

August 29, 2025

Comments on DSNY's Proposed Rules for Commercial Waste Zones

Submitted by: Brooklyn Chamber of Commerce

The proposed rules for the implementation of the Commercial Waste Zones (CWZ) system cover a broad range of topics. These rules are informed by the experience gained from the first "pilot" zone, with plans to transition two more zones to the CWZ system in September.

The Brooklyn Chamber of Commerce has attempted to follow the initial design, rules, and implementation of the CWZ system. However, the multitude of topics included in the proposed rules makes it challenging to assess their overall impact on customer choice, service quality, and the sustainability of CWZ awardees' essential businesses.

We respectfully request the DSNY to conduct one or more workshops with business stakeholders to thoroughly review the progress of the CWZ system and how lessons learned are influencing these proposed rule revisions. The absence of such open discussions has added confusion and limited understanding of the benefits and potential impacts as the CWZ system expands to additional zones.

Additionally, we request full transparency in sharing data collected and analyzed by DSNY regarding the CWZ system. This includes, but is not limited to, information on customer allocation among awardees, the impact on service offerings like recycling and organics diversion, changes in customer pricing, improvements in vehicle miles and safety, and employment data.

We welcome the opportunity to collaborate with DSNY on organizing workshops and developing a comprehensive strategy for routine data sharing.

Sincerely,



Randy Peers
President and CEO

NWRA NYC Chapter Testimony Before DSNY

September 2, 2025

Good morning. My name is Lew Dubuque, and I represent the National Waste & Recycling Association. Our members are the private haulers who make the Commercial Waste Zone program possible.

I want to address the proposed change to requiring awardees to conduct DSNY-mandated waste surveys for every flat-billed customer. On its face, this may seem like a technical tweak. In reality, it is a sweeping and unworkable mandate that is arbitrary, capricious, and will drive up costs for every business in New York City.

The RFP process is being undermined. Awardees competed in good faith, basing their proposals on the requirements laid out by DSNY at the time. Now, after contracts have been awarded, DSNY is imposing new obligations that were never contemplated in the RFP. That is fundamentally unfair and destabilizing. Rate caps were set without accounting for these new costs, leaving haulers with no option but to absorb losses or pass costs onto customers. That is not what Local Law 199 promised.

The current BIC rules already provide adequate protection. Customers already have the right to request a free survey if they want one—and most do not, because they are satisfied with their service and prefer not to be burdened by unnecessary disruption. DSNY should adapt BIC's survey framework, allowing customer choice, instead of forcing every account into a one-size-fits-all mandate.

This new requirement is not being driven by customer need. On May 12, 2025, Acting Commissioner Javier Lojan stated that since the CWZ rollout, “there has not been a single complaint to DSNY of any issues with service or billing.” If there are no complaints, there is no justification for layering on costs and bureaucracy that customers neither want nor need.

The rule is operationally infeasible. The Department's assumption that drivers and helpers can conduct surveys on route is simply wrong. Drivers must focus on safety and timely service, not data collection. To comply, haulers would need to create separate audit teams, purchase additional trucks with scales, and employ auditors, supervisors, and administrators just to keep up with survey quotas. For context: a single audit team could cost nearly \$600,000 a year and only cover a fraction of customers in a single zone. Multiply that across thousands of accounts, and the math is simple: the costs are staggering, and they will land squarely on customers' bills.

Finally, we are concerned about the new provision in Section Four that allows for liquidated damages on contract termination. It is unclear how the average is calculated, particularly for a new account. The standard should be straightforward: damages should be based only on the

remainder of the contract with a 3% annual escalation for inflation. Anything broader would be punitive, uncertain, and create further instability for both haulers and customers.

In conclusion, this rule is unworkable, unlawful, and unnecessary. The CWZ program will not succeed if DSNY keeps rewriting the rules after contracts are signed. We strongly urge the Department to withdraw this provision and, at minimum, adopt the current BIC standard that allows customers to request an audit when they want one, but does not make it mandatory for every account.

And let me close with this: every dollar spent on duplicative surveys is a dollar not spent on cleaner trucks, safer streets, or better recycling. That is not the promise of Local Law 199, and it's not what New York businesses deserve.

Thank you,

Lewis A. Dubuque
Vice President, NYC Chapter
National Waste & Recycling Association



**Testimony of Alia Soomro, Deputy Director for New York City Policy
New York League of Conservation Voters
New York City Department of Sanitation
Amendment of Rules Relating to the Collection of Commercial Waste
September 2, 2025**

My name is Alia Soomro and I am the Deputy Director for New York City Policy at the New York League of Conservation Voters (NYLCV). NYLCV is a statewide environmental advocacy organization representing over 30,000 members in New York City. Thank you for the opportunity to comment.

NYLCV strongly supported the passage of Local Law 199 of 2019, establishing the City's first Commercial Waste Zones (CWZ) program. Championed by a wide group of stakeholders, this law will overhaul the City's antiquated and inefficient commercial waste management system by dividing the City into 20 zones, limiting each zone to a maximum of three of private sanitation companies and five carters to provide containerized commercial waste collection services from dumpsters and compactors citywide, all selected through a competitive bid process ("awardees"). The resulting contracts with the awardees include standards for pricing, customer service, safety, environmental health, and requirements to promote the City's commitment to recycling and sustainability.

We were pleased that the first waste zone ("Queens Central") [began in January 2025](#), and we support DSNY's review of the CWZ rules to identify potential improvements based on lessons learned from implementing Queens Central. **NYLCV supports DSNY's proposed rules and the implementation start date and final implementation date for the next two CWZs after the Bronx East and Bronx West CWZs: Brooklyn South and Queens Northeast, both starting on January 1, 2026.** Additionally, DSNY's proposed rules relate to issues ranging from mergers, acquisitions, consolidations, and assignments, assignment of awardees to commercial establishments that fail to enter into written agreements with awardees, language access needs within a CWZ, to commercial waste vehicle inspections and commercial waste working safety training.

NYLCV also advocates that DSNY continues working towards transitioning to zero-emission vehicles for DSNY and commercial sanitation trucks. Additionally, the City must continue working with DCAS, utility companies, and industry professionals to ensure adequate charging infrastructure is installed and available for sanitation trucks and give extra consideration for CWZ carters with the most aggressive plans to do so. Requiring cleaner fleets as part of the City's move to CWZs is also the best way to bring measurable air quality improvements to neighborhoods that house a disproportionately high number of haulers and waste processing

facilities. It is not good enough to require citywide emissions reductions. We should also strive for more localized benefits.

We are encouraged that more CWZs are being announced and we hope the City carries out this law in a timely and transparent manner. We also hope the City will dedicate the requisite amount of resources and funding for staffing, education, and outreach to fully implement the CWZ law.

The CWZ law will bring the city closer to its zero waste goals and improve the safety of workers, pedestrians, and cyclists. It will also cut down on traffic congestion, improve air quality, and curb the city's tailpipe pollution and carbon emissions, which is especially important in low-income communities and communities of color. NYLCV looks forward to seeing the timely implementation of this law citywide so all New Yorkers have the chance to breathe a little easier.

Thank you for the opportunity to comment.



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**Comments of Justin Wood, Director of Policy of
New York Lawyers for the Public Interest
to the Department of Sanitation on September 2, 2025
regarding DSNY Proposed Rule Regarding the Southwest Brooklyn and
Northeast Queens Waste Zones and Waste Audits**

Good morning, my name is Justin Wood and I am the Director of Policy at New York Lawyers for the Public Interest (NYLPI). We are a founding member of the Transform Don't Trash NYC coalition, which for more than a decade has advocated for fundamental reform of the city's sprawling commercial waste system. We offer the following comments on proposed rules that would set a timeline for implementation of two additional commercial waste zones; and a rule that would ease certain requirements for required waste audits in cases where a hauler charges customers a flat monthly fee for waste services.

1. We continue to strongly support the rapid implementation of Local Law 199 of 2019 which mandates a citywide transition to a zoned commercial waste system. The clear intent of this law is to simultaneously make the current inefficient, dangerous, and polluting commercial waste system far more transparent, accountable, efficient, and safe while giving the City the tools it needs to sharply incentivize reductions in the vast amounts of commercial waste disposed in landfills and incinerators.

After the long-delayed but successful implementation of one waste zone at the beginning of 2025, we are supportive of DSNY's proposal to move forward with three additional zones for a total of four zones. Citywide implementation of this program is essential to sharply reducing unnecessary truck miles in these communities and holding designated private sanitation companies accountable to contractual standards negotiated with the City.

We also understand that the Business Integrity Commission (BIC) has begun to issue registrations for legitimate labor unions seeking to represent private sanitation workers in the trade waste industry, as required by Local Law 55 of 2019. We hope that implementation of this law, combined with the citywide transition to commercial waste zones, will also support increased safety, fair wages, and democratic representation for workers in an industry with a long history of exploitation.

We also believe that DSNY can and should set a faster pace for implementation with the goal of transitioning the entire city to the CWZ system by the end of 2026.

Expanding this successful program citywide is the best way to simultaneously achieve waste reduction, reduce vehicle miles travelled (VMT), increase worker and public safety, and reduce pollution and truck traffic burdens on environmental justice communities. Following the implementation of the first four zones in early 2026, bringing all twenty zones citywide by the end of 2026 is achievable at minimal or no cost to the City, and would ensure that all NYC communities benefit immediately from the CWZ system.

Implementing the new system citywide will also enable the waste industry to accelerate the major investments needed in organics recycling facilities, modern trucks, customer service infrastructure, and community-level services such as micro haulers and waste auditors to achieve the goals of Local Law 199, the Zero Waste Act and the New York Climate Leadership and Community Protection Act (CLCPA).

2. We note that the Southwest Brooklyn and Northeast Queens zones proposed in this rule each contain a Marine Transfer Station owned and operated by DSNY. These modern, state-of-the-art facilities eliminate unnecessary long-haul truck miles by containerizing and barging waste for export from New York City. The City's current Solid Waste Management Plan (SWMP) includes a plan to open these facilities overnight to commercial waste haulers, enabling further route efficiency and reductions in diesel truck trips to and from private transfer stations clustered in environmental justice communities in Brooklyn, Queens, and the Bronx. We urge DSNY to fulfill the waste equity goals of the current SWMP by planning for designated haulers in these new zones to utilize these facilities to the greatest extent possible, and by ensuring that these facilities are competitively priced to incentivize private waste haulers to utilize them.

3. We further call for increased transparency as DSNY brings the proposed Bronx, Brooklyn, and Queens zones online. As DSNY enters into contracts with three designated haulers for each zone, the public, customers, and various CWZ stakeholders should be able to easily access each company's waste diversion plans, customer education plans, VMT reduction plans, prices, and the names and qualifications of all subcontractors, transfer stations, recycling facilities, and micro-haulers that the designated haulers intend to utilize to service the zone. Similarly, we urge the Department to publish and regularly update data and metrics being collected to evaluate the progress toward the goals of Local Law 199 in each zone and citywide.

4. DSNY is also proposing a modification that would allow haulers additional time to conduct audits of a customer's waste streams for accounts where a "flat" billing method is used, as opposed to billing based on the volume or weight of waste and recyclable materials generated and collected. In general, we are concerned that such "flat" billing methods do not sufficiently

incentivize businesses to invest in and implement waste reduction, re-use, and recycling initiatives.

As customers transition to the CWZ system, DSNY should look for opportunities to encourage more robust waste stream audits conducted by independent experts that can assist businesses with programs to increase food and other donations, reduce single-use plastic and paper products, and source separate organic and recyclable glass, metal, plastic and textiles for recycling. In general, such programs are better facilitated by detailed and transparent billing and auditing that enables businesses to easily understand rates and savings from recycling and waste reduction.

Thank you for the opportunity to submit comments on these proposed rules. We hope to work in partnership with DSNY, the City Council, Borough Presidents, and the many community and business stakeholders to ensure that this innovative new system reaches its envisioned transformational potential.

Sincerely,

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For almost 50 years, NYLPI has fought to protect civil rights and achieve lived equality for communities in need. Led by community priorities, we pursue health, immigrant, disability, and environmental justice. NYLPI combines the power of law, organizing, and the private bar to make lasting change where it's needed most. Our Environmental Justice Program works to eliminate the unfair burden of environmental hazards borne by low-income communities and communities of color and seeks to create a more equitable and sustainable city.

For more information visit: www.nylpi.org

**Testimony Regarding Proposed DSNY Rule Changes for
Waste Generation Audits for Commercial Refuse Collections**

Waste Connections of New York, Inc. (“Waste Connections”), respectfully submits the following testimony regarding a regulatory change to Section 20-27, requiring that private carters conduct waste surveys when a “flat” billing method is used.

When these rules were initially introduced, we strenuously objected to this new regulatory scheme due to their arbitrary and capricious nature and the huge cost it will inflict on commercial waste haulers. We commented that the initial Request for Proposal (“RFP”) process, which was designed to ensure that all potential costs and requirements were clearly outlined so that proposers could submit accurate and competitive proposals, was upended by this new rule. By introducing significant changes well after the fact, these survey rules undermines this process and creates an environment of uncertainty. It is crucial that any substantial changes such as proposed to the service requirements be thoroughly evaluated and included in the initial RFP to allow for fair and informed bidding. The proposed change was not contemplated when rate cap proposals were submitted. While the current proposed amendments seek to fix some of these concerns, it leaves the new framework in place and does not fix its fundamental problems.

Under current regulation, § 20-29, entitled Commercial Waste Generation Audits, an awardee must provide to its customers commercial waste generation audit services and/or reimbursement for commercial waste generation audits by a third party in accordance with the requirements of the awardee's Zero Waste Plan. This was what was contemplated in our RFP response and what our maximum submitted rate was.

Even under the proposed modifications, It is not feasible to accurately survey almost every customer up to twice per year as proposed by the rule. The Department incorrectly assumes that the survey process will be managed by the driver and helper at each location. The primary responsibility of the driver is to safely navigate the route and collect the customer's waste and recycling in a timely manner. Adding an additional responsibility of surveying almost every stop along their route would extend their workday and reduce the number of customers they could service, potentially requiring additional trucks on the road.

Instead, conducting surveys will require a separate audit team due to the large number of customers that will need to be surveyed. It is simply not possible to conduct such a high volume of surveys within the specified timeframe – even the extended

timeframe contemplated in these proposed amended rules - for the number of customers in a commercial waste zone.

For example, in the initial Queens Central Zone, Waste Connections signed thousands of customer agreements. The proposed rules will require literally thousands of surveys. This would divert resources from customer education and outreach efforts and significantly increase costs, which would ultimately be passed onto the customer.

Solutions Seeking a Problem

These proposed regulations attempt to solve a problem that simply does not exist. During the April 23rd hearing of the City Council's Committee on Sanitation and Solid Waste Management, Department of Sanitation Commissioner Javier Lojan testified that "[i]ncredibly, not a single one of the thousands upon thousands of businesses in the zone has made a complaint to DSNY of any issues of service or billing." This clearly demonstrates that the current system is functioning effectively and does not warrant the creation of a new, burdensome framework.

Introducing a mandatory survey system for nearly every customer is unnecessary and counterproductive. Waste and recycling services represent only a small fraction of most businesses' operating budgets. Commissioner Lojan himself acknowledged in his written comments that the implementation of waste zones could impose a burden on businesses, noting that for many, this would be the first time they are required to seriously consider their waste generation. As he put it, "the laundromat or the coffee shop still needs to take time from the real work of running their business to make these decisions" — referring to the process of selecting a carter.

Now, under the proposed changes, businesses would be forced to devote even more time and resources to participate in a waste survey scheme that they neither requested nor need. This added layer of bureaucracy risks diverting attention from their core operations and imposing unnecessary costs and confusion.

These regulations seek to address a problem that does not exist. The Department of Sanitation Commissioner Javier Lojan testified at the April 23rd City Council's Committee on Sanitation and Solid Waste Management that "[i]ncredibly, not a single one of the thousands upon thousands of businesses in the zone has made a complaint to DSNY of any issues of service or billing". There is simply not a need to create a new system where almost every customer will have to be included in a new survey system. Waste and

recycling services account for a very small percentage of most businesses operating budget. Initially, the Commissioner recognized in his written comments concerning waste zone implementation, that the new waste zone implementation was a potential burden to businesses. He stated that business now had to think about their waste generation in a real way for the first time. For example, “the laundromat or the coffee shop still needs to take time from the real work of running their business to make these decision” (stating about what carter to choose). Now, they will have to take even more time in being heavily involved in a waste survey scheme that they most likely do not want to be included in.

Alternative Approaches Needed

Rather than imposing blanket survey requirements, DSNY should consider:

- Targeted audits of high-volume generators,
- Incentives for voluntary customer reporting and diversion,
- Enhanced coordination with private carters to streamline data collection.

These approaches would be more effective and equitable, especially for facilities already operating under strict oversight.

Conclusion

We urge DSNY to withdraw or substantially revise the proposed customer waste survey rule to reflect the operational realities of regulated entities and to avoid imposing unnecessary burdens on compliant operators. We welcome the opportunity to collaborate on more targeted, data-driven approaches to improving commercial waste management in New York City.

Early Termination Provision

The proposed change to Section 20-21(c)(2)(xvi) allowing for an early termination fee is a welcome addition. We believe, however, that the use of the contract’s remaining years is not the proper multiplier. We suggest that the fee should be an amount equal to the average monthly invoice over the past three months multiplied by the number of months remaining in the Term, not to exceed six months’ worth of service fees.