



Legislation Text

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A Local Law to amend the administrative code of the city of New York, in relation to establishing organic waste composting facilities in each borough

Be it enacted by the Council as follows:

Section 1. Section 16-308 of the administrative code of the city of New York, as amended by local law 85 for the year 2023, is amended by adding a new subdivision a to read as follows:

a. Definitions. As used in this section, the following terms have the following meanings:

Disproportionate effect. The term “disproportionate effect” has the same meaning as set forth in section 3-1001.

Non-governmental composting site. The term “non-governmental composting site” means a physical location at which a not-for-profit organization or other similar organization engages in composting and operates or makes available to the public a drop off site for uncontaminated source-separated organic waste.

Organic waste composting facility. The term “organic waste composting facility” means a facility that treats the readily biodegradable organic components in source-separated organic waste to produce a mature product for use as a source of nutrients, organic matter, liming value, or other essential constituent for a soil or to help sustain plant growth. For a facility to be covered by this definition, the processes that such facility may use includes composting, vermiculture, and fermentation, and shall not include anaerobic digestion or bioslurry operations preparing organic waste for anaerobic digestion.

Source-separated organic waste. The term “source-separated organic waste” means organic material

found in both the residential and commercial waste streams that has been separated at the point of generation that is readily biodegradable and can be broken down into, or otherwise become part of, usable compost, including, but not limited to, food scraps, food processing waste, soiled or unrecyclable paper, plant trimmings, and yard waste as defined in section 16-303. Source-separated organic waste does not include disposable or compostable plastic food service ware and bags, animal mortalities, textiles, biosolids, sludge, or septage.

Uncontaminated. The term “uncontaminated” means not commingled with, and not containing: other waste; petroleum and petroleum products, except those present solely as a result of normal use of vehicles on roadways or parking areas; pesticides except those present solely as a result of the proper application in normal agricultural or horticultural practices; and hazardous waste.

§ 2. Section 16-308 of the administrative code of the city of New York, as amended by local law 85 for the year 2023, is amended by adding a new subdivision j to read as follows:

j. The department shall establish no less than one organic waste composting facility in each borough, each of which shall accept uncontaminated source-separated organic waste in accordance with the following requirements and pursuant to the requirements set forth in subpart 361-3 of title 6 of the New York codes, rules and regulations, regarding composting and other organics recycling facilities.

1. The cumulative annual processing capacity of uncontaminated source-separated organic waste to be received at each borough’s organic waste composting facility or facilities shall be no less than 180,000 wet tons of uncontaminated source-separated organic waste, or the equivalent in cubic yards of yard trimmings, provided that the department may deduct from such cumulative annual processing capacity of each borough the annual processing capacity of any non-governmental organic waste composting facility or facilities which are located and in operation within such borough during the applicable year and which are of sufficient size so as to be required to be registered or to obtain a permit for the operation of such facility from the New York state department of environmental conservation.

2. In establishing a city-owned, operated, or contracted organic waste composting facility pursuant to

this subdivision, the department shall:

(a) provide a forum for community engagement available to persons living within a half-mile radius of any possible organic waste composting facility site which is under consideration for selection, prior to the ultimate selection of such site and in addition to any other required review process;

(b) consult with the composting facility siting task force established by the two thousand and six solid waste management plan, or any successor entity, in selecting sites for new organic waste composting facilities;

(c) consider factors of environmental justice to ensure that environmental justice areas, as such terms are defined in section 3-1001, do not experience a disproportionate effect in the siting, construction, operation, or maintenance of any organic waste composting facility; and

(d) perform outreach to persons living within a half-mile radius of a selected site for any organic waste composting facility informing such persons of potential employment opportunities for the construction, operation, or maintenance of such facility.

3. For each organic waste composting facility, the department shall collaborate with the department of small business services to maximize the use of minority- and women-owned business enterprise noncompetitive small purchases, in accordance with rules promulgated by the procurement policy board and the department of small business services, in the department's construction, operation, or maintenance of such facility. The department shall encourage economic opportunities for local community organizations, minority- and women-owned business enterprises, and other local business enterprises to contribute to the construction, operation, or maintenance of such facility.

4. The department shall identify any existing organic waste composting facility or facilities and establish any new organic waste composting facility or facilities to comply with this subdivision pursuant to the following schedule:

(a) No later than January 1, 2026, within the borough of Staten Island;

(b) No later than January 1, 2026, within the borough of Queens;

(c) No later than March 1, 2027, within the borough of Brooklyn;

(d) No later than March 1, 2027, within the borough of the Bronx; and

(e) No later than May 1, 2027, within the borough of Manhattan.

§ 3. This local law takes effect immediately.

NC/MBB

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