

**OPENING STATEMENT OF  
MADELYNN LIGUORI  
SENIOR COUNSEL, BUREAU OF LEGAL AFFAIRS  
NEW YORK CITY DEPARTMENT OF SANITATION**

**PUBLIC HEARING ON DSNY'S PROPOSED RULE RELATING TO THE USE OF  
RECEPTACLES BY CERTAIN COMMERCIAL ESTABLISHMENTS**

**TUESDAY, OCTOBER 24, 2023  
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 the use of receptacles by certain commercial establishments.

This rule was published by DSNY in the City Record on September 19, 2023, with a scheduled hearing date of today, October 24, 2023. 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 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 recently adopted rules that require all food-related businesses and commercial establishments that are a part of a chain of stores to set out any putrescible solid waste, including refuse and organic waste, at the curb for private carter collection in rigid receptacles with tight-fitting lids. This new proposed rule would amend this recent rule and expand this requirement to include all commercial establishments regardless of whether such establishments are food-related businesses or are part of a chain of stores.

These changes are a part of the City's commitment to cleaning up New York City streets and reducing food sources for rats. Businesses 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 these businesses that produce 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 piles of black bags that obstruct pedestrians.

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](mailto: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 requested 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 state 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 five minutes.

# DSNY Proposed Further Amendment of Rule Relating to the Use of Certain Receptacles by Commercial Establishments

 [rules.cityofnewyork.us/rule/dsny-proposed-further-amendment-of-rule-relating-to-the-use-of-certain-receptacles-by-commercial-establishments/](https://rules.cityofnewyork.us/rule/dsny-proposed-further-amendment-of-rule-relating-to-the-use-of-certain-receptacles-by-commercial-establishments/)



**Rule status:** Proposed

**Agency:** DSNY

**Comment by date:** October 24, 2023

Rule Full Text

DSNY-Proposed-Further-Amendment-of-Rules-re-Use-of-Certain-Receptacles-by-Commercial-Establishments.pdf

DSNY rules currently allow for all commercial establishments 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.

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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.

Attendees who need reasonable accommodation for a disability such as a sign language translation should contact the agency by calling 1 (646) 885-4996 or emailing [eluna@d sny.nyc.gov](mailto:eluna@d sny.nyc.gov) by **October 17, 2023**

### Send comments by

- **Email:** [nycrules@d sny.nyc.gov](mailto:nycrules@d sny.nyc.gov)
- **Mail:** New York City Department of Sanitation - BLA, 125 Worth Street Room/Floor: 710 ; Brooklyn, New York 10013

## Public Hearings

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### Public Hearing

#### Date

October 24, 2023

10:00am - 11:00am EDT

#### Location

#### Connect Virtually

<https://departmentofsanitationnewyork.my.webex.com/departmentofsanitationnewyork.my/j.php?MTID=m3d6b87a0fbeb47a5f007cae535e760af>

Meeting number: 2632 010 9985

Password: qXnxYQcg373 (79699724 from phones and video systems)

Join by video system

Dial 26320109985@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-408-418-9388 United States Toll

Access code: 263 201 09985

Disability Accommodation

Sign Language Interpretation

## Comments are now closed.

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Online comments: 7

### Virginie Niedermayer

I concur with the city's proposal. We need containers for the trash that is spilling over the sidewalks and attracting pests. Residential buildings should also be required to use containers. In addition to keeping the streets cleaner it would facilitate automated trash pick up. Lastly, many European cities have implemented such a system with great success.

Respectfully submitted,  
VN

Comment added September 21, 2023 1:26pm

### Lora Tenenbaum

Clarification requested: Will businesses be allowed to have these receptacles outside, filled with refuse, all day?

I would advocate for keeping them off the street until an hour before pick up or close of business, whichever comes first.

Comment added September 22, 2023 10:04am

### Davindranauth Shiwratan

Keeping New York City clean is essential to quality health and prevent diseases. NYC businesses should invest in the City's greater health for clean streets and curbsides.

This rule allows deep pocket penalties to NYC businesses. The cost would then be pass onto everyday customers.

Comment added October 13, 2023 12:11pm

cee

Do you think that the rats look at the plastic garbage bags that line the streets outside small restaurants and say “we can’t go near them—the private carters are coming soon.” I have seen rats running in front of neighboring buildings of one restaurant on Prince Street and Sullivan and I have seen huge rats running across the street at the corner. I have seen rats run into neighborhood playgrounds not far from the restaurants on Spring Street and Sullivan. There are rats running around in back yards and in nearby parks, primarily because that’s where the restaurants are and that’s where the plastic bags of trash are put out. Feed the people, feed the rats.

Do you think people will sit outside at restaurants with rats running around them?

If putting trash in lidded containers work then by all means, make sure that EVEN THE SMALL BUSINESSES are required to use them.

But, most importantly, penalties must be more than a slap on the wrist and must be enforced for flagrant violators.

Comment attachment

P1100369-2023-10-18-1112pm-trash-outside-little-prince-lightened-and-resized-for-email-copy.pdf

Comment added October 21, 2023 12:21am

**Sara Lind**

We write today in regard to the new proposed rule relating to the use of certain receptacles by commercial establishments. Open Plans testified in support of the previous iteration of this rule, with important caveats. As the program expands to all commercial establishments, these caveats are more critical than ever.

**Prioritize the pedestrian** – While it's great to get trash bags off the sidewalk (especially trash from restaurants that's likely to have food which attracts rats), replacing piles of bags with permanent bins does nothing to help make our sidewalks more pedestrian friendly. Especially in areas with already narrow sidewalks, bins on the sidewalk will make it hard for pedestrians to get by. We should not replace one problem with another.

**Place the bins in the curb space** – Containers to hold restaurant trash should be placed in the curb lane rather than on the sidewalk. This will ensure pedestrians have adequate space, and will make garbage collection much easier. Emptying containers over or around parked cars is not a reasonable option. Pilot projects have already shown that trash containers placed in the curb lane are an effective and efficient use of public space.

**Preserve beautiful public space** – Containers are a critical step to get ugly trash bags off our sidewalks. However, dozens of containers stored on the sidewalk outside businesses do not contribute to beautiful public space. The City should require establishments to store bins inside when not in use. Though this may be difficult for some businesses to do, the city should work with businesses to help them find ways to do so. All new buildings should be required to build in space for trash containers (both for commercial and residential uses).

**Improve public space, improve public health** – Public space is crucial to public health and putting trash in bins, and containerizing it in general, is a concrete way to mitigate New York's rodent population. Safe and healthy public space looks like swept streets and sidewalks, free from rats, and having trash in bins. This proposed rule helps achieve this vision.

Comment added October 23, 2023 10:53am

## Clare Miflin

The Center for Zero Waste Design is a non-profit that develops and implements design strategies to reduce and better manage waste, enabling cities to improve streetscapes and equitably achieve zero waste and circular material systems. We thank the Department of Sanitation (DSNY) for this opportunity to comment on their proposed rule relating to the use of rigid receptacles by Commercial Establishments. We fully support DSNY's aim to get rid of bags of trash piled up on sidewalks and instead move to a system where waste is collected from containers by mechanized trucks, whether by DSNY or by private carters. However, we believe that in this change there are many opportunities to achieve other goals – improving streetscapes, reducing waste and reducing costs to businesses and residents. Slight adjustments to this proposed rule would allow the City to move closer to its zero waste goals and take up less valuable public space on sidewalks.

Since earlier this year when DSNY adopted the rule requiring food-related businesses to use rigid receptacles, we have seen many more trash bins permanently placed on sidewalks, often chained to lamp posts or storm drains, often over-full. Though even when neat they still take up valuable sidewalk space, see attached version with images.

This rule could be tied to initiatives to reduce waste, and separate food waste, in various ways:

1. At a minimum DSNY could use this opportunity to enforce the commercial organics rules, as we have seen many businesses that should be separating their organic waste set out only trash.
2. Next this rule could only allow one trash bin on the sidewalk / business. Additional recycling or organics bins would be allowed, incentivizing waste separation and diversion. Currently most businesses only set out trash, despite the fact that most of a food service business's waste is organic waste. It would also incentivize businesses to use reusable cups and dishware and minimize use of disposable packaging within businesses. Businesses could use compaction equipment to reduce the volume of waste, and larger businesses should be able to find space within the store, so the 1 trash bin rule would provide the needed relief for small businesses that are very space constrained.
3. Lastly this initiative should be tied into commercial waste zoning, as this would give private haulers an incentive to containerize waste, , see this discussion or this article for more. This would also bring cost savings to businesses and haulers, and would improve streetscapes substantially as all waste containerization could happen within the streetbed.



Combined with DSNY's move to require 1-9 unit buildings to use rigid containers, it will mean that for streetscapes with commercial storefronts and 1-9 family residences above there may be 6 or more bins lining the streetfront. See more on our suggestions for how waste containerization should be integrated into streetscapes on Vanderbilt Avenue Brooklyn on our website [here](#), or in this video [here](#), or our Vital City article [here](#).

Thank you for the opportunity to testify

Clare Mifflin, Executive Director  
Center for Zero Waste Design

**Comment attachment**

231024-Commercial-Waste-Bins.pdf

Comment added October 24, 2023 9:50am

## Diego Barberena

I think it is important that the city keeps moving to 100% waste containerization in order to clean our streets. I think the standardization of these containers is important. Following DSNY's Study the future of trash: DSNY Containerization Report, the city concluded that shared side loader containers are the best solution to manage NYC waste for residential waste. I think the same is true for small business commercial waste. In my opinion, the best and fastest way to implement containerization is if NYC provides shared side-loader containers that can be accessible to all residents and small businesses.

This will make life better for the user as well as the service providers. For the user, there are no more trash days. You can through your waste and recycling 24/7 and forget it. For the service providers, no more picking waste by hand or handling multiple streams of waste in one truck. For everyone, cleaner streets, more space on the sidewalk, and fewer rats.

How will it work?

Pick up of residential waste is already included in residents' local taxes. In the same way small businesses could opt to pay a new fee that will include waste pickup. For this small fee, they will have access to city-provided shared containers. There is no investment and nothing to be managed from the side of the small business owner. From the side of the city, just another infrastructure investment that will improve everyone's lives. It will be the small business's decision to pay a fee or continue to directly pay for the carting service. This new fee should be less than what they currently pay and be more convenient. Lower prices can be achieved because the new system will be much more efficient.

Private carting will compete with price and service in different city zones. Private carting companies' job will only be emptying these containers. If containers are equipped with sensors. The sensor will tell the carting companies when to pick it up. No more unnecessary trips, no more overflowing containers. Different carting companies can be given different districts and different streams. Maybe one carting company can compete better in one stream than another. One may specialize in recycling of metal, one in paper and cardboard, one in organic, etc. NYC can be divided into mostly residential and mostly commercial districts. DSNY and private carting will divide the zones accordingly.

How do you make sure people pay the fee? People need to prove to the city that they either had paid the fee or that they have a waste collection contract. Currently, this doesn't happen, and some small businesses drop their waste in residential developments like NYCHA.

These will provide many improvements to small business waste collections such as:

- 1- No more collection dates and times. Containers will be available 24/7.
- 2- No more waste contracts, waste collection is part of a fee based on the business size, type, and revenue.
- 3- No need to invest in containers that may be stolen or broken.
- 4- Some Business Improvement Districts may opt for nicer and more expensive underground containers, to be picked up by bilateral collection trucks, as it is done in many parts of Europe.

Benefits for NYC:

- 1- No more individual oversized and overflowing containers. Currently, businesses are moving to bigger containers that are over the 55 gallon DSNY rule. If trucks are not equipped with lifters, these containers may be too heavy and pose an injury risk to the person collecting the waste. If every business has containers outside on the sidewalk, our sidewalks will be full of these containers, as it already happens in some parts of the city.
- 2- Better recycling. Currently, one private truck pick ups all the waste and mixes it in the compactor. This creates contamination and makes the recycling process harder. It will be better to have one truck pick up only one waste stream, to reduce recycling contamination.
- 3- Each container can hold 8-26 times the amount of waste than a wheeled container. This translates in that they occupy less space on the road, and permit it to be serviced much faster.
- 4- By standardizing these containers, the city creates a more homogeneous and aesthetically pleasing image, as it is currently done in Europe.
- 5- Big business and residential buildings with loading dock can continue using them.

The private carting industry needs is start adopting shared side loader container standards. Private carters will benefit if they offer this service to their clients. It will solve most of their client concerns. The equipment is similar to the cost of what is being used now in a rear loader. Rear loaders are usually operated by 2-3 people. Side loaders can be easily operated 1-2 people.

Regarding how much will this cost?

The truck chassis (MACK LR Diesel which is what the city currently uses), is roughly \$250,000 and the truck body and its installation is about \$200,000. Total price for the truck is around \$450,000. Containers are about \$2,000 dollars. That is 2 assembled trucks (\$900,000) and 300 containers (\$600,000) will cost \$1.5 million total. 300 containers will hold 900 CY all together. This can easily be scaled up.

If one factor that you already budgeted for the truck chassis and that the routes will be more efficient, this should produce a net saving in time, money, diesel and overtime.

I am here to help and answer any questions.

Diego Barberena, LEED AP BD+C  
CEO

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New York, NY 10128  
<http://www.WasteTech.US>  
[diego.barberena@wastetech.us](mailto:diego.barberena@wastetech.us)

Comment attachment  
2023.10.24-Commercial-Containers.pdf

Comment added October 24, 2023 4:31pm

ATTLE PRINCE

PM11:12 OCT/18/2023

## Testimony for DSNY Proposed Further Amendment of Rule Relating to the Use of Certain Receptacles by Commercial Establishments

October 24, 2023

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Since earlier this year when DSNY adopted the rule requiring food-related businesses to use rigid receptacles, we have seen many more trash bins permanently placed on sidewalks, often chained to lamp posts or storm drains, often over-full. Though even when neat they still take up valuable sidewalk space, see below.





This rule could be tied to initiatives to reduce waste, and separate food waste, in various ways:

1. At a minimum DSNY could use this opportunity to enforce the [commercial organics rules](#), as we have seen many businesses that should be separating their organic waste set out only trash.
2. Next this rule could only allow **one trash bin** on the sidewalk / business. Additional recycling or organics bins would be allowed, incentivizing waste separation and diversion. Currently most businesses only set out trash, despite the fact that most of a food service business's waste is organic waste. It would also incentivize businesses to use reusable cups and dishware and minimize use of disposable packaging within businesses. Businesses could use compaction equipment to reduce the volume of waste, and larger businesses should be able to find space within the store, so the 1 trash bin rule would provide the needed relief for small businesses that are very space constrained.
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Contact: Clare Miflin  
[clare@centerforzerowastdesign.org](mailto:clare@centerforzerowastdesign.org)  
718.306.9525

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Thank you for the opportunity to testify

A handwritten signature in black ink that reads "Clare Miflin".

Clare Miflin, Executive Director  
Center for Zero Waste Design



10/24/2023

## Comment: DSNY Proposed Further Amendment of Rule Relating to the Use of Certain Receptacles by Commercial Establishments

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Diego Barberena, LEED AP BD+C  
CEO

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