Legislation Details (With Text)

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Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Sanitation and Solid Waste Management
On agenda:	4/28/2022		
Enactment date:	7/9/2023	**Enactment #:**	2023/085

Title: A Local Law to amend the administrative code of the city of New York, in relation to residential curbside organics collection, and to repeal subdivision a of section 16-308 of such code, in relation to pilot programs for the diversion of organic waste

Sponsors: Shahana K. Hanif, Adrienne E. Adams, Julie Won, Sandy Nurse, Erik D. Bottcher, James F. Gennaro, Julie Menin, Crystal Hudson, Tiffany L. Cabán, Keith Powers, Gale A. Brewer, Carlina Rivera, Pierina Ana Sanchez, Christopher Marte, Althea V. Stevens, Carmen N. De La Rosa, Rita C. Joseph, Sandra Ung, Chi A. Ossé, Alexa Avilés, Lincoln Restler, Eric Dinowitz, Shaun Abreu, Shekar Krishnan, Diana I. Ayala, Francisco P. Moya, Kristin Richardson Jordan, Kevin C. Riley, Robert F. Holden, Jennifer Gutiérrez, Charles Barron, Oswald J. Feliz, Farah N. Louis, Mercedes Narcisse, Justin L. Brannan, Linda Lee, Marjorie Velázquez, Nantasha M. Williams, Rafael Salamanca, Jr., Selvena N. Brooks-Powers, Lynn C. Schulman, Amanda C. Farías, (by request of the Brooklyn Borough President)

Indexes: Agency Rule-making Required, Report Required

Attachments: 1. Summary of Int. No. 244-A, 2. Summary of Int. No. 244, 3. Int. No. 244, 4. April 28, 2022 - Stated Meeting Agenda, 5. Hearing Transcript - Stated Meeting 4-28-22, 6. Minutes of the Stated Meeting - April 28, 2022, 7. Committee Report 6/15/22, 8. Hearing Testimony 6/15/22, 9. Hearing Transcript 6/15/22, 10. Proposed Int. No. 244-A - 5/19/23, 11. Committee Report 6/7/23, 12. Hearing Transcript 6/7/23, 13. June 8, 2023 - Stated Meeting Agenda, 14. Hearing Transcript - Stated Meeting 6-8-23, 15. Minutes of the Stated Meeting - June 8, 2023, 16. Int. No. 244-A (FINAL), 17. Fiscal Impact Statement, 18. Legislative Documents - Letter to the Mayor, 19. Local Law 85

Date	Ver.	Action By	Action	Result
4/28/2022	*	City Council	Introduced by Council	
4/28/2022	*	City Council	Referred to Comm by Council	
6/15/2022	*	Committee on Sanitation and Solid Waste Management	Hearing Held by Committee	
6/15/2022	*	Committee on Sanitation and Solid Waste Management	Laid Over by Committee	
6/7/2023	*	Committee on Sanitation and Solid Waste Management	Hearing Held by Committee	
6/7/2023	*	Committee on Sanitation and Solid Waste Management	Amendment Proposed by Comm	
6/7/2023	*	Committee on Sanitation and Solid Waste Management	Amended by Committee	
6/7/2023	A	Committee on Sanitation and Solid Waste Management	Approved by Committee	Pass
6/8/2023	A	City Council	Approved by Council	Pass
6/8/2023	A	City Council	Sent to Mayor by Council	
7/9/2023	A	Administration	City Charter Rule Adopted	
7/13/2023	A	City Council	Returned Unsigned by Mayor	

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Int. No. 244-A

By Council Members Hanif, the Speaker (Council Member Adams), Won, Nurse, Bottcher, Gennaro, Menin, Hudson, Cabán, Powers, Brewer, Rivera, Sanchez, Marte, Stevens, De La Rosa, Joseph, Ung, Ossé, Avilés, Restler, Dinowitz, Abreu, Krishnan, Ayala, Moya, Richardson Jordan, Riley, Holden, Gutiérrez, Barron, Feliz, Louis, Narcisse, Brannan, Lee, Velázquez, Williams, Salamanca, Brooks-Powers, Schulman and Farías (by request of the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to residential curbside organics collection, and to repeal subdivision a of section 16-308 of such code, in relation to pilot programs for the diversion of organic waste

Be it enacted by the Council as follows:Section 1. Section 16-129.1 of the administrative code of the city of New York, as added by local law 93 for the year 1991, is amended to read as follows:

§ 16-129.1 Rate for the use of department compost facilities. The commissioner is authorized to collect [a fee of ten dollars per cubic yard] fees for the disposal of yard waste and organic waste at department compost facilities. Such fees shall be set by rule promulgated by the commissioner. For purposes of this section, the [term "yard waste" shall mean leaves, grass clippings, garden debris, vegetative residue that is recognizable as part of a plant or vegetable, small or chipped branches, and similar material, except that no material greater than eight inches in diameter and eight feet in length shall be considered yard waste;] terms “yard waste” and “organic waste” have the same meanings as set forth in section 16-303 and the term "compost facilities" [shall mean] means facilities operated by the department and used for the aerobic and thermophilic decomposition of organic constituents of solid waste to produce a stable, humus-like material.

§ 2. Subdivision b of section 16-305 of the administrative code of the city of New York, as added by local law number 40 for the year 2010, is amended to read as follows:

b. The commissioner shall adopt and implement rules designating at least six recyclable materials, including plastics to the extent required in subdivision c of this section and yard waste to the extent required in section 16-308 of this chapter and organic waste to the extent required in section 16-308.1 of this chapter, contained in department-managed solid waste and requiring households to source separate such designated materials.

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§ 3. Subdivision c of section 16-305.1 of the administrative code of the city of New York, as amended by local law number 50 for the year 2003, is amended to read as follows:

c. For purposes of this section "designated recyclable materials" shall mean solid waste that has been designated by the commissioner as recyclable pursuant to section 16-305, [or] section 16-307, or section 16-308.1 of this chapter.

§ 4. Subdivision a of section 16-308 of the administrative code of the city of New York is REPEALED.

§ 5. Subdivisions b, d and f of section 16-308 of the administrative code of the city of New York, subdivision d as amended by local law number 37 for the year 2010 and relettered by local law number 77 for the year 2013, subdivisions b and f as amended and relettered by local law number 77 for the year 2013, are amended to read as follows:

b. [On and after July first, two thousand sixteen, the] The commissioner shall provide for the source separation, collection and composting of [department-managed] yard waste [generated within designated areas of the city in which a substantial amount of yard waste is generated from March first to July thirty-first and September first to November thirtieth of each year], unless the generator otherwise provides for recycling or storage for composting or mulching. In addition, the commissioner shall provide for the collection and composting of yard waste generated and source separated at residential properties owned or operated by the New York city housing authority. There shall be operated by or on behalf of the department one or more yard waste composting facilities through which the department shall compost yard waste collected by or delivered to the department pursuant to this section. In order to comply with this provision, the department may utilize the services of privately-owned or operated facilities. The department shall also work in consultation with the composting facility siting task force established by the two thousand and six solid waste management plan to identify additional locations to site yard waste composting facilities with the goal of establishing at least one such composting facility in each borough where the department conducts yard waste composting collection.

d. [Within twenty-four months of the effective date of the local law that amended this section, no] No

landfill, waste transfer station, intermodal facility, incinerator or resource recovery facility owned, operated or used by the department shall accept truckloads of department-managed waste primarily composed of yard waste for final disposal [from March 1 to July 31 and September 1 to November 30 of each year], except that composted yard waste may be used as part of the final vegetative cover for a department landfill.

f. Generators of yard waste, except those identified in subdivision g of this section, shall separate, tie, bundle, or place into [paper bags or unlined rigid containers] bags or receptacles, in accordance with rules promulgated by the commissioner, any yard waste set out for collection by the department pursuant to subdivision b of this section. The commissioner shall notify all residents in districts that receive yard waste collection by the department of such pre-collection procedures, and undertake any other action necessary to effectuate the purposes of this subdivision.

§ 6. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-308.1 to read as follows:

§ 16-308.1 Curbside organics collection. a. Organics collection program. The department shall establish a mandatory citywide curbside organics collection program for the diversion of organic waste in accordance with this section. Such program shall be implemented by no later than:

1. October 2, 2023, for residential properties in no less than 30 sanitation districts, as determined by the commissioner by rule.

2. October 7, 2024, for residential properties in all remaining sanitation districts.

b. Implementation plan. No later than July 1, 2023, the department shall develop, submit to the mayor and speaker of the council, and post on the department's website a curbside organics collection implementation plan. Such plan shall include information related to, at minimum:

1. How the department will implement such program;

2. The education and outreach program required pursuant to subdivision e of this section; and

3. How the department will distribute necessary materials, including rodent-proof organics collection

bins, at no cost to residential building owners, and a timeline for such distribution.

c. End use of collected organic waste. In the next solid waste management plan prepared pursuant to section 27-0107 of the environmental conservation law and presented to the council pursuant to section 16-140 following the effective date of the local law that added this subdivision, the department shall include a plan to maximize the usable composting of organic waste collected pursuant to this section. Such plan for the usable composting of organic waste shall describe the amount of organic waste collected and sent to composting facilities to be processed into usable compost pursuant to this section.

d. Reporting. The department shall report by weight the total amount of organic waste diverted pursuant to this section during the previous year, disaggregated by sanitation district. Such report shall be included as part of the department's annual zero waste report required pursuant to section 16-316.5 of this chapter.

e. Education and outreach. The department shall develop an outreach and education program to educate residents, building owners, and staff of residential buildings on the curbside organics collection program established pursuant to this section. Materials used for such outreach and education program shall be available in all designated citywide languages, as defined in section 23-1101, and any additional languages as determined by the department in consultation with local community organizations. No later than two months prior to the implementation of the curbside organics collection program for residential properties in a sanitation district pursuant to subdivision a of this section, the department shall distribute such materials to residents, building owners, and community based organizations in such district. Such materials shall also be made available on the department's website. Such materials shall include:

1. A detailed explanation of organic waste and the benefits of curbside organics collection;

2. Information on how the curbside organics collection program will be implemented and instructions for how to properly source separate organic waste; and

3. Any other information as determined by the commissioner.

f. Rules. The commissioner shall adopt and implement rules as necessary to effectuate this section. Such

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rules may include, but need not be limited to, the designation of organic waste as a recyclable material pursuant to subdivision b of section 16-305 of this chapter, procedures requiring the placement of organic waste at the curbside, in specialized containers or in another manner determined by the commissioner pursuant to subdivision d of such section, and the implementation and enforcement of this section and such rules in buildings containing four or more dwelling units pursuant to subdivisions e, f, and g of section 16-305.

g. Penalty. A residential building owner who violates this section shall be liable for a civil penalty as set forth in section 16-324, except that prior to April 1, 2025, a residential building owner who violates this section shall be issued a written warning that a violation has been observed, provided that nothing in this subdivision shall preclude the department from enforcing any rules relating to yard waste separation promulgated pursuant to section 16-308 of this chapter.

§ 7. This local law takes effect immediately.

JSA/BJR
LS #292, 6804, 1775, 6822, 7128, 7161, 7198, 8038, 8491
5/17/2023 5:58pm