

**OPENING STATEMENT OF
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**PUBLIC HEARING ON DSNY'S PROPOSED RULE
RELATING TO THE USE OF CERTAIN RECEPTACLES BY CERTAIN ENTITIES RECEIVING
CURBSIDE COLLECTION FROM A PRIVATE CARTER**

**THURSDAY, AUGUST 8, 2024
1:00 P.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 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 fifty-nine community boards, media and interested parties, and published the proposed rule on its website.

DSNY rules currently allow for all commercial establishments that receive curbside collection from a private carter to set out their waste and recyclable materials within one hour of closing, provided that the scheduled collection occurs before the establishment next reopens for business and only if such materials are placed out for collection in receptacles with tight-fitting lids. Those establishments that place materials out for collection in bags, regardless of the time they close, may place such materials at the curb no earlier than 8:00 p.m.

DSNY rules currently require that all commercial establishments set out any putrescible solid waste at the curb for private carter collection in rigid containers with tight-fitting lids. This new proposed rule would amend this rule and expand this requirement to include any entity, and not

just commercial establishments, that receives private carter collection. Non-commercial establishments that receive private carter collection may request a waiver from the Department from such requirements if compliance would create a public safety hazard for pedestrians or pose an unreasonable hardship. Examples of such non-commercial establishments include office buildings and hospitals. A waiver would be available to non-commercial establishments receiving private carter collection but not to commercial establishments because commercial establishments were already subject to containerization requirements before the adoption of this rule without being eligible for a waiver and the non-commercial establishments receiving private carter collection include very large buildings which are more likely to struggle with existing container solutions. Instructions relating to such waiver requests would be outlined on the Department's website. There will also be an appeals process for those buildings or entities that are denied such waiver request. The proposed rule also eliminates the category of "chain stores" as it no longer applies since all commercial establishments are now covered.

These changes are a part of the City's commitment to cleaning up New York City streets and reducing food sources for rats. All entities that receive private carter collection, other than commercial establishments, are generators of putrescible waste, including organics, and bags of waste set out for collection on the curb, even when in compliance with existing waste set out requirements, attract rats and vermin and are unsightly. Requiring everyone receiving private carter collection who produces any amount of food waste to place their putrescible waste in sealed containers will meaningfully limit potential food sources for vermin while also helping to keep our sidewalks free of unattractive piles of black bags.

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@dny.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.