

**OPENING STATEMENT OF
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**PUBLIC HEARING ON
DSNY'S PROPOSED RULE RELATING TO ESTABLISHING A PILOT PROGRAM FOR THE
USE OF STATIONARY ON-STREET CONTAINERS**

**TUESDAY, NOVEMBER 12, 2024
10:00 A.M.
(REMOTE HEARING)**

Good morning and welcome. My name is Madelynn Liguori. I am Senior Counsel in the Bureau of Legal Affairs for the Department of Sanitation ("DSNY"). 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 fifty-nine 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 ("Department") 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 rule would require all residential buildings having 31 or more dwelling units located in the pilot area to utilize stationary on-street containers (“SOSCs”) for the disposal of refuse beginning on the implementation date. Such buildings would be required to use SOSCs 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 SOSCs to the roadway in the parking lane along the curb, with specific locations for each SOSC 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 an SOSC if it receives off-street collection, including collection from inside a loading dock, or if the Department determines that such building’s location warrants a different containerization 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 SOSCs 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 an SOSC during the application period (proposed to be December 15, 2024 to February 1, 2025). The Department would notify a building if the request to utilize an SOSC has been approved or denied no later than two months prior to the implementation date. If a building’s application to use an SOSC is denied, or if a building did not apply to use an SOSC 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 SOSCs would also be responsible for certain maintenance and cleanliness requirements. Specifically, SOSCs 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 an SOSC must be kept clean. These changes are a part of the City’s commitment to cleaning up New York City 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 neighborhoods across New York City.

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 5PM 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 this hearing, anyone wishing to testify at this time may do so by indicating in the chat area that you wish to testify by indicating your name and affiliation, if any. When you speak, please say your name and affiliation, and speak slowly and clearly so that the court reporter can understand and accurately record your statement. We also ask that you limit your statement to three minutes.