

New York City Department of Sanitation

Notice of Adoption of Rule Relating to 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 sections 16-306 and 16-306.1 of the New York City Administrative Code that DSNY adopts amendments to its rule relating to commercial recycling and commercial organics in accordance with the Mayor's Small Business Forward. DSNY published a Notice of Opportunity to Comment on the proposed rule in the City Record on March 5, 2024. On April 5, 2024, DSNY held a public hearing on the proposed rule.

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 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.
