

**OPENING STATEMENT OF  
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SENIOR COUNSEL, BUREAU OF LEGAL AFFAIRS  
NEW YORK CITY DEPARTMENT OF SANITATION**

**PUBLIC HEARING ON DSNY'S PROPOSED RULE RELATING TO SOURCE SEPARATION  
OF YARD WASTE AND COMMINGLING OF YARD WASTE AND ORGANIC WASTE**

**THURSDAY, APRIL 27, 2023  
10:00 A.M.  
(REMOTE HEARING)**

Good morning and welcome. My name is Madelynn Liguori. I am Senior Counsel in the Bureau of Legal Affairs for the Department of Sanitation ("DSNY"). Thank you for attending this public hearing this morning.

DSNY is conducting this remote hearing in accordance with the requirements of the City Administrative Procedure Act. The purpose of this hearing is to receive comments from the public on DSNY's proposed rule relating to the source separation of yard waste and the commingling of yard waste and organic waste.

This rule was published by DSNY in the City Record on March 27, 2023, with a scheduled hearing date of today, April 27, 2023. Additionally, DSNY emailed copies of the rule to all New York City local elected officials, the City's fifty-nine community boards, media and interested parties, and published the proposed rule on its website.

Organic waste, including yard waste, food scraps, and food-soiled paper, makes up 34 percent of all residential waste in New York City. This material is readily recyclable – either into nutrient rich soil additive via composting or into renewable energy via anaerobic digestion. Moreover, this material, the most putrescible portion of New York City's curbside waste stream, attracts rats and other vermin. Diverting organic waste from the refuse stream can fight rats, divert waste from landfills, reduce greenhouse gas emissions, and create beneficial products that enliven our parks and gardens or power homes with renewable energy.

When sent to landfills, organic waste, including yard waste, decomposes to create methane gas, a powerful greenhouse gas more than 20 times more potent than carbon dioxide. Methane emissions from landfills related to DSNY-collected waste comprise nearly 4 percent of New York City's overall greenhouse gas emissions inventory. Diverting this waste from landfills is an essential part of the City's efforts to reduce greenhouse gas emissions by 80 percent by 2050.

For every successful organic waste diversion program in the United States, mandatory yard waste diversion has been the first required step and necessary prerequisite. Yard waste is generated separately from other types of recyclable and non-recyclable waste – in the yard or garden rather than in the home. It is generally already segregated into separate containers or bags. Requiring mandatory separation of yard waste is therefore straightforward; residents need not change their behavior other than to set yard waste out on the designated recycling day.

Local Law 19 of 1989 and Local Law 40 of 2010, the two laws that make up the foundation of New York City's recycling laws, along with their intervening and subsequent amendments,

require the Department of Sanitation (DSNY) to establish a mandatory program for the collection of yard waste from designated districts in New York City. This proposed rule would fulfill that requirement and establish procedures for the proper setout of yard waste for collection by DSNY.

While local law does not currently require the separation of all organic waste, such waste can also be composted or digested alongside yard waste. As such, this rule would allow for other types of organic waste, including food scraps and food-soiled paper products, to be commingled with yard waste for collection.

In October 2022, DSNY rolled out curbside composting to every resident in Queens, the first universal, borough-wide composting program in New York City's history. In just 12 weeks, this program diverted nearly 13 million pounds of organic waste. This program diverted three times more per district than the legacy opt-in organics program started in 2021, and it did so at one-third the cost of previous curbside composting programs.

In February 2023, based on the early success of the Queens program, the City announced a detailed timeline for the rollout of universal curbside composting program for every New York City resident. That plan begins with the resumption of compost collection in Queens on March 27, 2023, and continues through the addition of the borough of Manhattan on October 7, 2024, at which point every New York City resident will have curbside composting service.

This rule follows upon that announcement and is phased in with the expansion of collection service on a borough-by-borough basis. In particular, yard waste separation requirements will phase in as follows:

- Queens: upon the effective date of the rule
- Brooklyn: October 2, 2023
- Bronx and Staten Island: March 25, 2024
- Manhattan: October 7, 2024

DSNY intends to allow for a three-month education and warning period in each borough following the effective date of mandatory organics separation prior to the issuance of any summonses pursuant to this requirement.

Specifically, this rule would amend Section 1-08 of Title 16 of the Rules of the City of New York to require source separation of yard waste, pursuant to sections 16-305 and 16-308 of the New York City Administrative Code. Such separation would be required during the period of March 1 to July 31 and September 1 to November 30 each year, the period specified in section 16-308 of the Administrative Code.

This rule would further specify that organic waste may be separated on a voluntary basis or be set out and collected commingled with yard waste. It would provide specifications for containers and bags for the collection of yard waste and for the collection of yard waste commingled with organic waste.

This rule would also require that owners or managers of buildings with four or more residential units designate space for the storage of yard waste and provide appropriate containers for the storage of such materials. While this rule would not require that owners or managers of buildings with four or more residential units provide for the separation and storage of organic waste other than yard waste, DSNY encourages owners and managers of such properties to

provide adequate and appropriate storage areas and containers for all organic waste, including food scraps and food-soiled paper products.

Finally, this rule would make technical revisions to align with recently adopted rules regarding receptacles for waste set out in section 1-02 of this title and to remove unnecessary and hard-to-enforce requirements regarding labeling and post-consumer recycled content in containers and plastic bags for designated recyclable materials.

A court reporter is present today and will record the hearing. You may present an oral statement or submit written comments concerning the proposed rule. We have been accepting written comments on the proposed rule since it was published. Today is the deadline for submission of written comments. Such comments may be emailed directly to [nycrules@dny.nyc.gov](mailto:nycrules@dny.nyc.gov) by 5PM today.

DSNY will make available a copy of all written comments received through today, together with the hearing transcript, for viewing on its website within the next few weeks.

DSNY will carefully consider all the comments it receives today at the hearing and all written comments it receives.

I will begin calling those of you who wish to speak this morning in the order in which you have signed up to testify. While the notice requested that persons wishing to testify sign up in advance of this hearing, anyone wishing to testify at this time may do so by indicating in the chat area that you wish to testify by indicating your name and affiliation, if any. When you speak, please state your name and affiliation, and speak slowly and clearly so that the court reporter can understand and accurately record your statement. We also ask that you limit your statement to five minutes.

Bansri Makadiya

April 27, 2023

To,  
Department of Sanitation,  
New York, NY 10013.

Subject: Source separation of yard waste and the allowance for the commingling of organic waste with source-separated yard waste.

I am writing to express my support for your proposal to amend the rules regarding residential collection of designated recyclable materials. Specifically, I support the requirement for source separation of yard waste and the allowance for the commingling of organic waste with source-separated yard waste. As a graduate student pursuing M.Sc. in Sustainable Environmental Systems (at Pratt Institute, Brooklyn, New York) and a concerned resident, I believe that it is important for us to take proactive measures to reduce our environmental impact and address climate change. The proposed rule changes are an important step in this direction, as they will help to reduce the amount of organic waste that ends up in landfills and promote the use of composting and other sustainable waste management practices.

In 2018 alone, over 292 million tons of municipal solid waste was generated in the United States, which is equivalent to 4.9 pounds per person per day<sup>1</sup>. This staggering amount of waste has serious environmental consequences, including greenhouse gas emissions and the depletion of natural resources. Yard waste is a significant source of organic material that can be composted and used to enrich soil and promote plant growth. By requiring source separation of yard waste, we can ensure that this valuable resource is not wasted and is instead put to good use. Yard trimmings constituted 12.1% of the total MSW generated and had the highest composting rate of all product categories at 63%<sup>1</sup>. Additionally, separating yard waste from other types of waste will make it easier for DSNY to process and manage this material in a sustainable and efficient way.

<sup>1</sup> *Advancing sustainable materials management: 2018 fact sheet assessing trends in materials generation and management in the United States.* (2020). Epa.gov.

[https://www.epa.gov/sites/default/files/2021-01/documents/2018\\_ff\\_fact\\_sheet\\_dec\\_2020\\_fnl\\_508.pdf](https://www.epa.gov/sites/default/files/2021-01/documents/2018_ff_fact_sheet_dec_2020_fnl_508.pdf)

Commingling organic waste with yard waste will increase the amount of organic material available for composting, which will help to reduce the amount of organic waste that ends up in landfills. Organic waste that ends up in landfills produces methane, a potent greenhouse gas that contributes to climate change. MSW landfills are the third-largest source of methane emissions in the United States accounting for approximately 14.3% of these emissions in 2021<sup>2</sup>. By composting organic waste instead of sending it to landfills, we can reduce our carbon footprint and promote more sustainable waste management practices. Moreover, allowing for the commingling of organic waste with yard waste will also make it easier for residents to participate in sustainable waste management practices. Separating different types of waste can be confusing and time-consuming for many residents, and may discourage them from participating in composting and other sustainable waste management practices. By allowing for the commingling it can make it easier for residents to participate in these practices and promote more widespread adoption of sustainable waste management practices. Education and awareness sessions before the implementation will help residents to understand the rule and segregation of their waste.

In conclusion, I want to reiterate my support for your proposal to amend the rules regarding residential collection of designated recyclable materials. The requirement for source separation of yard waste and the allowance for the commingling of organic waste with source-separated yard waste are important steps in promoting more sustainable waste management practices and reducing our environmental impact. I would like you to move forward with these rule changes and to continue to explore other ways to promote sustainable waste management practices and reduce our carbon footprint.

Thank you for your attention to this matter, and for your continued efforts to promote sustainable waste management practices.

Sincerely,  
Bansri Makadiya

<sup>2</sup> *United States Environmental Protection Agency - Landfill Methane Outreach Program*  
<https://www.epa.gov/lmop/frequent-questions-about-landfill-gas>

**From:** [REDACTED]  
**To:** [NYC Rules \(DSNY\)](#)  
**Subject:** [EXTERNAL] Proposed NYC Rule: Source Separation of Yard Waste and Commingling of Organic Waste  
**Date:** Monday, April 17, 2023 10:48:38 AM

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Dear Department of Sanitation NYC,

Thank you for the proposed NYC Rule, Source Separation of Yard Waste and Commingling of Organic Waste. This plan is excellent! Congratulations on moving forward with commingling of yard waste and organic waste.

The goal of this commingling should be to turn organic and yard waste into compost and/or other reusable gardening products. If another endpoint is envisioned, please explain to the public fully.

Importantly, PLASTIC BAGS SHOULD NOT BE USED at any stage of the collection and distribution of yard and organic wastes. Bagging in plastic defeats the goal of reducing plastics in our environment.

With thanks for your attention,

Jacqueline Crawley

April 27, 2023

## **Comments regarding proposed rules regarding Yard Waste Source-Separation and Organic Waste Diversion**

Thank you for the opportunity to submit these comments for consideration:

1. Good to see references to LL19 (1989) and LL40 (2010) to remind us of the decades-long efforts – and false-starts – to target yard waste for diversion from mixed solid waste.
2. Clarify what is included – and not – as “yard waste.” This is essential both for public education and eventual enforcement. Should clearly describe nature/character by type, size, origin, etc., what is requested, and subject to enforcement.
3. Clarify what is “organic waste” – or not, including clarity about pet waste, sanitary waste/diapers, etc.
4. Clarify what constitutes contamination in yard waste, e.g., plastic film, buckets/containers, etc. – what it should be free of.
5. Discourage set-out for collection of lawn grass clippings; promote leave-it-on-the-lawn as preferred alternative.
6. Clearly require that yard waste generated by the use of commercial yard/lawn services should be managed by those services, and not set-out for DSNY collection.

7. The specified seasonal collection periods will require considerable public education, and periods of warnings prior to ticketed enforcement.
8. References to mechanized collection should be withdrawn and await the Department's study, roadmap and adopted plans/regulations; no need in this Rule to anticipate what may or may not be implemented.
9. Good opportunity to clarify as to whether OCC (old corrugated cardboard) can be separated and packaged for collection within OCC box vs. being placed in a plastic bag; some confusion in residential areas when boxed OCC is not collected.

Respectfully submitted to [nycrules@dny.nyc.gov](mailto:nycrules@dny.nyc.gov)

Kendall Christiansen

Principal, Gaia Strategies

[kendall@gaiastrategies.com](mailto:kendall@gaiastrategies.com)

[REDACTED]

[REDACTED]

Founding Assistant Director of DSNY's Recycling system (circa 1989); former Chair, Citywide Recycling Advisory Board; 30-year member of the Brooklyn Solid Waste Advisory Board; industry consultant with experience across the U.S. and Canada.





**Comments by Alia Soomro, Deputy Director for New York City Policy  
New York League of Conservation Voters  
DSNY Proposed Rule Relating to Source Separation of Yard Waste  
April 27, 2023**

My name is Alia Soomro and I am the Deputy Director for New York City Policy at the New York League of Conservation Voters (NYLCV). NYLCV represents over 30,000 members in New York City and we are committed to advancing a sustainability agenda that will make our people, neighborhoods, and economy healthier and more resilient.

The New York City Department of Sanitation's [proposed rule](#) would require New Yorkers to separate their yard waste, such as leaves, flowers, twigs, and grass clippings, for composting. NYLCV is a firm supporter of this proposed rule, having advocated for common sense waste management and decisive action to move us closer towards the City's Zero Waste goals.

Right now, our City has an important opportunity to achieve climate and environmental goals with this proposed rule. Organic waste, including yard waste, makes up approximately a third of our residential waste. When sent to landfills, organic waste decomposes to create methane gas, a powerful greenhouse gas more than 20 times more potent than carbon dioxide. In addition to helping us achieve our City's zero waste goals, composting would also address environmental inequities. Neighborhoods near polluting facilities like waste transfer stations and incinerators, most often low income and communities of color, are the ones whose health could most benefit by recycling organic waste. The higher rates of pollution in these communities cause disproportionately higher cases of asthma, cancer, and other health issues and compound existing environmental and racial inequities. Due to these environmental injustices, the City needs to be doing everything in its power to continue moving towards mandating organic waste recycling in order to reduce emissions, improve our quality of life, and get us back on track with our zero waste reduction goals.

This proposed rule would help us move towards that goal. Yard waste is already something that New Yorkers naturally separate. The only adjustment is instead of putting yard waste in black bags, one would put it in a clear bag or a compost bin. We have already grown accustomed to recycling plastic and paper, and this is the next step—recycling food scraps and yard waste instead of sending it to landfills. A three-month education and warning period in each borough following the respective start dates and prior to the issuance of any summonses will help residents become aware of the new rules. We recommend that any outreach and education materials be translated into multiple languages.

As we have seen in cities across the country, composting needs to be mandatory to be successful. San Francisco became the first city to offer [a major food-scrap collection program](#) back in the 1990s. [Seattle](#) and [Los Angeles](#) have followed suit as well with composting mandates. Other cities with major composting programs, such as Toronto and Portland, started with a yard-waste mandate and eventually required residents to compost food scraps as well. If this rule is adopted, it would be a big step forward toward achieving full citywide composting and ultimately toward making it mandatory for everyone.

The City has been behind schedule on meeting our zero waste goal of reducing the amount of waste we send to landfills 90% by 2030, so it is imperative the City takes bold action to drastically reduce waste over the next 7 years. While Mayor Adams' recent announcement of a citywide curbside composting program is a great step, we must continue to work towards implementing a comprehensive and equitable waste reduction and management plan. This means the Council and Administration work together to pass, implement, and fully fund Intro 244-2022, requiring a mandatory citywide curbside organics program for residential buildings. This will not only move New York City towards a sustainable and equitable future, but also improve our quality of life, reduce garbage collection costs, increase street hygiene and attractiveness, and benefit the health of our planet and community.

Thank you for the opportunity to comment.

**From:** [REDACTED]  
**To:** [NYC Rules \(DSNY\)](#)  
**Subject:** [EXTERNAL] PUBLIC HEARING ON SOURCE SEPARATION OF YARD WASTE  
**Date:** Thursday, April 27, 2023 4:42:59 PM

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Hello,

my wife and I were unable to attend the virtual public hearing regarding mandating composting for yard waste on Wednesday, April 27 at 10:00am. However, we would be interested in watching a recording if possible, or at least be notified of anything that came out of the meeting.

As for our own comments, we have been composting food waste through GrowNYC at the Forest Hills Farmer's Market each Sunday for several years and are pleased that we can do something to enable the food waste to be used productively instead of ending up in a landfill. We live in an apartment building, so we do not have our own yard waste, although the building has landscapers. We are advocating for our building to participate in curbside composting, but have faced resistance from our co-op Board of Directors.

Based on our experience, we strongly support composting programs. We hope that mandating yard waste for curbside pickup can be implemented and that it would create the opportunity for us to mix in our food waste too. We have enough food waste that it would be helpful not having to wait until Sunday to use the composting bins as the Farmer's Market.

Philip and Nancy Kalish  
[REDACTED]