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THE CITY OF NEW YORK
DEPARTMENT OF SANITATION
PROPOSED RULE RELATING TO THE USE OF
CERTAIN RECEPTACLES BY CERTAIN ENTITIES
RECEIVING CURBSIDE COLLECTION
FROM A PRIVATE CARTER
PUBLIC HEARING

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August 8, 2024
1:00 p.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:

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

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PROCEEDINGS

MS. LIGUORI: Good afternoon and welcome.

My name is Madelynn Liguori. I am 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 the use of certain receptacles by certain entities that receive curbside collection from a private carter.

This rule was published by DSNY in The City Record on July 8, 2024, with a scheduled hearing date of today, August 8, 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

1 on its website.

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

13 Those establishments that place
14 materials out for collection in bags,
15 regardless of the time they close, may
16 place such material at the curb no
17 earlier than 8 p.m.

18 DSNY rules currently require that
19 all commercial establishments set out
20 any putrescible solid waste at the curb
21 for private carter collection in rigid
22 containers with tight-fitting lids.

23 This new proposed rule would amend
24 this rule and expand this requirement to
25 include any entity, and not just

1 commercial establishments, that receives
2 private carter collection.

3 Non-commercial establishments that
4 receive private carter collection may
5 request a waiver from the Department
6 from such requirement if compliance
7 would create a public safety hazard for
8 pedestrians or pose an unreasonable
9 hardship. Examples of such
10 non-commercial establishments include
11 office buildings and hospitals.

12 A waiver would be available to
13 non-commercial establishments receiving
14 private carter collection but not to
15 commercial establishments because
16 commercial establishments were already
17 subject to containerization requirements
18 before the adoption of this rule without
19 being eligible for a waiver and the
20 non-commercial establishments receiving
21 private carter collection include very
22 large buildings, which are more likely
23 to struggle with existing container
24 solutions.

25 Instructions relating to such waiver

1 requests would be outlined on the
2 Department's website. There will also
3 be an appeals process for those
4 buildings or entities that are denied
5 such waiver request. The proposed rule
6 also eliminates the category of "chain
7 stores" as it no longer applies since
8 all commercial establishments are now
9 covered.

10 These changes are a part of the
11 City's commitment to cleaning up New
12 York City streets and reducing food
13 sources for rats.

14 All entities that receive private
15 carter collection, other than commercial
16 establishments, are generators of
17 putrescible waste, including organics,
18 and bags of waste set out for collection
19 on the curb, even when in compliance
20 with existing waste set out
21 requirements, attract rats and vermin
22 and are unsightly.

23 Requiring everyone receiving private
24 carter collection who produces any
25 amount of food waste to place their

1 putrescible waste in sealed containers
2 will meaningfully limit potential food
3 sources for vermin while also helping to
4 keep our sidewalks free of unattractive
5 piles of black bags.

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

12 A court reporter is present today
13 and will record the hearing. You may
14 present an oral statement or submit
15 written comments concerning the proposed
16 rule.

17 We have been accepting written
18 comments on the proposed rule since it
19 was published. Today is the deadline
20 for the submission of written comments.
21 Such comments may be emailed directly to
22 nycrules@dsny.nyc.gov by 5 p.m. today.

23 DSNY will make available a copy of
24 all written comments received through
25 today, together with the hearing

1 transcript, for viewing on its website
2 within the next few weeks.

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

7 I will begin calling those of you
8 who wish to testify to speak this
9 afternoon in the order in which you have
10 signed up to testify.

11 While the notice asked that persons
12 wishing to testify sign-up in advance of
13 this hearing, anyone wishing to testify
14 at this time may do so by indicating in
15 the chat area that you wish to testify
16 by indicating your name and affiliation,
17 if any.

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

24 As of right of now, no one has
25 signed up to testify.

1 If there is anyone here that wishes
2 to testify, please use the "raise hand"
3 function or indicate so in the chat.

4 (No response.)

5 MS. LIGUORI: I'm going to leave the
6 record open for a few more minutes in
7 case anyone joins and wishes to testify.

8 (Recess taken.)

9 MS. LIGUORI: If you wish to
10 testify, please indicate so in the chat
11 or use the "raise hand" function.

12 Comments can be submitted until COB
13 today at nycrules@dsny.nyc.gov.

14 (No response.)

15 MS. LIGUORI: I'm going to keep the
16 record open for a few more minutes in
17 case anyone else joins and wishes to
18 testify.

19 (Recess taken.)

20 MS. LIGUORI: Okay. Since no one
21 else has joined, we are going to
22 conclude this hearing today.

23 Thank you very much for attending
24 and have a wonderful day.

25 (Time noted: 1:09 p.m.)

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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 8th day of August, 2024.



Julia M. Speros

<p>8th 10:20</p> <p>ability 10:14</p> <p>accepting 7:17</p> <p>accordance 3:10</p> <p>accurately 8:21</p> <p>across 7:11</p> <p>act 3:12</p> <p>action 10:16</p> <p>additionally 3:21</p> <p>administrative 3:11</p> <p>adoption 5:18</p> <p>advance 8:12</p> <p>affairs 2:4 3:6</p> <p>affiliation 8:16,19</p> <p>afternoon 3:2 8:9</p> <p>align 7:6</p> <p>allow 4:2</p> <p>already 5:16</p> <p>also 6:2,6 7:3 8:22 (4)</p> <p>am 3:4 10:15,17</p> <p>amend 4:23</p> <p>amount 6:25</p> <p>anyone 8:13 9:1,7,17 (4)</p> <p>appeals 6:3</p> <p>applies 6:7</p> <p>are 4:10 5:22 6:4,8,10,16,22 9:21 (8)</p>	<p>area 8:15</p> <p>ask 8:22</p> <p>asked 8:11</p> <p>attending 3:7 9:23</p> <p>attract 6:21</p> <p>august 14 3:20 10:20</p> <p>available 5:12 7:23</p> <p>bags 4:14 6:18 7:5</p> <p>because 5:15</p> <p>before 4:8 5:18</p> <p>begin 8:7</p> <p>being 5:19</p> <p>best 10:14</p> <p>black 7:5</p> <p>blood 10:17</p> <p>boards 3:24</p> <p>buildings 5:11,22 6:4</p> <p>bureau 2:4 3:5</p> <p>business 4:9</p> <p>c 2:2 10:2,2</p> <p>calling 8:7</p> <p>can 8:20 9:12</p> <p>carefully 8:3</p> <p>carter 8 3:17 4:5,21 5:2,4,14,21 6:15,24 (10)</p> <p>case 9:7,17</p> <p>category 6:6</p>	<p>certain 6,6 3:15,16 (4)</p> <p>certify 10:10,15</p> <p>chain 6:6</p> <p>changes 6:10 7:6</p> <p>chat 8:15 9:3,10</p> <p>city 3 3:11,19,22 6:12 7:6,11 (7)</p> <p>city's 3:23 6:11</p> <p>cleaner 7:9</p> <p>cleaning 6:11</p> <p>clearly 8:20</p> <p>close 4:15</p> <p>closing 4:7</p> <p>cob 9:12</p> <p>collection 7 3:17 4:4,8,11,14,21 5:2,4,14,21 6:15,18,24 7:9 (15)</p> <p>comments 3:13 7:15,18,20,21,24 8:4,5 9:12 (9)</p> <p>commercial 4:3,19 5:1,15,16 6:8,15 (7)</p> <p>commitment 6:11</p> <p>community 3:24</p> <p>compliance 5:6 6:19</p> <p>concerning 7:15</p> <p>conclude 9:22</p> <p>conducting 3:9</p> <p>consider 8:3</p> <p>container 5:23</p>
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<p>containerization 5:17</p> <p>containers 4:22 7:1,8</p> <p>copies 3:22</p> <p>copy 7:23</p> <p>counsel 2:3 3:5</p> <p>county 10:6</p> <p>court 21 7:12 8:20</p> <p>covered 6:9</p> <p>create 5:7</p> <p>creating 7:9</p> <p>curb 4:16,20 6:19</p> <p>curbside 7 3:16 4:4</p> <p>currently 4:2,18</p> <p>date 3:20</p> <p>day 9:24 10:20</p> <p>deadline 7:19</p> <p>denied 6:4</p> <p>department 4 2:3 3:6 5:5 (4)</p> <p>department's 6:2</p> <p>directly 7:21</p> <p>dsny 3:9,18,21 4:2,18 7:23 8:3 (7)</p> <p>dsny's 3:14</p> <p>e 2:2,2 10:2,2 (4)</p> <p>earlier 4:17</p> <p>elected 3:23</p> <p>eligible 5:19</p>	<p>eliminates 6:6</p> <p>else 9:17,21</p> <p>emailed 3:21 7:21</p> <p>entities 6 3:16 6:4,14 (4)</p> <p>entity 4:25</p> <p>establishment 4:9</p> <p>establishments 4:3,13,19 5:1,3,10,13,15,16,20 6:8,16 (12)</p> <p>even 6:19</p> <p>everyone 6:23</p> <p>examples 5:9</p> <p>existing 5:23 6:20</p> <p>expand 4:24</p> <p>f 10:2</p> <p>few 8:2 9:6,16</p> <p>food 6:12,25 7:2</p> <p>free 7:4</p> <p>function 9:3,11</p> <p>further 10:15</p> <p>generators 6:16</p> <p>going 9:5,15,21</p> <p>good 3:2</p> <p>hand 9:2,11 10:20</p> <p>hardship 5:9</p> <p>has 8:24 9:21</p> <p>hazard 5:7</p> <p>hearing 9 3:8,10,13,20 7:13,25</p>	<p>8:5,13 9:22 (10)</p> <p>helping 7:3</p> <p>here 9:1</p> <p>hereby 10:9</p> <p>hereunto 10:19</p> <p>hospitals 5:11</p> <p>hour 4:6</p> <p>i'm 9:5,15</p> <p>include 4:25 5:10,21</p> <p>including 6:17</p> <p>increase 7:7</p> <p>indicate 9:3,10</p> <p>indicating 8:14,16</p> <p>initiatives 7:7</p> <p>instructions 5:25</p> <p>interested 3:24 10:18</p> <p>is 3:4,9,13 7:12,19 9:1 10:13 (7)</p> <p>its 4:1 8:1</p> <p>joined 9:21</p> <p>joins 9:7,17</p> <p>julia 21 10:8</p> <p>july 3:19</p> <p>just 4:25</p> <p>keep 7:4 9:15</p> <p>large 5:22</p> <p>leave 9:5</p>
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