

New York City Department of Sanitation

Notice of Adoption of Final Rule Regarding the Residential Collection of Designated Recyclable Materials to Require the Source Separation of Organic Waste

NOTICE IS HEREBY GIVEN in accordance with the requirements of Sections 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by sections 753 and 1043(a) of the New York City Charter and section 16-308.1 of the New York City Administrative Code, that DSNY adopts the following rule regarding the residential collection of designated recyclable materials to require the source separation of organic waste. DSNY published a Notice of Opportunity to Comment on the proposed rule in the *City Record* on July 10, 2023. On August 10, 2023, DSNY held a public hearing on the proposed rule.

Statement of Basis and Purpose

Intro. No. 244-A of 2023 (Local Law 85 of 2023), which became law on July 8, 2023, requires the Department of Sanitation (DSNY) to establish a mandatory citywide organics collection program. This program will make the source separation of residential organic waste in the City of New York mandatory. The law requires DSNY to implement the mandatory organics collection program in 30 residential sanitation districts by October 2, 2023, and all remaining sanitation districts by October 7, 2024. This rule designates such sanitation districts, in accordance with designations made for the source separation of yard waste in rules promulgated earlier this year. The rule also specifies the types of containers in which organic waste must be placed curbside and expands existing requirements related to recyclable materials for residential buildings containing four or more units to apply to organic waste.

In addition to implementing the law's requirements related to mandatory organics collection, this rule implements changes related to yard waste collection made by the law, including extending mandatory yard waste separation requirements year-round, rather than for eight months out of the year. This rule also allows for the use of plastic bags for the disposal of designated yard waste. It clarifies that yard waste cannot be commingled with organics if yard waste is set out in paper or plastic bags. Previously, yard waste was not allowed to be disposed in plastic bags, and there was no rule regulating whether yard waste and organics could be commingled.

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. Subdivision (b) of Section 1-08 of Title 16 of the rules of the city of New York is amended to read as follows:

(b) *Implementation.*

(1) The requirement that a specific designated recyclable material be source separated shall be scheduled and implemented by the Department on a citywide basis.

(2) Notwithstanding paragraph (1) of this subdivision, the source separation of yard waste [shall be required from March first to July thirty-first and from September first to November thirtieth in districts designated by the Commissioner on the timetable] and organic waste shall be required in the designated districts and on the designated timetable set forth in subdivision (k) of this section.

(3) Notwithstanding paragraph (1) of this subdivision, [the source separation of organic waste other than yard waste shall be on a voluntary basis; however,] organic waste may be commingled with yard waste [pursuant to paragraph (2) of this subdivision].

§2. Paragraphs 2 and 4 of subdivision (e) of Section 1-08 of Title 16 of the rules of the city of New York is amended to read as follows:

(2) *Plastic bags for curbside collection service:*

(i) *Plastic bags for designated recyclable paper:* Designated recyclable paper consisting of mixed paper may be placed out for curbside collection in plastic bags, provided such bags are: (A) a minimum of 13 and a maximum of 55 gallons in capacity; (B) clear and not colored; and (C) constructed of low density polyethylene or linear low density polyethylene.

(ii) *Plastic bags for designated recyclable metal, glass and plastic:* Designated recyclable metal, glass and plastic may be placed out for curbside collection in plastic bags, provided such bags are: (A) a minimum of 13 and a maximum of 55 gallons in capacity; (B) clear and not colored; and (C) constructed of low density polyethylene or linear low density polyethylene.

(iii) *Plastic bags for designated yard waste:* Designated yard waste may be placed out for curbside collection in plastic bags, provided such bags are: (A) a minimum of 13 and a maximum of 55 gallons in capacity; (B) clear and not colored; and (C) constructed of low density polyethylene or linear low density polyethylene. Designated yard waste commingled with designated organic waste may not be placed out for collection in plastic bags.

(4) *Paper bags for designated yard waste:* Designated yard waste may be placed in two-ply wet strength stock (fifty pounds each ply) leak-proof paper bags. Such bags must not exceed 16 inches in length by 12 inches in width by 35 inches in height, and must have a minimum capacity of 30 gallons and a maximum capacity of 55 gallons. Designated yard waste commingled with designated organic waste may not be placed out for collection in paper bags.

§3. Paragraph (3) of subdivision (f) of section 1-08 of Title 16 of the rules of the city of New York is amended to read as follows:

(3) *Separation of designated yard waste [or] and designated organic waste.* The owner, net lessee, or person-in-charge of a residential building containing four or more dwelling units must, in accordance with all applicable laws, codes and rules and regulations:

(i) designate a storage area or areas in the building that is reasonably accessible to building residents for the pre-collection storage of yard waste [or] and organic waste. If

reasonably accessible storage space is not available in the building, and such space is available behind the building's property line, such space behind the property line may be designated for the pre-collection storage of designated recyclable materials;

(ii) maintain the storage area(s) and store yard waste [or] and organic waste so as not to create a nuisance or sanitary problem; and

(iii) provide a sufficient number of containers in each storage area so as to prevent spillover from containers and to avoid the improper disposal of yard waste [or] and organic waste. Such recycling containers must be clearly labeled with letters of a conspicuous size to indicate that yard waste [or] and organic waste may be properly placed therein, but are not required to comply with subdivision (e) of this section provided such containers are not placed at the curbside for collection. Storage areas need not be accessible to building residents in buildings in which designated recyclable materials are collected at individual dwelling units or at accessible locations other than the designated storage area.

§4. Paragraphs 3 and 5 of subdivision (h) of section 1-08 of Title 16 of the rules of the city of New York is amended to read as follows:

(3) *Designated yard waste and designated organic waste*. On day(s) specified for recycling collection by the Commissioner, designated organic waste [yard waste] that is collected via curbside collection must be placed at curbside in containers complying with subparagraph (e)(1)(iv) of this section. Additionally, designated yard waste must be placed at curbside in containers complying with subparagraph (e)(1)(iii) of this section, plastic bags complying with subparagraph (e)(2)(iii) of this section, or paper bags complying with [subparagraph (e)(1)(iii) or] paragraph (e)(4) of this section or be commingled with designated organic waste in containers complying with subparagraph (e)(1)(iv) of this section.

(5) *Designated recyclable materials*.

(i) Designated recyclable materials that have been source separated as required by subdivision (g) of this section must not be placed out for collection in the same container as solid waste or organic waste.

(ii) Notwithstanding subparagraph (i) of this paragraph, designated yard waste may be placed out for collection in the same container as designated organic waste in accordance with subparagraph [(h)(3)(ii)] (e)(1)(iv) of this section.

§5 Subdivision (k) of Section 1-08 of Title 16 of the rules of the city of New York is amended to read as follows:

(k) *Designation of districts for the required source separation of designated yard waste and designated organic waste*. Pursuant to [subdivision (b) of section 16-308] section 16-308.1 of the Administrative Code, the commissioner designates the following districts that will be required to source separate yard waste and organic waste on or after the dates specified in this section:

- (1) all districts in the borough of Queens (14 districts) on the effective date of this rule.
- (2) all districts in the borough of Brooklyn (18 districts) on October 2, 2023.

(3) all districts in the boroughs of Staten Island (3 districts) and the Bronx (12 districts) on March 25, 2024.

(4) all districts in the borough of Manhattan (12 districts) on October 7, 2024.