

Notice of Adoption of Final Rule Establishing Fees for the Disposal of Yard Waste and Organic Waste at DSNY Owned and Operated Compost Facilities

NOTICE IS HEREBY GIVEN in accordance with the requirements of Sections 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by sections 753 and 1043(a) of the New York City Charter and section 16-129.1 of the New York City Administrative Code, that DSNY adopts the following rule establishing fees for the disposal of yard waste and organic waste at DSNY owned and operated compost facilities. DSNY published a Notice of Opportunity to Comment on the proposed rule in the *City Record* on July 26, 2024. On September 4, 2024, DSNY held a public hearing on the proposed rule.

Statement of Basis and Purpose

Section 16-129.1 of the New York City Administrative Code allows the Commissioner to set by rule the fees for the disposal of yard waste and organic waste at department compost facilities.

DSNY currently pays a contract operator to run the compost facilities, at a cost to the City. The Department charges fees for material delivered to its compost facilities by persons or other entities to offset these costs, as allowable by law.

DSNY has performed an analysis of its costs related to compost facilities in order to determine appropriate fees for the disposal of yard waste and organic waste. Costs considered by the Department in this analysis include payments to the contract operator to perform the services of composting and mulching and other ongoing expenses related to the operation of the facilities.

In addition, DSNY conducted a market survey of similar services provided by other public and private entities within the New York City metropolitan area and determined that the proposed fees are consistent with the market.

Finally, DSNY has determined, based on its operating experience, that it costs more to manage food waste than leaf and yard waste due to the higher nitrogen to carbon ratio, the higher rate of decay and associated need for odor controls, and the presence of non-organic materials (contamination) that must be disposed of.

Based on the Department's analysis, this rule sets the rate for the disposal of leaf and yard waste at \$12 per cubic yard. A cubic yard is a volumetric measurement typically used in the industry and is how DSNY currently measures leaf and yard waste delivered to its compost facilities. This rate goes into effect as of October 15, 2024. Thereafter, the rate will be adjusted annually after July 1st in accordance with the change in the Consumer Price Index (CPI) and this adjustment becomes effective annually on September 1st.

This rule also establishes the rate for the disposal of organic waste at \$85 per ton beginning October 15, 2024. Tons are the industry standard for putrescible solid wastes, including organics. Organic waste deliveries will be weighed upon arrival at the compost facilities. The

rate established herein will be adjusted annually after July 1st thereafter in accordance with the change in the CPI, and such change becomes effective annually on September 1st.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“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. Title 16 of the Rules of the City of New York is amended by adding a new Chapter 22 to read as follows:

Chapter 22: Compost Facility Usage Rates

§ 22-01 Definitions. For purposes of this chapter, the following terms have the following meanings:

Compost Facility. “Compost facility” has the same meaning as in section 16-129.1 of the New York City Administrative Code.

CPI. “CPI” means the Consumer Price Index for all urban consumers, as defined by the United States Bureau of Labor Statistics, for the twelve months ended on June 30th.

Department. “Department” means the Department of Sanitation.

Organic Waste. “Organic waste” has the same meaning as in section 16-303 of the New York City Administrative Code, except for plant trimmings which may be considered yard waste if they contain no other organic wastes.

Yard Waste. “Yard waste” has the same meaning as in section 16-303 of the New York City Administrative Code.

§ 22-02 Rates of Charge.

a. Pursuant to section 16-129.1 of the Administrative Code, the following rates will be charged and collected by the Commissioner from any person or entity depositing organic waste and/or yard waste at Department compost facilities:

1. The rate for the disposal for leaf and yard waste will be \$12 per cubic yard beginning October 15, 2024, and will be adjusted annually after July 1 thereafter in accordance with any change in the CPI.

2. The rate for the disposal for organic waste will be \$85 per ton beginning October 15, 2024, and will be adjusted annually after July 1 thereafter in accordance with any change in the CPI.

b. The Department will publish the new rates, if any, in the *City Record* and on the Department’s website on or about August 1 every year with such rates becoming effective as of September 1 of such calendar year.