

**New York City Department of Sanitation**  
**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** DSNY is proposing to amend its rule to establish fees for the disposal of yard waste and organic waste at DSNY owned and operated compost facilities.

**When and where is the hearing?** DSNY will hold a public hearing on the proposed rule. The public hearing will take place via Microsoft Teams at 10:00 AM on September 4, 2024, using the following link:

[https://teams.microsoft.com//meetup-join/19%3ameeting\\_ODZIZmFiOGQtZDczMS00YzEyLTImMTQtZTI2NjlmNGQ0ZWVh%40thread.v2/0?context=%7b%22Tid%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22Oid%22%3a%221d3255a2-4904-4aaa-899e-3f943348182b%22%7d](https://teams.microsoft.com//meetup-join/19%3ameeting_ODZIZmFiOGQtZDczMS00YzEyLTImMTQtZTI2NjlmNGQ0ZWVh%40thread.v2/0?context=%7b%22Tid%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22Oid%22%3a%221d3255a2-4904-4aaa-899e-3f943348182b%22%7d)

Meeting ID: 298 548 423 788

Passcode: ubWy4T

**Dial in by phone**

[+1 646-893-7101,94722531#](tel:+1646893710194722531) United States, New York City

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

- **Website.** You can submit comments to the DSNY through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [nycrules@dsny.nyc.gov](mailto:nycrules@dsny.nyc.gov).
- **Mail.** You can mail written comments to DSNY, 125 Worth Street, Room 710, New York, NY 10013.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing [miguori@dsny.nyc.gov](mailto:miguori@dsny.nyc.gov) by September 3, 2024. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign-up in advance. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

**Is there a deadline to submit comments?** The deadline for submitting written comments shall be September 4, 2024.

**What if I need assistance to participate in the hearing?** You must tell the Bureau 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 email at [mliquori@dsny.nyc.gov](mailto:mliquori@dsny.nyc.gov) or by telephone at 646-885-4786. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by August 28, 2024.

**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 at 125 Worth Street, Room 710, New York, NY 10013 and on DSNY's website.

**What authorizes DSNY to make this rule?** Sections 753 and 1043(a) of the New York City Charter and section 16-129.1 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 laws 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**

Section 16-129.1 of the New York City Administrative Code allows the Commissioner to set by rule the fees for the disposal of yard waste and organic waste at department compost facilities.

DSNY currently pays a contract operator to run the compost facilities, at a cost to the City. The Department charges fees for material delivered to its compost facilities by persons or other entities to offset these costs, as allowable by law.

DSNY has performed an analysis of its costs related to compost facilities in order to determine appropriate fees for the disposal of yard waste and organic waste. Costs considered by the Department in this analysis include payments to the contract operator to perform the services of composting and mulching and other ongoing expenses related to the operation of the facilities.

In addition, DSNY conducted a market survey of similar services provided by other public and private entities within the New York City metropolitan area and determined that the proposed fees are consistent with the market.

Finally, DSNY has determined, based on its operating experience, that it costs more to manage food waste than leaf and yard waste due to the higher nitrogen to carbon ratio, the higher rate of decay and associated need for odor controls, and the presence of non-organic materials (contamination) that must be disposed of.

Based on the Department's analysis, this proposed rule would set the rate for the disposal of leaf and yard waste at \$12 per cubic yard. A cubic yard is a volumetric measurement typically used in the industry and is how DSNY currently measures leaf and yard waste delivered to its

compost facilities. Such rate would go into effect as of October 15, 2024. Thereafter, such rate would be adjusted annually after July 1<sup>st</sup> in accordance with the change in the Consumer Price Index (CPI) and such change would become effective annually on September 1<sup>st</sup>.

This rule would also establish the rate for the disposal of organic waste at \$85 per ton beginning October 15, 2024. Tons are the industry standard for putrescible solid wastes, including organics. Organic waste deliveries would be weighed upon arrival at the compost facilities. Such rate would be adjusted annually after July 1<sup>st</sup> thereafter in accordance with the change in the CPI, and such change would become effective annually on September 1<sup>st</sup>.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (\*\*\*) indicate unamended text.

“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. Title 16 of the Rules of the City of New York is amended by adding a new Chapter 22 to read as follows:

## **Chapter 22: Compost Facility Usage Rates**

**§ 22-01 Definitions.** For purposes of this chapter, the following terms have the following meanings:

**Compost Facility.** “Compost facility” has the same meaning as in section 16-129.1 of the New York City Administrative Code.

**CPI.** “CPI” means the Consumer Price Index for all urban consumers, as defined by the United States Bureau of Labor Statistics, for the twelve months ended on June 30th.

**Department.** “Department” means the Department of Sanitation.

**Organic Waste.** “Organic waste” has the same meaning as in section 16-303 of the New York City Administrative Code, except for plant trimmings which may be considered yard waste if they contain no other organic wastes.

**Yard Waste.** “Yard waste” has the same meaning as in section 16-303 of the New York City Administrative Code.

### **§ 22-02 Rates of Charge.**

a. Pursuant to section 16-129.1 of the Administrative Code, the following rates will be charged and collected by the Commissioner from any person or entity depositing organic waste and/or yard waste at Department compost facilities:

1. The rate for the disposal for leaf and yard waste will be \$12 per cubic yard beginning October 15, 2024, and will be adjusted annually after July 1 thereafter in accordance with any change in the CPI.

2. The rate for the disposal for organic waste will be \$85 per ton beginning October 15, 2024, and will be adjusted annually after July 1 thereafter in accordance with any change in the CPI.

b. The Department will publish the new rates, if any, in the *City Record* and on the Department's website on or about August 1 every year with such rates becoming effective as of September 1 of such calendar year.

**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:** Fees for the Disposal of Yard Waste and Organic Waste

**REFERENCE NUMBER:** 2024 RG 065

**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  
Senior Counsel

Date: 7/19/2024

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

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Fees for the Disposal of Yard Waste and Organic Waste**

**REFERENCE NUMBER: DSNY-43**

**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 it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

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

July 19, 2024  
Date