

New York City Department of Sanitation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Sanitation (“DSNY”) is proposing a rule limiting the maximum size of containers that are set out for collection by DSNY.

When and where is the hearing? DSNY will hold a public hearing on the proposed rule. The public hearing will take place from 9:30 A.M. to 11:00 A.M. on March 21, 2016. The hearing will be in Room 819 at 125 Worth Street, New York, NY 10013 (DSNY Headquarters).

This location has the following accessibility option(s) available: wheelchair accessible, sign language interpretation.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DSNY through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to nycrules@dsny.nyc.gov.
- **Mail.** You can mail comments to DSNY, Bureau of Legal Affairs, 125 Worth Street, Room 710, New York, NY 10013.
- **Fax.** You can fax comments to DSNY at 212-788-3876.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing can sign up in the hearing room before the hearing begins on March 21, 2017.

Is there a deadline to submit comments? Comments will be due to the Department of Sanitation by 5:00 P.M. on March 21, 2017.

Do you need assistance to participate in the hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 646-885-5006. You must tell us by March 14, 2017.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public on DSNY’s website.

What authorizes DSNY to make this rule? Sections 1043 and 753 of the New York City Charter and Section 16-120 of the New York City Administrative Code authorize DSNY to make this proposed rule. This proposed rule was not included in DSNY’s regulatory agenda for this Fiscal Year because it was not contemplated when DSNY published the agenda.

Where can I find the DSNY's rules? DSNY's rules are in title 16 of the Rules of the City of New York.

What rules govern the rulemaking process? DSNY must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Department of Sanitation is proposing a rule that would limit the size of receptacles containing solid waste that are set out for collection by the Department. Specifically, this rule would limit the maximum size of such receptacles to fifty-five gallons. This rule will ensure that receptacles are of an acceptable size for the Department's sanitation workers to safely handle in the course of their collection duties. Violators will be subject to a fine for using an improper receptacle as set forth in Section 16-120 of the Administrative Code. The fine for a first violation will be \$100. The fine for a second violation in a twelve month period will be \$100. The fine for a third and any subsequent violations in a twelve month period will be \$200.

DSNY's authority for these rules is found in section 753 of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1-02.1 of title 16 of the rules of the city of New York is amended to read as follows:

§ 1-02.1. [Placement of] Requirements for Receptacles and Bags Containing Solid Waste and Recyclables for Collection.

(a) Occupants of residential buildings, public buildings, and special use buildings, except commercial occupants of residential buildings where Department collection service is not otherwise authorized by section 1-03 of this chapter, shall not place receptacles or bags containing solid waste or recyclables out at the curb for collection by the Department earlier than 4:00 p.m. on the day before scheduled collection. Receptacles containing solid waste that are set out at the curb for collection by the Department must not exceed fifty-five gallons in size.

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Limitation on Size of Solid Waste Receptacles

REFERENCE NUMBER: DSNY-14

RULEMAKING AGENCY: Department of Sanitation

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances. The Department, however, will issue warnings instead of violations for the first few months after the new rule is in effect

/s/ Francisco X. Navarro
Mayor's Office of Operations

January 30, 2017
Date

NEW YORK CITY LAW DEPARTMENT

**DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Limitation on Size of Solid Waste Receptacles

REFERENCE NUMBER: 2016 RG 087

RULEMAKING AGENCY: Department of Sanitation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: January 30, 2017