

In Re Public Hearing on Source Separation of Yard Waste and
Comming of Organic Waste with Source-Separated Yard Wasteling
April 27, 2023

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NEW YORK CITY DEPARTMENT OF SANITATION
PUBLIC HEARING ON SOURCE SEPARATION
OF YARD WASTE AND COMMINGLING OF ORGANIC
WASTE WITH SOURCE-SEPARATED YARD WASTE
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April 27, 2023
10:00 a.m.

Remotely via
WebEx Video

James Tetta
Court Reporter

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A P P E A R A N C E S:

MADELYNN LIGUORI
Associate Counsel

S P E A K E R S:

Kendall Christiansen

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MS. LIGUORI: 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

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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

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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

1
2 40 of 2010, the two laws that make up
3 the foundation of New York City's
4 recycling laws, along with their
5 intervening and subsequent amendments,
6 require the Department of Sanitation,
7 DSNY, to establish a mandatory program
8 for the collection of yard waste from
9 designated districts in New York City.
10 This proposed rule would fulfill that
11 requirement and establish procedures for
12 the proper setout of yard waste for
13 collection by DSNY.

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

23 In October 2022, DSNY rolled out
24 curbside composting to every resident in
25 Queens, the first universal,

1
2 borough-wide composting program in New
3 York City's history. In just 12 weeks,
4 this program diverted nearly 13 million
5 pounds of organic waste. This program
6 diverted three times more per district
7 than the legacy opt-in organics program
8 started in 2021, and it did so at
9 one-third the cost of previous curbside
10 composting programs.

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

23 This rule follows upon that
24 announcement and is phased in with the
25 expansion of collection service on a

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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 1st to July 31st and September 1st to November 30th each year, the period specified in section 16-308 of the Administrative Code.

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2 This rule would further specify that
3 organic waste may be separated on a
4 voluntary basis or be set out and
5 collected commingled with yard waste. It
6 would provide specifications for
7 containers and bags for the collection
8 of yard waste and for the collection of
9 yard waste commingled with organic
10 waste.

11 This rule would also require that
12 owners or managers of buildings with
13 four or more residential units designate
14 space for the storage of yard waste and
15 provide appropriate containers for the
16 storage of such materials. While this
17 rule would not require that owners or
18 managers of buildings with four or more
19 residential units provide for the
20 separation and storage of organic waste
21 other than yard waste, DSNY encourages
22 owners and managers of such properties
23 to provide adequate and appropriate
24 storage areas and containers for all
25 organic waste, including food scraps and

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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@dsny.nyc.gov by 5 p.m. today.

DSNY will make available a copy of all written comments received through today, together with the hearing

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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. Thank you.

As of right now, no one has signed

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up to testify. If you are interested in testifying, please indicate so in the chat, or use the raised hand function.

We will leave the hearing open for a period of time in case anyone wishes to testify.

MR. CHRISTIANSEN: Just to break the ice. Good morning, Madelynn. Thanks for the opportunity. I will submit written comments later, but a handful to get us started.

First of all, it's good to see references to prior initiatives for targeting yard waste in Local Law 19 and Local Law 40, as a reminder of the path we've been on for 30 years with those materials.

So, let's see, I'll make these brief. Clarify what's included and not as yard waste, it's essential both for public education and eventual enforcement. It should clearly describe the nature and character by type, size, or generally what is requested and

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subject to enforcement.

Secondly, clarify what is organic waste, and whether or not pet waste, diapers, and materials of that sort are acceptable or not.

Third, is discourage the setup for collection of lawn and grass clippings that promote leave it on the lawn as a preferred alternative.

Fourth, clearly require that yard waste generated by the use of commercial yard and lawn services should be managed by those services, and not set out for department collection.

The fifth is that, I appreciate the references to mechanized collection as a future alternative, but it seems to me that it's sort of premature to include that option in these regulations. We should await the department's study, road map, and adopted plans for mechanized collection. No need in this rule to anticipate what may or may not be implemented or have to be revised.

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Next is that it's a good opportunity to clarify as to whether OCC, or old corrugated cardboard, can be separated and packaged for collection within an OCC box, instead of being required to be placed in a plastic bag.

And let's see. Finally, clarify what constitutes contamination in the setout of yard waste.

And I'll leave it at that for now, and I'll submit these in writing later today. Thank you.

MS. LIGUORI: Thank you very much, Kendall. I appreciate your comments.

Does anyone else wish to testify at this point, you may use the raised hand function, or indicate so in the chat. Remember, all written comments must be received by 5 p.m. today. They can be emailed to nycrules@dsny.nyc.gov.

Good morning to those who have just joined us. If you are interested in testifying, please indicate so in the chat. All written comments should be

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submitted by 5 p.m. today and can be
emailed to nycrules@dsny.nyc.gov.

If anyone wishes to testify, this is
your last call. Please indicate so in
the chat, if you are interested in
testifying. Once again, all comments
must be received by 5 p.m. today. They
can be emailed to nycrules@dsny.nyc.gov.

Seeing as no other persons would
like to testify today, we are going to
call this public hearing to a close.
Thank you very much for attending.

(TIME NOTED: 10:30 a.m.)

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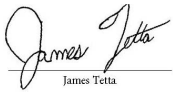
C E R T I F I C A T E
STATE OF NEW YORK)
:ss
COUNTY OF NASSAU)

I, JAMES A. TETTA, a Notary Public within
and for the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such an examination is a true record of the
testimony given by such a witness.

I further certify that I am not related to
any of these parties to this action by blood or
marriage, and that I am not in any way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 27th day of April, 2023.



James Tetta

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