

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 rules regarding the residential collection of designated recyclable materials to require the source separation of organic waste.

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 April 3, 2024 using the following link:

https://teams.microsoft.com//meetup-join/19%3ameeting_N2NhOGQ2YTUtNzJkOC00Y2Q0LTImOWYtZmU2MmY3N2E3OTFi%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: 288 045 647 15

Passcode: BBUxpp

Or call in (audio only)

[+1 646-893-7101](tel:+16468937101).,[265318671](tel:+1265318671)# United States, New York City

Phone Conference ID: 265 318 671#

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

- **Website.** You can submit comments to DSNY through the NYC rules website 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 mliguori@dsny.nyc.gov by April 2, 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 is April 3, 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 27, 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 16-308.1 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

Local Law No. 85 for the year 2023 (Local Law 85) 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 in all remaining sanitation districts by October 7, 2024. DSNY's current rules provide that source separation of yard waste from organic waste is required in all districts in Staten Island and the Bronx beginning March 25, 2024, and in all districts in Manhattan beginning October 7, 2024. As a result of budget constraints, DSNY has determined to amend the date on which mandatory source separation of residential organic waste commences in all such districts in Staten Island, the Bronx and Manhattan to October 6, 2024.

New material is underlined.
[Deleted material is in brackets.]

"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 (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 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 and Manhattan (12 districts) on October [7] 6, 2024.

**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: Amendment of Rules relating to Residential Collection of Designated Recyclable Materials

REFERENCE NUMBER: 2024 RG 001

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: February 15, 2024

**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: Amendment of Rules relating to Residential Collection of Designated Recyclable Materials

REFERENCE NUMBER: DSNY-39

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

February 15, 2024
Date