

In Re NYC - NYC - Department of Sanitation Public Hearing
September 2, 2025

1 -----X
2 REMOTE PUBLIC HEARING
3 DSNY PROPOSED RULE RELATING TO THE COLLECTION OF
4 COMMERCIAL WASTE
5 -----X
6 Held Remotely
7 Via Microsoft Teams
8 DATE: September 2, 2025
9 TIME: 10:01 a.m.
10
11 REMOTE PUBLIC HEARING in the
12 above-referenced matter, held via videoconference at
13 the above time, before Sabrina Brown Stewart, a
14 Notary Public of the State of New York.
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A P P E A R A N C E S:

ANISSA BADEA, ESQ. - Bureau of Legal Affairs, DSNY

S P E A K E R S:

LEWIS DUBUQUE - Vice President of Chapter
Management, NWRA

JUSTIN WOOD - New York Lawyers for the Public
Interest

1 MS. BADEA: Good morning, and welcome.
2 My name is Anissa Badea, and I am counsel in
3 the Bureau of Legal Affairs for the
4 Department of Sanitation. Thank you for
5 attending this public hearing this morning.

6 DSNY is conducting this remote hearing
7 in accordance with the requirements of the
8 City Administrative Procedure Act. The
9 purpose of this hearing is to receive
10 comments from the public on DSNY's proposed
11 rule related to the collection of commercial
12 waste. This rule was published by DSNY in
13 the City Record on August 1, 2025, with the
14 scheduled hearing date of today, September 2,
15 2025. Additionally, DSNY e-mailed copies of
16 rule to all New York City local elected
17 officials, the City's 59 community boards,
18 media, and interested parties, and published
19 the proposed rule on its website.

20 In 2019, New York City enacted Local
21 Law 199 requiring the establishment of a new
22 program for the collection of commercial
23 waste. The program, known as the Commercial
24 Waste Zones program, or CWZ program, is a
25 safe, efficient, and competitive collection

1 program designed to provide high-quality
2 service to New York City businesses while
3 advancing the City's waste diversion and
4 sustainability goals.

5 Pursuant to Local Law 199, codified in
6 Title 16-B of the New York City
7 Administrative Code, the geographic area of
8 New York City has been divided into 20
9 commercial waste zones. Following a request
10 for proposal process, the Department selected
11 three private carters, entities that are
12 licensed to collect waste from commercial
13 establishments, to provide commercial waste
14 zone services within each CWZ, and five
15 carters to provide citywide containerized
16 commercial waste collection services to
17 businesses that use dumpsters and compactors.

18 The selected carters are referred to as
19 "awardees." The Department's resulting
20 contracts with the awardees entered into
21 pursuant to Section 16-1002(a) of the
22 New York City Administrative Code include
23 standards for pricing, customer service,
24 safety, environmental health, and
25 requirements to promote the City's commitment

1 to recycling and sustainability.

2 On January 2, 2025, the Department
3 implemented the first CWZ, Queens Central.
4 Following the implementation of Queens
5 Central, the Department undertook a review of
6 the CWZ rules to identify potential
7 improvements based on lesson learned from
8 implementing the first CWZ. The Department
9 also set the implementation start date and
10 final implementation date for the next two
11 CWZs to be implemented after Queens
12 Central -- Bronx East and Bronx West.

13 Through this rule-making, the
14 Department seeks to implement those
15 improvements and to set the implementation
16 start and final implementation date for the
17 next two CWZs to be implemented. DSNY's
18 authority for these rules is found in Section
19 753 and Section 1043(a) of the New York City
20 Charter and Title 16-B of the New York City
21 Administrative Code.

22 A court reporter is present today and
23 record the hearing. You may present an oral
24 statement or submit written comments
25 concerning the proposed rule. We have been

1 accepting written comments on the proposed
2 rule since it was published. Today is the
3 deadline for submission of written comments.
4 Such comments may be e-mailed directly to
5 nycrules@dsny.nyc.gov today. DSNY will make
6 available a copy of all written comments
7 received throughout the day, together with
8 the hearing transcript, for viewing on its
9 website within the next few weeks. DSNY will
10 carefully consider all the comments it
11 receives today at the hearing and all written
12 comments it receives.

13 I will begin calling those of you who
14 wish to speak this morning in the order in
15 which you have signed up to testify. While
16 the notice asked the persons wishing to
17 testify to sign up in advance of the hearing,
18 anyone wishing to testify at this time may do
19 so by indicating in the chat area that you
20 wish to testify by indicating your name and
21 affiliation, if any.

22 When you speak, please say your name
23 and affiliation, and speak slowly and
24 clearly, so that the court reporter can
25 understand and accurately record your

1 statement. We also ask that you limit your
2 state to three minutes. I'm first going to
3 start by calling those who have signed up, so
4 I'm going to call Lewis Dubuque, vice
5 president of Chapter Relations, National
6 Waste and Recycling Association.

7 MR. DUBUQUE: Thank you.

8 Good morning. My name is Lew Dubuque,
9 and I represent the National Waste and
10 Recycling Association. Our members are the
11 private haulers who make the Commercial Waste
12 Zone program possible. I want to address the
13 proposal requiring haulers to conduct DSNY
14 mandated waste surveys for every flat-billed
15 customer.

16 While it may sound minor, this is
17 actually a sweeping, unworkable mandate that
18 will drive up cost for every business in
19 New York City. This undermines the RFP
20 process, companies competed in good faith
21 based on requirements set at the time. Now,
22 after contracts have been awarded, DSNY is
23 adding new obligations that were never
24 contemplated, rate caps were set without
25 accounting for these costs, leaving haulers

1 to either absorb losses or pass them on to
2 customers. This is not what Local Law 199
3 promised.

4 There is already a feasible frame work
5 in place. Under current BIC rules, customers
6 can request a free survey if they want one;
7 most don't, because they're satisfied with
8 their service. DSNY should adopt BIC's
9 flexible approach, instead of forcing every
10 business into a one-size-fits-all
11 requirement. And let's be clear, there's no
12 evidence of a problem here.

13 On May 12, 2025, Acting Commissioner
14 Javier Lojan stated that since the CWZ
15 rollout there hasn't been a single complaint
16 to DSNY about service or billing. No
17 complaints, no need for costly new mandates.
18 This rule is operationally infeasible.
19 Drivers cannot be expected to perform surveys
20 on route. To comply, haulers would need
21 audit teams, new trucks and scales, and extra
22 staff, costing hundreds of thousands of
23 dollars per team. Those costs don't vanish.
24 They land on the bills of small businesses
25 across the City.

1 In short, this proposal is unnecessary,
2 unfair, prohibitively expensive. DSNY should
3 withdraw it and, at a minimum, adopt the
4 existing BIC standard that lets customers
5 request the survey if they want one. Every
6 dollar wasted on duplicative surveys is a
7 dollar not spent on cleaner trucks, safer
8 streets, or better recycling. This is not
9 the promise of Local Law 199, and it's not
10 what New York businesses deserve.

11 Thank you.

12 MS. BADEA: Justin Wood, New York
13 Lawyers for the Public Interest.

14 MR. WOOD: Good morning.

15 Can you hear me okay?

16 MS. BADEA: Yes.

17 MR. WOOD: Okay. Thank you.

18 Good morning, everyone. Thank you for
19 the opportunity to testify today. My name is
20 Justin Wood. I'm the director of policy at
21 New York Lawyers for the Public Interest, and
22 we are a founding member of the Transform
23 Don't Trash New York City coalition, which
24 for more than a decade has advocated for
25 fundamental reform of this city's commercial

1 waste system. We wanted to offer brief
2 comments, and we'll also submit them in
3 writing on two of the proposed rules.

4 First of all, on the proposed timeline
5 for adding two additional zones, two of the
6 three zones scheduled to be in place by this
7 fall, we continue to strongly support the
8 rapid citywide implementation of Local Law
9 199, which mandates a citywide transition to
10 a zoned commercial waste system. The clear
11 intent of the law is to simultaneously make
12 the current inefficient, dangerous, and
13 polluting waste system far more transparent,
14 accountable, efficient, and safe while giving
15 the City the tools it needs to sharply
16 incentivize reductions in the vast amounts of
17 waste disposed in landfills and incinerators.

18 So, after the successful but delayed
19 implementation of one waste zone at the
20 beginning of this year, we are strongly
21 supportive of DSNY's proposal to move forward
22 with three additional zones this fall and
23 winter for a total of four. We also
24 understand that the Business Integrity
25 Commission has begun this summer to issue

1 registrations for legitimate labor
2 organizations seeking to represent private
3 sanitation workers in the trade waste
4 industry, as required by Local Law 55 of
5 2019. We hope that implementation of this
6 law, combined with the citywide transition to
7 CWZ, will continue to support increased
8 safety, fair wages, and democratic
9 representation for workers in an industry
10 with a long history of exploitation.

11 We do believe that DSNY should set a
12 faster pace for implementation as these zones
13 come online with the goal of transitioning to
14 all 20 citywide zones by the end of this
15 coming calendar year, 2026. This is the best
16 way to simultaneously achieve waste
17 reduction, reduce vehicle miles traveled,
18 increase worker and public safety, and reduce
19 pollution and truck traffic burdens on
20 environmental justice communities.

21 Finally, we also want to note on the
22 proposed additional two zones that both the
23 Southwest Brooklyn and Northeast Queens zones
24 would contain a Marine Transfer Station owned
25 and operated by DSNY. These modern,

1 state-of-the-art facilities eliminate
2 unnecessary long-haul truck miles by
3 containerizing and barging waste for export.
4 The City's current Solid Waste Management
5 Plan includes a plan to open these facilities
6 overnight to commercial waste haulers,
7 enabling further route efficiency and
8 reductions in diesel truck trips, especially
9 in environmental justice communities in
10 Brooklyn, Queens, and the Bronx.

11 We urge DSNY to fulfill the waste
12 equity goals of the SWMP by planning for
13 designated haulers in these new zones to
14 utilize marine transfer facilities to the
15 greatest extent possible, and by ensuring
16 that these facilities are competitively
17 priced to incentivize haulers serving these
18 communities to utilize the MTSS.

19 I'm just skipping ahead.

20 Finally, we are concerned about the
21 proposed modification to rules on waste
22 audits that would allow additional time to
23 conduct audits of commercial -- customers
24 waste streams in accounts where a flat
25 billing method is used, as opposed to a

1 billing method based on the volume or weight
2 of waste and recyclable materials. In
3 general, we're concerned that flat billing
4 methods do not sufficiently incentivize
5 businesses to invest in and implement waste
6 reduction, reuse, and recycling initiatives.

7 As customers transition to the
8 Commercial Waste Zone system, we encourage
9 DSNY to look for opportunities to encourage
10 more robust waste stream audits conducted by
11 independent experts that can assist
12 businesses with programs to increase food
13 donations, for example, reduce single-use
14 plastic and paper products, and source
15 separate organic and recyclable glass, metal,
16 plastics, and textiles for recycling. In
17 general, these programs would be better
18 facilitated by detailed and transparent
19 billing and auditing that enables customers
20 to easily understand rates and savings from
21 recycling and waste reduction.

22 Thank you for the opportunity to
23 comment and testify today. We hope to
24 continue working in close partnership with
25 DSNY, the City Council, the Borough

1 Presidents offices, and many community and
2 business stakeholders, to ensure that this
3 innovative new system reaches its envisioned
4 transformational potential.

5 Thank you.

6 MS. BADEA: Now, for the new people
7 that have joined, if anyone wishes to testify
8 at this time, please indicate in the chat
9 area that you wish to testify by including
10 your name and affiliation. When you speak,
11 please state your name and affiliation as
12 well. I'll give some time for people to sign
13 up.

14 (Whereupon, there was a brief
15 pause in the proceedings.)

16 MS. BADEA: If anyone wishes to speak,
17 you can indicate your name and affiliation in
18 the chat. I'm going to keep the hearing open
19 for a few more minutes, in case anyone would
20 like to testify.

21 (Whereupon, there was a brief
22 pause in the proceedings.)

23 MS. BADEA: Seeing that no one else
24 wishes to testify, thank you, everyone, for
25 coming today. Comments may still be

1 submitted to the Department via e-mail at
2 nycrules@dsny.nyc.gov today, and may also be
3 posted on the NYC Rules website.

4 (TIME NOTED: 10:20 a.m.)
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C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF QUEENS)

I, Sabrina Brown Stewart, a Notary Public
within and for the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that such
an examination is a true record of the testimony
given by such a witness.

I further certify that I am not related to
any of these parties to this action by blood or
marriage, and that I am not in any way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand on this 5th day of September, 2025.

Sabrina Brown Stewart
Sabrina Brown Stewart

1043a 5:19	advance 6:17	august 3:13
161002a 4:21	advancing 4:3	authority 5:18
16b 4:6 5:20	advocated 9:24	available 6:6
5th 16:18	affairs 2:2 3:3	awarded 7:22
about 8:16 12:20	affiliation 6:21,23 14:10,11,17 (5)	awardees 4:19,20
above 13	after 5:11 7:22 10:18	badea 2:2 3:1,2 9:12,16 14:6,16,23 (8)
abovereferenced 12	ahead 12:19	barging 12:3
absorb 8:1	allow 12:22	based 5:7 7:21 13:1
accepting 6:1	already 8:4	because 8:7
accordance 3:7	also 5:9 7:1 10:2,23 11:21 15:2 (6)	before 13
accountable 10:14	am 8 3:2 15:4 16:13,15 (5)	begin 6:13
accounting 7:25	amounts 10:16	beginning 10:20
accounts 12:24	anissa 2:2 3:2	begun 10:25
accurately 6:25	anyone 6:18 14:7,16,19 (4)	believe 11:11
achieve 11:16	approach 8:9	best 11:15
across 8:25	are 4:11,18 7:10 9:22 10:20 12:16,20 (7)	better 9:8 13:17
act 3:8	area 4:7 6:19 14:9	bic 8:5 9:4
acting 8:13	ask 7:1	bic's 8:8
action 16:14	asked 6:16	billing 8:16 12:25 13:1,3,19 (5)
actually 7:17	assist 13:11	bills 8:24
adding 7:23 10:5	association 7:6,10	blood 16:14
additional 10:5,22 11:22 12:22 (4)	attending 3:5	boards 3:17
additionally 3:15	audit 8:21	borough 13:25
address 7:12	auditing 13:19	both 11:22
administrative 3:8 4:7,22 5:21 (4)	audits 12:22,23 13:10	brief 10:1 14:14,21
adopt 8:8 9:3		bronx 5:12,12 12:10

brooklyn 11:23 12:10	(5)	competitively 12:16
brown 13 16:6	cleaner 9:7	complaint 8:15
burdens 11:19	clear 8:11 10:10	complaints 8:17
bureau 2:2 3:3	clearly 6:24	comply 8:20
business 7:18 8:10 10:24 14:2 (4)	close 13:24	concerned 12:20 13:3
businesses 4:2,17 8:24 9:10 13:5,12 (6)	coalition 9:23	concerning 5:25
c 2:1 16:1,1	code 4:7,22 5:21	conduct 7:13 12:23
calendar 11:15	codified 4:5	conducted 13:10
call 7:4	collect 4:12	conducting 3:6
calling 6:13 7:3	collection 3 3:11,22,25 4:16 (5)	consider 6:10
can 6:24 8:6 9:15 13:11 14:17 (5)	combined 11:6	contain 11:24
cannot 8:19	come 11:13	containerized 4:15
caps 7:24	coming 11:15 14:25	containerizing 12:3
carefully 6:10	comment 13:23	contemplated 7:24
carters 4:11,15,18	comments 3:10 5:24 6:1,3,4,6,10,12 10:2 14:25 (10)	continue 10:7 11:7 13:24
case 14:19	commercial 4 3:11,22,23 4:9,12,13,16 7:11 9:25 10:10 12:6,23 13:8 (14)	contracts 4:20 7:22
central 5:3,5,12	commission 10:25	copies 3:15
certify 16:8,13	commissioner 8:13	copy 6:6
chapter 2:6 7:5	commitment 4:25	cost 7:18
charter 5:20	communities 11:20 12:9,18	costing 8:22
chat 6:19 14:8,18	community 3:17 14:1	costly 8:17
city 3:8,13,16,20 4:2,6,8,22 5:19,20 7:19 8:25 9:23 10:15 13:25 (15)	compactors 4:17	costs 7:25 8:23
city's 3:17 4:3,25 9:25 12:4 (5)	companies 7:20	council 13:25
citywide 4:15 10:8,9 11:6,14	competed 7:20	counsel 3:2
	competitive 3:25	county 16:4
		court 5:22 6:24
		current 8:5 10:12 12:4

customer 4:23 7:15 customers 8:2,5 9:4 12:23 13:7,19 (6) cwz 3:24 4:14 5:3,6,8 8:14 11:7 (7) cwzs 5:11,17 dangerous 10:12 date 3:14 5:9,10,16 (4) day 6:7 16:18 deadline 6:3 decade 9:24 delayed 10:18 democratic 11:8 department 3:4 4:10 5:2,5,8,14 15:1 (7) department's 4:19 deserve 9:10 designated 12:13 designed 4:1 detailed 13:18 diesel 12:8 directly 6:4 director 9:20 disposed 10:17 diversion 4:3 divided 4:8 dollar 9:6,7 dollars 8:23	donations 13:13 drive 7:18 drivers 8:19 dsny 3 2:2 3:6,12,15 6:5,9 7:13,22 8:8,16 9:2 11:11,25 12:11 13:9,25 (17) dsny's 3:10 5:17 10:21 dubuque 2:6 7:4,7,8 (4) duly 16:10 dumpsters 4:17 duplicative 9:6 e 2:1,1,5,5 16:1,1 (6) each 4:14 easily 13:20 east 5:12 efficiency 12:7 efficient 3:25 10:14 either 8:1 elected 3:16 eliminate 12:1 else 14:23 email 15:1 emailed 3:15 6:4 enables 13:19 enabling 12:7 enacted 3:20 encourage 13:8,9 end 11:14	ensure 14:2 ensuring 12:15 entered 4:20 entities 4:11 environmental 4:24 11:20 12:9 envisioned 14:3 equity 12:12 especially 12:8 esq 2:2 establishment 3:21 establishments 4:13 every 7:14,18 8:9 9:5 (4) everyone 9:18 14:24 evidence 8:12 examination 16:9,11 example 13:13 existing 9:4 expected 8:19 expensive 9:2 experts 13:11 exploitation 11:10 export 12:3 extent 12:15 extra 8:21 f 16:1 facilitated 13:18
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facilities 12:1,5,14,16 (4)	further 12:7 16:13	hope 11:5 13:23
fair 11:8	general 13:3,17	hundreds 8:22
faith 7:20	geographic 4:7	i'll 14:12
fall 10:7,22	give 14:12	i'm 7:2,4 9:20 12:19 14:18 (5)
far 10:13	given 16:12	identify 5:6
faster 11:12	giving 10:14	implement 5:14 13:5
feasible 8:4	glass 13:15	implementation 5:4,9,10,15,16 10:8,19 11:5,12 (9)
few 6:9 14:19	goal 11:13	implemented 5:3,11,17
final 5:10,16	goals 4:4 12:12	implementing 5:8
finally 11:21 12:20	going 7:2,4 14:18	improvements 5:7,15
first 5:3,8 7:2 10:4 (4)	good 3:1 7:8,20 9:14,18 (5)	incentivize 10:16 12:17 13:4
five 4:14	greatest 12:15	incinerators 10:17
flat 12:24 13:3	hand 16:18	include 4:22
flatbilled 7:14	has 4:8 9:24 10:25	includes 12:5
flexible 8:9	hasn't 8:15	including 14:9
following 4:9 5:4	haulers 7:11,13,25 8:20 12:6,13,17 (7)	increase 11:18 13:12
food 13:12	health 4:24	increased 11:7
forcing 8:9	hear 9:15	independent 13:11
forth 16:10	hearing 2,11 3:5,6,9,14 5:23 6:8,11,17 14:18 (11)	indicate 14:8,17
forward 10:21	held 6,12	indicating 6:19,20
found 5:18	here 8:12	industry 11:4,9
founding 9:22	hereby 16:7	inefficient 10:12
four 10:23	hereinbefore 16:10	infeasible 8:18
frame 8:4	hereunto 16:17	initiatives 13:6
free 8:6	highquality 4:1	innovative 14:3
fulfill 12:11	history 11:10	instead 8:9
fundamental 9:25		

integrity 10:24	legal 2:2 3:3	may 5:23 6:4,18 7:16 8:13 14:25 15:2 (7)
intent 10:11	legitimate 11:1	me 9:15
interest 2:8 9:13,21	lesson 5:7	media 3:18
interested 3:18 16:15	let's 8:11	member 9:22
into 4:8,20 8:10	lets 9:4	members 7:10
invest 13:5	lew 7:8	metal 13:15
is 3:2,6,9,24 5:18,22 6:2 7:8,16,22 8:2,4,18 9:1,6,8,19 10:11 11:15 12:25 16:9,11 (22)	lewis 2:6 7:4	method 12:25 13:1
issue 10:25	licensed 4:12	methods 13:4
its 3:19 6:8 14:3	like 14:20	microsoft 6
january 5:2	limit 7:1	miles 11:17 12:2
javier 8:14	local 3:16,20 4:5 8:2 9:9 10:8 11:4 (7)	minimum 9:3
joined 14:7	lojan 8:14	minor 7:16
just 12:19	long 11:10	minutes 7:2 14:19
justice 11:20 12:9	longhaul 12:2	modern 11:25
justin 2:7 9:12,20	look 13:9	modification 12:21
k 2:5	losses 8:1	more 9:24 10:13 13:10 14:19 (4)
keep 14:18	make 6:5 7:11 10:11	morning 3:1,5 6:14 7:8 9:14,18 (6)
known 3:23	management 2:6 12:4	most 8:7
labor 11:1	mandate 7:17	move 10:21
land 8:24	mandated 7:14	ms 3:1 9:12,16 14:6,16,23 (6)
landfills 10:17	mandates 8:17 10:9	mtss 12:18
law 3:21 4:5 8:2 9:9 10:8,11 11:4,6 (8)	many 14:1	my 3:2 7:8 9:19 16:17 (4)
lawyers 2:7 9:13,21	marine 11:24 12:14	n 2:1
learned 5:7	marriage 16:15	name 3:2 6:20,22 7:8 9:19 14:10,11,17 (8)
leaving 7:25	materials 13:2	national 7:5,9
	matter 12 16:16	

need 8:17,20 needs 10:15 never 7:23 new 14 2:7 3:16,20,21 4:2,6,8,22 5:19,20 7:19,23 8:17,21 9:10,12,21,23 12:13 14:3,6 16:2,7 (24) next 5:10,17 6:9 no 8:11,16,17 14:23 (4) northeast 11:23 notary 14 16:6 note 11:21 noted 15:4 notice 6:16 now 7:21 14:6 nwra 2:6 nyc 15:3 nycrules@dsnynycgov 6:5 15:2 obligations 7:23 offer 10:1 offices 14:1 officials 3:17 one 8:6 9:5 10:19 14:23 (4) onesizefitsall 8:10 online 11:13 open 12:5 14:18 operated 11:25 operationally 8:18	opportunities 13:9 opportunity 9:19 13:22 opposed 12:25 oral 5:23 order 6:14 organic 13:15 organizations 11:2 our 7:10 outcome 16:16 overnight 12:6 owned 11:24 p 2:1,1,5 pace 11:12 paper 13:14 parties 3:18 16:14 partnership 13:24 pass 8:1 pause 14:15,22 people 14:6,12 per 8:23 perform 8:19 persons 6:16 place 8:5 10:6 plan 12:5,5 planning 12:12 plastic 13:14 plastics 13:16	please 6:22 14:8,11 policy 9:20 polluting 10:13 pollution 11:19 possible 7:12 12:15 posted 15:3 potential 5:6 14:4 present 5:22,23 president 2:6 7:5 presidents 14:1 priced 12:17 pricing 4:23 private 4:11 7:11 11:2 problem 8:12 procedure 3:8 proceedings 14:15,22 process 4:10 7:20 products 13:14 program 3:22,23,24,24 4:1 7:12 (6) programs 13:12,17 prohibitively 9:2 promise 9:9 promised 8:3 promote 4:25 proposal 4:10 7:13 9:1 10:21 (4) proposed 3 3:10,19 5:25 6:1
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10:3,4 11:22 12:21 (9) provide 4:1,13,15 public 2,11,14 2:7 3:5,10 9:13,21 11:18 16:6 (10) published 3:12,18 6:2 purpose 3:9 pursuant 4:5,21 queens 5:3,4,11 11:23 12:10 16:4 (6) r 2:1,5 16:1 rapid 10:8 rate 7:24 rates 13:20 reaches 14:3 receive 3:9 received 6:7 receives 6:11,12 record 3:13 5:23 6:25 16:11 (4) recyclable 13:2,15 recycling 5:1 7:6,10 9:8 13:6,16,21 (7) reduce 11:17,18 13:13 reduction 11:17 13:6,21 reductions 10:16 12:8 referred 4:18 reform 9:25 registrations 11:1 related 3:11 16:13	relating 3 relations 7:5 remote 2,11 3:6 remotely 6 reporter 5:22 6:24 represent 7:9 11:2 representation 11:9 request 4:9 8:6 9:5 required 11:4 requirement 8:11 requirements 3:7 4:25 7:21 requiring 3:21 7:13 resulting 4:19 reuse 13:6 review 5:5 rfp 7:19 robust 13:10 rollout 8:15 route 8:20 12:7 rule 3 3:11,12,16,19 5:25 6:2 8:18 (8) rulemaking 5:13 rules 5:6,18 8:5 10:3 12:21 15:3 (6) s 2:1,5,5 sabrina 13 16:6 safe 3:25 10:14 safer 9:7	safety 4:24 11:8,18 sanitation 3:4 11:3 satisfied 8:7 savings 13:20 say 6:22 scales 8:21 scheduled 3:14 10:6 section 4:21 5:18,19 seeing 14:23 seeking 11:2 seeks 5:14 selected 4:10,18 separate 13:15 september 2 3:14 16:18 service 4:2,23 8:8,16 (4) services 4:14,16 serving 12:17 set 5:9,15 7:21,24 11:11 16:10,17 (7) sharply 10:15 short 9:1 should 8:8 9:2 11:11 sign 6:17 14:12 signature 16:21 signed 6:15 7:3 simultaneously 10:11 11:16 since 6:2 8:14
--	---	---

single 8:15	streams 12:24	thank 3:4 7:7 9:11,17,18 13:22 14:5,24 (8)
singleuse 13:13	streets 9:8	their 8:8
skipping 12:19	strongly 10:7,20	them 8:1 10:2
slowly 6:23	submission 6:3	there's 8:11
small 8:24	submit 5:24 10:2	these 5:18 7:25 11:12,25 12:5,13,16,17 13:17 16:14 (10)
so 6:19,24 7:3 10:18 (4)	submitted 15:1	they're 8:7
solid 12:4	successful 10:18	those 5:14 6:13 7:3 8:23 (4)
some 14:12	such 6:4 16:10,12	thousands 8:22
sound 7:16	sufficiently 13:4	three 4:11 7:2 10:6,22 (4)
source 13:14	summer 10:25	through 5:13
southwest 11:23	support 10:7 11:7	throughout 6:7
speak 6:14,22,23 14:10,16 (5)	supportive 10:21	time 8,13 6:18 7:21 12:22 14:8,12 15:4 (8)
spent 9:7	survey 8:6 9:5	timeline 10:4
ss 16:3	surveys 7:14 8:19 9:6	title 4:6 5:20
staff 8:22	sustainability 4:4 5:1	today 3:14 5:22 6:2,5,11 9:19 13:23 14:25 15:2 (9)
stakeholders 14:2	sweeping 7:17	together 6:7
standard 9:4	swmp 12:12	tools 10:15
standards 4:23	sworn 16:10	total 10:23
start 5:9,16 7:3	system 10:1,10,13 13:8 14:3 (5)	trade 11:3
state 14 7:2 14:11 16:2,7 (5)	t 16:1,1	traffic 11:19
stated 8:14	team 8:23	transcript 6:8
statement 5:24 7:1	teams 6 8:21	transfer 11:24 12:14
stateoftheart 12:1	testify 6:15,17,18,20 9:19 13:23 14:7,9,20,24 (10)	transform 9:22
station 11:24	testimony 16:11	transformational 14:4
stewart 13 16:6	textiles 13:16	transition 10:9 11:6 13:7
still 14:25	than 9:24	
stream 13:10		

transitioning 11:13	viewing 6:8	will 6:5,9,13 7:18 11:7 (5)
transparent 10:13 13:18	volume 13:1	winter 10:23
trash 9:23	wages 11:8	wish 6:14,20 14:9
traveled 11:17	want 7:12 8:6 9:5 11:21 (4)	wishes 14:7,16,24
trips 12:8	wanted 10:1	wishing 6:16,18
truck 11:19 12:2,8	waste 4 3:12,23,24 4:3,9,12,13,16 7:6,9,11,14 10:1,10,13,17,19 11:3,16 12:3,4,6,11,21,24 13:2,5,8,10,21 (31)	withdraw 9:3
trucks 8:21 9:7		within 4:14 6:9 16:7
true 16:11		without 7:24
two 5:10,17 10:3,5,5 11:22 (6)	wasted 9:6	witness 16:9,12,17
under 8:5	way 11:16 16:15	wood 2:7 9:12,14,17,20 (5)
undermines 7:19	we'll 10:2	work 8:4
understand 6:25 10:24 13:20	we're 13:3	worker 11:18
undertook 5:5	website 3:19 6:9 15:3	workers 11:3,9
unfair 9:2	weeks 6:9	working 13:24
unnecessary 9:1 12:2	weight 13:1	would 8:20 11:24 12:22 13:17 14:19 (5)
unworkable 7:17	welcome 3:1	writing 10:3
up 6:15,17 7:3,18 14:13 (5)	well 14:12	written 5:24 6:1,3,6,11 (5)
urge 12:11	west 5:12	x 1,5
use 4:17	what 8:2 9:10	year 10:20 11:15
used 12:25	when 6:22 14:10	yes 9:16
utilize 12:14,18	where 12:24	york 14 2:7 3:16,20 4:2,6,8,22 5:19,20 7:19 9:10,12,21,23 16:2,7 (17)
vanish 8:23	whereof 16:17	your 6:20,22,25 7:1 14:10,11,17 (7)
vast 10:16	whereupon 14:14,21	zone 4:14 7:12 10:19 13:8 (4)
vehicle 11:17	which 6:15 9:23 10:9	zoned 10:10
via 6,12 15:1	while 4:2 6:15 7:16 10:14 (4)	zones 3:24 4:9 10:5,6,22
vice 2:6 7:4	who 6:13 7:3,11	
videoconference 12	whose 16:9	

11:12,14,22,23 12:13 (10)

753 5:19

1001 8

1020 15:4

2019 3:20 11:5

2025 2 3:13,15 5:2 8:13 16:18
(6)

2026 11:15