed the better.
8 That's all I have.

9 MS. LIPMAN: Thank you.

10 If anybody else would like to speak,
11 please go ahead and drop your name and
12 company in the chat.

13 (No response.)

14 MS. LIPMAN: I'll just give it one
15 more minute.

16 Again, if anybody wishes to speak,
17 you can put your name in the chat or use
18 the raise hand function.

19 (No response.)

20 MS. LIPMAN: All right. Seeing
21 nothing further, this concludes today's
22 hearing.

23 I will keep this open just for a few
24 more minutes since it's early in case
25 anyone joins late.

In Re Public Hearing Regarding Level of Service Commercial Waste
Zone Awardees Must Provide to Assigned Customers
December 27, 2024

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But at this time, I don't anticipate
any more comments. Thank you very much
for attending.

(Time noted: 11:07 a.m.)

In Re Public Hearing Regarding Level of Service Commercial Waste
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C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF NASSAU)

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

I reported the proceedings in the within-entitled matter, and that the within transcript is a true record of such proceedings to the best of my ability.

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 27th day of December, 2024.



Julia M. Speros

**In Re Public Hearing Regarding Level of Service Commercial
Waste Zone Awardees Must Provide to Assigned Customers**

~~December 27, 2024~~

11

<p>2020e 4:14</p> <p>27th 10:20</p> <p>ability 10:14</p> <p>accepting 5:25</p> <p>accordance 3:10</p> <p>accurately 7:5</p> <p>act 3:12</p> <p>action 10:16</p> <p>additionally 3:23</p> <p>administrative 3:11</p> <p>advance 6:21</p> <p>affairs 2:4 3:5</p> <p>affiliation 6:25 7:3,11</p> <p>again 8:16</p> <p>agree 7:19</p> <p>ahead 7:10,12 8:11</p> <p>also 7:6</p> <p>am 11 3:4 9:4 10:15,17 (5)</p> <p>amount 5:4,17</p> <p>anticipate 9:1</p> <p>anybody 7:9 8:10,16</p> <p>anyone 6:22 8:25</p> <p>approximately 7:20</p> <p>are 5:3 7:16</p> <p>area 6:24</p> <p>ask 7:6</p> <p>asked 6:20</p>	<p>assign 4:15 5:14</p> <p>assigned 7 3:17 4:20 5:8,16 7:21 (6)</p> <p>assignment 7:24</p> <p>attending 3:7 9:3</p> <p>attorney 3:4</p> <p>available 6:7</p> <p>awarded 4:9</p> <p>awardee 4:13,15,17 5:8 (4)</p> <p>awardees 7 3:17 4:10 7:17 (4)</p> <p>back 8:1</p> <p>begin 6:16</p> <p>best 10:14</p> <p>better 8:7</p> <p>blood 10:17</p> <p>boards 4:1</p> <p>borowide 2:10 7:16</p> <p>build 5:11</p> <p>bureau 2:4 3:4</p> <p>business 5:15,16</p> <p>businesses 4:12,16,20 5:3,7 (5)</p> <p>c 2:2 10:2,2</p> <p>calling 6:16</p> <p>can 7:4 8:7,17</p> <p>carefully 6:12</p> <p>carters 4:8</p> <p>case 8:24</p>	<p>causes 8:1</p> <p>central 7:17</p> <p>ceo 2:10 7:15</p> <p>certify 10:10,15</p> <p>changing 8:4</p> <p>chat 6:24 7:11 8:12,17 (4)</p> <p>city 3 3:11,20,24 (4)</p> <p>city's 3:25</p> <p>clearly 7:4</p> <p>collected 5:10</p> <p>collection 4:22,23,25 5:6,8,16,18 (7)</p> <p>comments 3:14 5:23 6:1,3,4,8,13,14 9:2 (9)</p> <p>commercial 6 3:16 4:6 5:1 (4)</p> <p>community 4:1</p> <p>company 8:12</p> <p>concerning 5:23</p> <p>concludes 8:21</p> <p>conducting 3:9</p> <p>consider 6:12</p> <p>copies 3:23</p> <p>copy 6:7</p> <p>could 5:11</p> <p>counsel 2:3</p> <p>county 10:6</p> <p>court 20 5:20 7:4</p> <p>covered 5:2</p>
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**In Re Public Hearing Regarding Level of Service Commercial
Waste Zone Awardees Must Provide to Assigned Customers**

~~December 27, 2024~~

12

<p>currently 4:5,20 5:5 7:22 (4)</p> <p>customer 8:2</p> <p>customers 7 3:18 4:11 7:20,25 (5)</p> <p>date 3:21 4:18</p> <p>day 4:22,24 7:23 10:20 (4)</p> <p>days 4:21 5:6,9,15,19 7:22 8:1 (7)</p> <p>deadline 6:2</p> <p>december 12 3:22 10:20</p> <p>department 4 2:3 3:5 4:4,15,19 5:13 (7)</p> <p>designated 4:22 5:2</p> <p>directly 6:5</p> <p>drivers 8:3</p> <p>drop 7:10 8:11</p> <p>dsny 3:9,19,23 6:7,12 (5)</p> <p>dsny's 3:15</p> <p>e 2:2,2 10:2,2 (4)</p> <p>early 8:24</p> <p>else 8:10</p> <p>emailed 3:23 6:4</p> <p>establishment 5:1,2</p> <p>extra 8:1</p> <p>f 10:2</p> <p>failed 4:16</p> <p>few 6:11 8:23</p> <p>final 4:17</p>	<p>first 4:5,10</p> <p>five 5:6,15</p> <p>flexibility 5:14</p> <p>following 2:9</p> <p>frequently 5:6,18</p> <p>function 8:18</p> <p>further 8:21 10:15</p> <p>generate 5:4</p> <p>generates 5:17</p> <p>give 5:14 8:14</p> <p>given 2:9</p> <p>go 7:10,12 8:11</p> <p>good 3:2 7:14</p> <p>hand 8:18 10:20</p> <p>has 7:8</p> <p>hearing 8 3:8,10,13,21 5:21 6:9,14,22 8:22 (10)</p> <p>hereby 10:9</p> <p>hereunto 10:19</p> <p>however 5:3</p> <p>i'll 8:14</p> <p>i'm 7:15</p> <p>implementation 4:18</p> <p>implementing 4:5</p> <p>indicating 6:23,25</p> <p>individuals 2:9</p> <p>interested 4:1 10:18</p>	<p>introduce 7:13</p> <p>is 3:3,9,13 4:4 5:1,20 6:2 7:15,18 10:13 (10)</p> <p>issues 8:2</p> <p>its 4:2 6:10</p> <p>itself 5:14</p> <p>joins 8:25</p> <p>julia 20 10:8</p> <p>just 5:9 7:10 8:14,23 (4)</p> <p>keep 8:23</p> <p>large 5:4</p> <p>late 8:25</p> <p>law 4:7</p> <p>legal 2:4 3:4</p> <p>level 6 3:16</p> <p>like 8:10</p> <p>limit 7:6</p> <p>lipman 2:3 3:2,3 8:9,14,20 (6)</p> <p>local 4:7</p> <p>localelected 3:25</p> <p>lot 8:6</p> <p>low 4:13</p> <p>m 20 10:8</p> <p>make 6:7</p> <p>makes 8:6</p> <p>mandated 4:7</p> <p>manner 5:11</p>
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**In Re Public Hearing Regarding Level of Service Commercial
Waste Zone Awardees Must Provide to Assigned Customers**

~~December 27, 2024~~

13

<p>marriage 10:17</p> <p>materials 4:23</p> <p>matter 10:12,18</p> <p>may 5:21 6:4,23</p> <p>media 4:1</p> <p>microsoft 14</p> <p>minute 8:15</p> <p>minutes 7:7 8:24</p> <p>missed 8:4</p> <p>more 5:18 7:22 8:3,15,24 9:2 (6)</p> <p>morning 3:2,8 6:17 7:14 (4)</p> <p>ms 3:2 8:9,14,20 (4)</p> <p>msw 7:23</p> <p>much 9:2</p> <p>must 7 3:17</p> <p>my 3:3 7:14,18 10:14,20 (5)</p> <p>n 2:2</p> <p>name 3:3 6:25 7:2,10,14 8:11,17 (7)</p> <p>nassau 10:6</p> <p>new 3 3:24 10:4,9 (4)</p> <p>next 6:11</p> <p>no 8:13,19 10:17</p> <p>nobody 7:8</p> <p>notary 10:8</p> <p>noted 9:4</p> <p>nothing 8:21</p>	<p>notice 6:20</p> <p>november 3:20</p> <p>now 7:20</p> <p>nycrules@dsnynycgov 6:5</p> <p>off 7:25</p> <p>officials 3:25</p> <p>one 4:22,24 7:16,23 8:14 (5)</p> <p>only 8:2</p> <p>open 8:23</p> <p>operate 4:9</p> <p>oral 5:22</p> <p>order 6:18</p> <p>organics 4:25</p> <p>outcome 10:18</p> <p>p 2:2,2</p> <p>parties 4:2 10:16</p> <p>passed 8:7</p> <p>per 4:23,25 5:7,9 (4)</p> <p>percentage 4:11</p> <p>persons 6:20</p> <p>pickups 8:4</p> <p>please 7:2,13 8:11</p> <p>pm 6:6</p> <p>present 5:20,22</p> <p>presignedup 7:9</p> <p>private 4:8</p> <p>procedure 3:12</p>	<p>proceedings 3:1 10:11,13</p> <p>program 4:6</p> <p>proposed 5 3:15 5:23 6:1 (4)</p> <p>proposes 5:13</p> <p>provide 7 3:17</p> <p>public 8 3:7,14 10:8 (4)</p> <p>published 3:19 4:2 6:2</p> <p>purpose 3:13</p> <p>pursuant 4:14</p> <p>put 8:1,17</p> <p>queens 7:17</p> <p>r 2:2 10:2</p> <p>raise 8:18</p> <p>rcny 4:14</p> <p>rebecca 2:3 3:3</p> <p>receive 3:14 4:21</p> <p>received 6:8</p> <p>receives 6:13,15</p> <p>record 3:20 5:21 7:5 10:13 (4)</p> <p>recyclable 4:23</p> <p>recycling 2:10 7:16,23</p> <p>refuse 4:21</p> <p>related 10:16</p> <p>relating 5 3:15</p> <p>remains 4:13</p> <p>remote 3:9</p>
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**In Re Public Hearing Regarding Level of Service Commercial
Waste Zone Awardees Must Provide to Assigned Customers**

~~December 27, 2024~~

14

remotely 13	simple 7:18	these 5:7
reported 10:11	since 6:1 8:24	thomas 2:10 7:15
reporter 20 5:20 7:4	slowly 7:3	those 6:16
require 5:5	so 6:23 7:4,8,9 (4)	three 7:7
requirements 3:11	sooner 8:7	through 6:8
requires 5:18	source 4:24	time 6:23 9:1,4
response 8:13,19	speak 6:17 7:2,3,10 8:10,16 (6)	timely 5:10
results 8:3	speros 20 10:8	today 3:21 5:20 6:2,6,9,13 (6)
right 4:9 8:20	ss 10:5	today's 8:21
routes 7:25 8:4	state 4:20 10:4,9	together 6:9
rule 5 3:15,19,24 4:2 5:24 6:1 7:19 8:6 (9)	statement 5:22 7:6,7,18 (4)	toscano 2:10 7:12,14,15 (4)
rules 4:19	street 5:12	transcript 6:10 10:13
s 2:2	submission 6:3	true 10:13
sanitation 4 2:3 3:6 4:4 (4)	submit 5:22	two 4:21 5:9,19 7:22 (4)
say 7:2	such 5:4 6:4 10:13	understand 7:5
scheduled 3:21	t 10:2,2	up 4:11,12 5:11,15 6:18 (5)
seeing 8:20	take 7:25	us 7:21
sense 8:6	teams 14	use 8:17
separated 4:25	testify 6:19,21,22,24 (4)	used 8:5
service 6 3:16	testimony 2:9	very 7:18 9:2
set 10:20	than 5:18 7:22	via 13
shall 4:21	thank 3:7 8:9 9:2	viewing 6:10
signature 10:23	their 5:9	wants 7:9
signed 4:12 6:18	them 8:1	waste 6 3:16 4:6,8 5:4,5,8,9,16,17 (10)
signing 4:11	there's 7:8	way 10:17
signup 4:16 6:21	therefore 5:13	website 4:3 6:10

**In Re Public Hearing Regarding Level of Service Commercial
Waste Zone Awardees Must Provide to Assigned Customers**

<p>week 4:21,24,25 5:7,9,15,19 7:23,23 (9)</p> <p>weeks 6:11</p> <p>welcome 3:3</p> <p>well 4:24</p> <p>when 7:2</p> <p>whereof 10:19</p> <p>which 6:18</p> <p>while 6:20</p> <p>who 4:8 6:17 7:8</p> <p>will 4:15 5:21 6:7,12,16 8:23 (6)</p> <p>wish 6:17,24</p> <p>wishes 8:16</p> <p>wishing 6:21,22</p> <p>within 4:9 6:11 10:9,12 (4)</p> <p>withintitled 10:12</p> <p>witness 10:19</p> <p>would 5:10 8:10</p> <p>written 5:23,25 6:3,8,14 7:19 (6)</p> <p>x 2,9</p> <p>york 3 3:24 10:4,9 (4)</p> <p>your 6:25 7:2,5,7,10 8:11,17 (7)</p> <p>yourself 7:13</p> <p>zone 6 3:16 4:5,10,18 (5)</p> <p>zones 4:6</p> <p>1107 9:4</p>	<p align="center">December 27, 2024</p> <p>2019 4:7</p> <p>2024 12 3:20,22 10:20 (4)</p>	
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