

## The Real Estate Board of New York to The Department of Sanitation on the Proposed Rule that would Require Certain Buildings to Submit a Building Waste Management Plan

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the Department of Sanitation (DSNY) for the opportunity to comment on the proposed rule that would require certain buildings to develop waste management plans.

New York City stands apart from other municipalities in its waste management, largely a result of its scale and city design. With the country's biggest population, produces 14 million tons of waste a year in a hyper dense built environment that lacks alley space. Consequently, buildings are generally forced to temporarily lay waste curbside until it can be collected. Understanding the garbage bags on sidewalks affects New Yorkers' quality of life, impeding pedestrian traffic and posing potential health risks, REBNY supports DSNY's efforts to seek a solution to reduce the presence of semi-exposed waste in the public domain.

The proposed rule would require a waste management plan for 1) new multiple dwellings with 150+ units, 2) commercial buildings that either alter or enlarge their physical design to be classified as a multiple dwelling building and have 150+ units, and 3) commercial buildings that renovate 50% or more of the floor area to be classified as a multiple dwelling building and have 150+ units.

REBNY supports the DSNY's commitment to improving public health through better waste management. To ensure buildings can effectively help DSNY achieve its goal, the Department needs to provide further clarity as discussed further below.

The rule would require owners and managers to estimate the full amount of refuse of fully occupied building as part of the waste management plan, yet waste generation varies greatly between units. The DSNY should provide guidance as to how owners and managers should calculate the maximum refuse for a fully occupied building. In doing so, REBNY encourages DSNY to consider different factors that may impact waste generation, such as the season, socioeconomic status of residents, and the state of the economy.<sup>1</sup>

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<sup>1</sup> Denafas, G. (2014) "Seasonal variation of municipal solid waste generation and composition in four East European cities." *Resources, Conservation, and Recycling* 89 (1) 22-30. <https://doi.org/10.1016/j.resconrec.2014.06.001>

Though DSNY has not included those factors in its waste analysis reports, other cities have noted and confirmed their impact on waste generation.<sup>2</sup>

The plan would also require owners and managers to indicate storage plans for refuse, recyclables, and organic waste at 150% capacity of expected accumulated waste between regular collections. To do so, DSNY will need to provide guidance on how to determine expected waste generation level – different from the maximum requested as part of the plan.

The proposed rule would also require that the waste management plan be submitted to DSNY when design plans are submitted to the Department of Buildings (DOB). However, given the spatial considerations necessitated by the proposed waste management plan, DSNY review should come earlier in the process than DOB plan review. Any objections or required changes from DSNY's review could have subsequent impact on the building design, which would then require resubmission to DOB for approval, resulting in significant project delays.

In a similar vein, projects underway in design process have already made spatial calculations and allocation. To ask architects to incorporate new considerations on projects well into the design phase will cause delays at a time New York desperately needs the construction industry back at work to help in the recovery from the COVID-19 pandemic. REBNY therefore encourages the Department to exempt those properties that have already either been approved by the Department of City Planning (DCP), City Planning Commission (CPC) or Board of Standards and Appeals (BSA) actions but have not yet received DOB plan approval, those that have currently filed for discretionary action undergoing site plan review at DCP, CPC or BSA, as well as those that have filed for building a permit with DOB by the effective date of the proposed rule.

Finally, to help manage expectations and project timelines, we ask DSNY to provide an explicit review time of 20 days to either confirm approval of the plan or offer details for correction if the plan is rejected. If the plan is rejected, we would encourage DSNY to prioritize review of any resubmitted plans that address the original objections with a commitment of reaching full approval these plans in no more than 30 days.

Thank you for the consideration of these points.

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<sup>2</sup> Zia, A. et al (2017) "Influence of Income Level and Seasons on Quantity and Composition of Municipal Solid Waste: A Case Study of the Capital City of Pakistan." *Sustainability* 9 (9) 1568. <https://doi.org/10.3390/su9091568>