

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 relating to commercial recycling and commercial organics in accordance with the Mayor's Small Business Forward initiative.

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 9:30 AM on April 5, 2024 using the following link:

https://teams.microsoft.com//meetup-join/19%3ameeting_MjBhOTRmNDAtZDMzNi00YWY2LWJhZmtMDk1Yjk3YjBjZWVj%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: 281 142 294 819

Passcode: Z5MtGJ

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 646-893-7101](tel:+16468937101), [1695459555](tel:+1695459555)#

Phone Conference ID: 169 545 955#

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 Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to 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 mliquori@dsny.nyc.gov by April 4, 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.

Is there a deadline to submit comments? The deadline for submitting written comments shall be April 5, 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 mliguori@dsny.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by March 29, 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 sections 16-306 and 16-306.1 of the New York City Administrative Code Section 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

On November 17, 2023, Mayor Eric Adams signed into law Local Law No. 151 of 2023 (Local Law 151). Local Law 151 reduces the regulatory burden on businesses. It reduces penalties and gives more business owners extra time to cure violations. These reforms were a part of the Mayor's Small Business Forward Initiative.

This rule codifies certain provisions contained in Local Law 151. Specifically, it simplifies the signage requirements for businesses regarding the collection of organic waste. It also makes technical amendments relating to the enforcement provisions that are specifically enumerated in §16-324 of the New York City Administrative Code related to the enforcement of solid waste recycling provisions. Finally, the proposed rule includes some minor plain language edits.

DSNY's authority for this rule is found in sections 753 and 1043(a) of the New York City Charter and sections 16-306 and 16-306.1 of the New York City Administrative Code.

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 (g) of section 1-10 of Title 16 of the Rules of the City of New York is amended to read as follows:

(g) *Enforcement and compliance.*

(1) The Commissioner reserves the right to conduct lawful inspections at reasonable times to ensure compliance with this section. Such inspections may include, but need not be limited to:

- (i) inspections of solid waste and/or designated recyclable materials placed out for collection by a generator to determine whether such materials have been placed out for collection in accordance with subdivisions (b), (c) and (d) of this section;
- (ii) inspections of solid waste brought to Department solid waste disposal facilities;
- (iii) inspections of non-putrescible and putrescible solid waste transfer stations; and
- (iv) inspections of any other facilities required to be registered or licensed by the department.

(2) Any person who violates any provision of this section will be liable for civil penalties as provided for under section 16-324 of the Administrative Code of the city of New York. [Section 16-324 provides for a civil penalty in the amount of \$100 for the first violation, \$200 for the second violation committed on a different day within a period of twelve months, and \$400 for the third and each subsequent violation committed on a different day within a period of twelve months. Any person who receives four or more violations that were committed on different days within a period of six months shall be classified as a persistent violator and would be subject to the additional penalties as set forth in section 16-324 of the Administrative Code of the city of New York]. In addition, operators of non-putrescible or putrescible solid waste transfer stations will be liable for civil penalties as provided for in section 16-133(a)(2) of the Administrative Code of the city of New York and rules promulgated thereunder. [Section 16-133(a)(2) provides for a civil penalty in the amount of \$2,500 to \$10,000 for the first violation, \$5,000 to \$10,000 for the second violation committed within a three year period, and \$10,000 for a third and each subsequent violation committed within a three year period.]

Section 2. Subdivision (d) of section 1-11 of Title 16 of the Rules of the City of New York is amended to read as follows:

(d) Decal and instruction requirements.

(1) (i) A designated covered establishment that arranges for the collection of organic waste by a private carter [shall] must post a decal that states clearly and legibly [either:

(A)] the trade or business name, address, telephone number of, and the day and time of pickup by the private carter that collects the designated covered establishment's organic waste[;

(B) the designated covered establishment transports its organic waste to an entity that provides for beneficial organic waste reuse; or

(C) the designated covered establishment provides for on-site processing of organic waste generated at its premises].

(ii) A designated covered establishment [shall] must prominently display such decal by affixing it to a window near the principal entrance to the designated covered establishment so as to be easily visible from outside the building or, if this is not possible, [shall] must prominently display such decal inside the designated covered establishment near the principal entrance. If posting a decal near the designated covered establishment's entrance is not practicable, the owner of such designated covered establishment [shall] must retain a copy of such decal on its premises and [shall] must furnish a copy to the Department upon request.

(2) A designated covered establishment [shall] must post instructions on the separation requirements for organic waste in an area where such instructions will be visible to employees who are disposing of organic waste. Such instructions [shall] must state that organic waste is required to be source separated and [shall] must explain how to source separate such material.

**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: Small Business Forward Rule

REFERENCE NUMBER: DSNY-38

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) This rule makes modifications to the current rule to refer everyone to the Ad Code section where the penalty modifications were made as per the Local Law.

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

February 26, 2024
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: Small Business Forward Rule

REFERENCE NUMBER: 2024 RG 002

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: 2/26/2024