



sanitation

Kathryn Garcia
Commissioner

Kathryn Garcia, Commissioner

**Hearing on Intros 204, 377, 857 and 879
New York City Council Committee on Sanitation
and Solid Waste Management**

**Wednesday, September 16, 2015
10:00 A.M.
250 Broadway – 16th Floor**

Good morning Chair Reynoso and members of the City Council Committees on Sanitation and Solid Waste Management. I am Kathryn Garcia, Commissioner of the New York City Department of Sanitation. With me here this morning is Paul Visconti, Chief of Cleaning Operations. I am also joined by Mario Merlino, Assistant Commissioner of Pest Control Services for the New York City Department of Health and Mental Hygiene. I am here today to present an overview of the Department's cleaning operations and testify on Intros 204, 377, 857 and 879, which are the subject of today's hearing. At the conclusion of my testimony, my colleagues from the Department of Environmental Protection will share their agency's perspective on Intro 377.

As you know, the Department's mission is to keep New York City healthy, safe, and clean by collecting, recycling, and disposing of waste, cleaning streets and vacant lots, and clearing snow and ice. The Department is responsible for the cleanliness of the approximately 6,000 miles of streets throughout the City, including adjacent sidewalks. The Department is also responsible for the clean-up of major events in the City, including the ticker tape parade honoring the World Champion U.S. Women's National Soccer team, following which the Department collected 29.6 tons of paper and other debris.

Scorecard ratings are the primary performance indicator the Department uses to determine cleaning service needs and resource allocation for each of the City's fifty-nine community districts. The scorecard for a given community district or Sanitation section is determined by assessing the percent of streets and sidewalks in that geographic area that are acceptably clean. Scorecard ratings are made by trained staff from the Mayor's Office of Operations, who observe street and sidewalk conditions on a statistically significant number of blocks within a given geographic area. Weather conditions and other factors can have a large effect on scorecard ratings, and harsh winter weather can bring down the scorecard as the City suspends alternate side parking regulations and the Department reallocates personnel and equipment to snow-fighting functions. [Describe chart] In Fiscal Year 2015, the Department achieved a citywide average scorecard rating of 92.5 percent, despite the cancellation of alternate side parking regulations 28 times due to weather-related conditions this past winter.

The Department has a number of tools at its disposal to ensure the cleanliness of the city. Mechanical brooms are our most effective tool for keeping the City's streets clean. The Department schedules an average of 185 mechanical brooms and operators per day to sweep the City's streets. Alternate side parking and metered parking regulations provide curbside

accessibility so that sanitation workers can clean along the curb, where litter, leaves, and other debris typically accumulate. While a sanitation worker using a hand broom manually will sweep an average of one curb mile per shift, a mechanical broom can sweep an average of twelve curb-miles per shift. However, New Yorkers increasingly fail to obey alternate side parking regulations, making it difficult to adequately clean along the curb with a mechanical broom. While the Department uses Sanitation Supervisors to patrol ahead of some mechanical brooms, many drivers fail or forget to move their vehicles or prefer to take a ticket rather than follow posted parking regulations.

To maintain high levels of street cleanliness, the Department also employs other aggressive cleaning management strategies which include the use of Work Experience Program participants and the Department's own mobile litter patrol trucks to hand sweep streets and sidewalks. Together, the Department's mechanical brooms and other street cleaning posts collect an average of 154 tons of dirt, litter, and other debris per day.

In addition, the Department takes part in inter-agency coordinated cleaning efforts, conducts outreach to residents, visitors, businesses, and property owners, and promptly investigates and resolves complaints made by citizens through 3-1-1. This summer, the Department has also been working closely with the Mayor's Office, Police Department and Department of Homeless Services to provide assistance in dealing with any homeless encampments and hotspots that are located throughout the City. Since July, the Department has participated in 27 homeless encampment and hotspot clean-ups.

The Department services 27,138 street litter baskets and public space recycling baskets located in all five boroughs. Currently, Department personnel service street litter baskets along the regular household collection routes or with dedicated basket trucks in high pedestrian traffic areas. The Department's Adopt-A-Basket program is a citywide initiative designed to engage local businesses as partners in reducing street litter caused by overflowing corner baskets. Participants in the program "adopt" a basket and line baskets with plastic bags supplied by the Department. These bags, when full, are then placed alongside the corner basket for pick-up by the Department. This year, the Department, with the support of many Council members, has made great strides in expanding the program. Since April, 730 new merchants, individuals, and community groups have adopted baskets, bringing the total to more than 1,800 citywide.

Last year, the City Council allocated \$3.5 million to the "Cleanup NYC" initiative. Through this program, 24 Council members purchased 559 high-end litter baskets to replace standard wire baskets and supported supplemental litter basket collection service in 33 community districts. The Department strongly supports the expanded "Cleanup NYC" initiative this fiscal year and looks forward to working with Council members to determine how to best allocate those funds to increase the cleanliness of the neighborhoods they serve.

In its efforts to maintain street and sidewalk cleanliness, Department personnel issue various summonses to persons who violate sanitation provisions of the New York City Administrative Code. These include issuing violations to property owners who fail to keep the sidewalks clean in front of their property, merchants who fail to keep the sidewalk abutting the premises of commercial establishments and eighteen inches from the curb into the street free from litter, persons who improperly deposit their household or commercial refuse into public trash receptacles, employees of private carters who fail to clean materials that spill onto the streets and sidewalks during collections from commercial establishments, and persons who violate the City's illegal dumping law. In Fiscal Year 2015, the Department issued approximately 304,000 tickets for sanitation violations.

Littering is a significant offense, which impacts the Department's ability to keep the City clean. The Department and the City of New York provide ample public waste and recycling receptacles. It is not burdensome to ask New York City residents and visitors to discard their trash or recycling in these baskets, rather than throw these items onto the street. While the Department seeks to issue a violation to any person who litters in New York City, such violations can only be written if the act of littering is witnessed by a Sanitation Officer or Enforcement Agent and the person willingly gives their proper identification. As such, littering violations are very difficult to issue, and in Fiscal Year 2015, the Department issued just 746 littering violations. Moreover, agents who witness a driver or occupant littering from a motor vehicle do not have the authority to pull over the vehicle to issue the violation or to issue the violation to the registered owner of the vehicle.

This fall the Department will start a new initiative focusing on persons who litter from vehicles. We will be sending letters to the registered owners of vehicles where someone in the vehicle has been observed littering by a Department employee, elected official or other civic leader. These letters will inform the registered owner that littering is against the law and that the registered owner of the vehicle should ensure that any operator of the vehicle or any passenger in the vehicle obeys the law. While the Department cannot write littering violations based on license plate information alone, this initiative will remind New Yorkers to do their part to keep our City clean.

When it rains, trash and debris discarded on city streets and sidewalks washes down storm drains and can end up on beaches. This past summer, the Department, along with DEP, the U.S. Environmental Protection Agency, the Parks Department and the Department of Youth and Community Development participated in "Clean Streets = Clean Beaches", an annual public information campaign and beach clean-up program aimed at improving the cleanliness and aesthetics of New York City beaches by reducing littering.

Despite the Department's ongoing efforts to control street litter through cleaning and enforcement measures, weather conditions and the collective behavior of pedestrians, motorists, property owners, businesses and private carters all impact street and sidewalk cleanliness. The Department appreciates that the goal of the four Intros under discussion today is to change behavior and have a cleaner City.

Intro 377

The first bill I would like to discuss is Intro 377. Intro 377 would amend §16-118(2) of the Administrative Code to require food service establishments to hose down the sidewalks and curbs when liquid leaks onto the sidewalks and curbs from waste that has been collected. The law currently requires that commercial establishments clean the sidewalk and the area extending eighteen inches into the street of all debris at two designated times during the day.

The Department already has authority under §16-118(6) to issue violations against those persons who allow "swill, brine... noxious liquid or other filthy matter to fall upon or run into any street or public place..." The Department usually enforces this provision against private carting trucks that are seen driving and spilling liquid. Intro 377 would place an affirmative requirement on the food establishment to hose down the sidewalk, and failure to do so would constitute the violation.

While the Department supports the intention of this bill, which is designed to promote street cleanliness, the language amending §24-322 of the Administrative Code that would mandate this sidewalk cleaning practice to continue during the winter months is problematic. This requirement could lead to numerous injuries -- slip and falls due to icy conditions caused by hosing down sidewalks in the winter -- and thereby also open up the City to additional liability.

This bill could also create major operational concerns regarding the amount of water, floatables and pollutants that end up in the sewer system. Eric Landau of the Department of Environmental Protection will discuss these concerns in detail in his testimony.

Intro 879

Intro 879 would require buildings that have received multiple violations for rodent infestation to use refuse receptacles that are designed to minimize rodent access and harborage. Specifically, under the intro, buildings that receive two or more violations pursuant to certain provisions of the health code or housing maintenance code concerning pest management and rodents within a twelve-month period would be required to use these refuse receptacles for a period of at least two years. After a two-year period in which no violations for pest management or rodent conditions are issued, the building would be able to cease use of the special refuse receptacles.

The Department recognizes that there are pest control issues throughout the City. However, the Department opposes this bill as it would impose operational burdens on the Department as well as create potential safety issues on sidewalks. Pursuant to the Administrative Code no receptacle may be placed out for collection that weighs more than 100 pounds. If a high-rise building is required to use containers under this bill, the normal 20 bags of refuse that are placed at the curb would nearly double to 40 containers that would block the sidewalk and impede pedestrian flow. Each stop would also take longer for DSNY to service which may result in certain routes not being completed on shift.

Additionally, violations written and adjudicated by agencies other than the Department are used as a predicate for requiring the use of the specialized containers. Therefore, the Department would need to develop a reporting system in conjunction with DOHMH and HPD to allow the Department to enforce this law.

The departments of Sanitation and Health and Mental Hygiene have undertaken various efforts throughout the City to alleviate any pest control issues, including the cleaning of vacant lots (both private and City-owned), the cleaning of the areas surrounding abandoned homes, free bi-annual trainings to pest management professionals and monthly trainings for property managers, schools, neighborhoods associations, community boards and others. In FY15, DOHMH conducted over 79,000 proactive indexing inspections across the 5 boroughs, and completed over 24,000 complaint inspections, responding to 65.9% of complaints in fewer than 10 days. DOHMH has also expanded its Rat Reservoir Programs, which attacks rat population by addressing the ecosystem that supports on-going rat activity in more than 30 rat reservoirs across the City. This year, for the first time, DOHMH will case manage publicly and privately owned properties to ensure that property managers work to improve chronic rat problems.

The Department also worked in conjunction with DOHMH when designing its bins for its organic waste program. Such bins are of a certain grade of plastic with locked lids to make them impenetrable by pests and are designed to allow Department personnel to safely lift and empty the bins into a rear-loading collection truck. We are working to expand this pilot program to more buildings across the city.

Based on the reasons outlined above, the Department opposes Intro 879.

Intro 857

The Department supports Intro 857 which would raise the penalties for certain violations of the Administrative Code pertaining to littering. For the most part, New Yorkers are fairly good at ensuring that litter ends up in the public receptacles and City streets are cleaner today than ever before. However, the Department believes that raising fines for those that refuse to do their part in ensuring that trash ends up in a litter basket and not on the street will help make New York City a cleaner city. The Department thus looks forward to working with the City Council to enact this bill.

Intro 204

Intro 204 increases the fines for persons who place their household or commercial refuse in public litter baskets. Currently, the fine for this offense is \$100 per violation. This legislation would raise the initial fine to \$250 per violation and increase the fines for subsequent violations. The Department supports raising these fines. When persons use public litter baskets for their household or commercial refuse, it greatly affects the Department's ability to ensure that our city is clean. The baskets become full and overflowing, impacting a citizen's ability to use it for its intended purpose – discarding litter and small items. This leads to increased litter on the streets and in the areas surrounding the improperly used baskets. While the Department supports the increase in fines, the Department believes this bill could go further in enhancing our ability to enforce this serious quality of life offense.

Currently, under Section 16-120(e) of the NYC Administrative Code, the Department is authorized to issue summonses to persons who dispose of their household or commercial refuse in public litter receptacles. This provision provides that a person whose name or other identifying information appears on the contents of material improperly disposed in a public litter basket is presumed to be responsible for the unlawful placement of such material in the public receptacle. This rebuttable presumption allows the Department to issue summonses to such persons without having to directly observe the violation occurring. However, the Department can only rely on this presumption if the material is unlawfully placed directly in the public litter basket. It has become increasingly prevalent for offenders of this law to unlawfully place material alongside the litter basket or on other areas of public streets where such material is not supposed to be placed. In those circumstances, the Department can only issue a summons where the Sanitation Enforcement Agent or Supervisor directly witnesses the unlawful placement of the household or commercial refuse. Therefore, along with raising the fines, the Department believes an amendment to this subsection that expands the rebuttable presumption to cover bags or material improperly placed anywhere on the public sidewalks or streets would greatly enhance our ability to enforce this section of the law.

My staff and I are happy to answer any questions you may have.

**Testimony of Eric Landau
Associate Commissioner of Public Affairs
New York City Department of Environmental Protection
before the
New York City Council Committee on Sanitation and Solid Waste Management
concerning**

**Intro. 377 – In relation to requiring the cleaning of liquid on a sidewalk, flagging or
curbstone generated by trash placed curbside for collection and allowing the use of a hose
to conduct such cleaning during times otherwise proscribed by such code**

**250 Broadway – Committee Room
September 16, 2015, 10 am**

Good morning, Chairman Reynoso and Members of the Committee. My name is Eric Landau, Associate Commissioner of Public Affairs at the New York City Department of Environmental Protection (DEP). I am joined today by Anastasios Georgelis, Director of Field Operations in the Bureau of Water and Sewer Operations. Thank you for the opportunity to testify on Introduction 377.

As you know, DEP's mission is to protect public health and the environment by supplying clean drinking water, collecting and treating wastewater, and reducing air, noise, and hazardous materials pollution.

Intro. 377 proposes to require food and beverage establishments to clean sidewalks of liquid that results from the placement of garbage for collection within a certain period of time after collection has occurred. It would also allow the use of a hose to conduct such cleaning.

DEP supports the intent of this bill to provide cleaner sidewalks; however, we have some concerns about its implementation, as currently drafted.

First, it should be noted that the Administrative Code contains a prohibition on using a hose to clean sidewalks between November 1 and March 31; the same prohibition can also be found in DEP's rules and regulations. The common-sense reason for this rule is to prevent the sidewalk from icing over after cleaning, which could obviously present a significant risk of slips and falls. We strongly suggest that this bill not lift this prohibition during these colder months.

Second, the Sewer Use Regulations (15 RCNY 19-02(c) and (e)) prohibit any substance other than stormwater from entering a storm sewer, catch basin, or manhole without the written approval of the Commissioner. Any new legislation should be drafted with that in mind; otherwise, a new regulation could require violating this existing rule.

Of greatest importance to DEP are the potential impacts the bill could have on the City's sewer system. DEP has a proximate goal to prevent grease and solid waste in the form of litter, garbage and other debris from spilling into catch basins. Catch basins are designed for the sole purpose of capturing storm water and are outfitted with hoods to prevent litter and debris from entering the sewer system. Any additional debris or grease from increased hosing down of sidewalks would adversely affect the operation of the catch basins, cause odors, and increase maintenance frequency. In the case of municipal separate storm sewer systems (MS4s), which channel storm water directly to the harbor, more litter and debris in the sewer system results in an increased amount of "floatables," which are litter and debris that make their way to the surrounding harbor waters. DEP plays a major role in

working to reduce the amount of floatables in the City's wastewater system, and is under State permits – monitored closely by EPA – to do so. Street cleanings and subsequent catch basin cleanings are one way that DEP complies with those permits, and our regulators watch the effectiveness of those programs closely. Additionally, our wastewater treatment plants remove tremendous amounts of litter and debris from the wastewater at the beginning of the treatment process; however, they cannot remove everything. Therefore, we are concerned that this legislation, as written, could result in an increased amount of floatables in the water, which would cause a significant problem with our regulators, especially EPA. As litter causes problems and incurs costs for DEP at all three stages of our sewer and treatment system – the catch basin, the treatment plant and the harbor waters – we recommend that the bill, at a minimum, be amended to require the cleaning and removal of any solid waste from the sidewalk before washing.

Second, hosing down a sidewalk after garbage collection will wash away some of the residual fat, oil and grease – what DEP refers to as FOG – and carry it to the catch basin. FOG-containing liquid congeals into grease deposits in sewer pipes that can build up over time and result in blockage. Catch basin chutes that get clogged with grease are more difficult to clean and failure of the catch basin results in flooding. It is worth noting that grease buildup is responsible for up to 80% of all confirmed sewer backups across the City.

We understand and must contend with the fact that FOG will run to a catch basin and enter the sewer system, especially during a rain event. We characterize that initial stormwater runoff from the sidewalks and roadways as the 'first flush,' which carries the greatest amounts of pollutants accumulated on those surfaces to the sewer system. In a perfect world, food and beverage establishments would take precautions to prevent such leakage. However, we know that sidewalk washing is done and hope that it is done in the safest and most environmentally appropriate way, consistent with our rules and regulations.

Hosing down a sidewalk with water may resolve an aesthetic problem for the City. However, we believe that it could potentially exacerbate a significant problem for our sewer system, and do not believe that it is the most effective way to remove these liquids.

As a next step, DEP suggests the bill be amended to:

1. reinforce the November 1 – March 31 prohibition on using a hose on a sidewalk
2. define "proper cleaning" more fully to include the removal of garbage and debris, and
3. recognize specific methods of appropriate cleaning of FOG-containing liquid from sidewalks that will ensure that our catch basins will not be adversely affected

DEP welcomes the opportunity to join this conversation with the Committee and the Department of Sanitation to further discuss the specifics and best practices for cleaning sidewalks in a safe and environmentally responsible way. Again, I thank you for the opportunity to testify today, and I would be happy to address any of your questions.



Proposed 377

Requiring food and beverage establishments to clean liquid off sidewalks, flagging or curbstones resulting from placement of garbage for collection.

Atlantic Maintenance background- Almost 50 BIDS in NYC

The impact on the aesthetic appearance of a neighborhood and whether its clean and safe

How liquids and beverages corrode the sidewalk and asphalt.

How to get merchants of all sizes to take ownership

How it impedes efficiency of our clean team

How it attracts rodents

How to improve the way food establishments place out refuse

Educate and implement standards

National chains are no better

Large receptacles-working in conjunction with private carters- sharing receptacles

Drainage-ponding of water

Good morning, Council Members, my name is Wellington Chen, and I am the executive director of the Chinatown Partnership, thank you for affording us the opportunity to testify before you this morning. Thank you for your attention on this matter and we want to take this moment to especially acknowledge the great work and the contributions of Council Member Margaret Chin, as a result of her efforts and advocacy, Chinatown today is a lot cleaner and brighter due to all the sanitary and solid waste removal where millions of pounds of refuse are being hauled away each year (and continue to be so) and thousands of fixtures are being re-painted and snow cap corners and fire hydrants being kept clear for life safety for seniors, family, parents with children, visitors and delivery personnel alike.

The one type of stain that we cannot easily remove, at least not well (no pun intended) is however the grease and the stains left on the public realm on public sidewalks and roadbed edges, where oil and grease permeates and runs down to roadways which then breaks apart asphalts and cause dirty and unsightly ponding conditions, to make matters worse, this is also where the stagnant liquids sit with nowhere to go and create the dirty troughs and the pungent odor which so many talks about in all types of weather conditions.

Our BID clean team members, such as AMC who is also here today, spend a lot of time and resources power-washing where the process of stain and grime removal is extremely slow and cumbersome as the hot-water spraying can often be done at off-peak hours where public are not walking and when they are sleeping. The power-washing can only do a small amount of area at a time and can only do so much as the damages are done already with deep penetrated dark stains eroding and destroying concrete sidewalks which are very costly for owners and storekeepers to replace and dangerous for public to traverse on the many narrow streets in our community.

That is why we are always exploring new potential solutions to mitigate these conditions and we are encouraged by proactive measures, as we all know, an ounce of prevention is much, much better than trying to undo or reverse the damage, where the BID can also be fined hundreds for trying to patch or repair these dirty troughs along the edges of the roadbed. We know that you agree with us that the intent here is not really a punitive one but of a win-win solution for all. Where before the oil and grease have a chance to do damage, to break apart or to run down to other neighbors' storefront or cause further run-off damage or worse simply sit there and fermenting in hot weather such as today, there is a chance to save thousands of dollars for repairs, create better curbside appeals and business condition to attract visitors and better conditions for residents and owners alike.

We encourage the council to continue to work on new solutions especially preventive measures. As indicated we are prepared to experiment and work with local merchants and store owners new proactive underlayment and containment solutions such as the BID is prepared to hand out special vinyl car floor mat containment mats and we are even prepared to help wash them.

In sum, we are a partnership we are always ready to support, supplement others' for a better environment for all. Our motto has always been: "Kaizen", where we will continue to explore and to refine. Thank you for listening and please call on us at anytime.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kathryn Garcia

Address: DSNY Commissioner

I represent: 125 Worth St., NY, NY 10013

Address: Department of Sanitation

Please complete this card and return to the Sergeant-at-Arms

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in favor in opposition

Date: _____

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Name: Paul Visconti

Address: Chief, DSNY

I represent: 125 Worth St., NY, NY 10013

Address: Department of Sanitation

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I intend to appear and speak on Int. No. 207 at Res. No. _____

in favor in opposition

Date: 9/16/15

(PLEASE PRINT)

Name: Manio Martino

Address: 125 W 10th St

I represent: NYC DOT

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. 377 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Anastasio Georgelis

Address: Director of Field Operations

I represent: DEP

Address: _____

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DAVID GOLDBERGL

Address: 154 Canal Street

I represent: Atlantic Maintenance/CHINATOWN

Address: Blk 4 123/

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Appearance Card

I intend to appear and speak on Int. No. 377 Res. No. _____

in favor in opposition

Date: 9/16/2015

(PLEASE PRINT)

Name: WELLINGTON CREW

Address: _____

I represent: CHINATOWN PARTNERSHIP

Address: 60 ST. JAMES PLACE NYC 10038

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 377 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ERIC LAMDAU

Address: Associate Commissioner of

I represent: DEP Public Affairs

Address: _____

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