

In Re Public Hearing - Regarding rule to establish fees for
disposal of yard waste
September 4, 2024

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PUBLIC HEARING
NEW YORK CITY DEPARTMENT OF SANITATION
DSNY'S PROPOSED RULE RELATING TO
PROPOSED FEES FOR THE DISPOSAL OF YARD WASTE
AND ORGANIC WASTE

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September 4, 2024
10:03 a.m.

PUBLIC HEARING
Held virtually
Microsoft Teams

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APPEARANCES:

Madelynn Liguori

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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. 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 proposed fees for the disposal of yard waste and organic waste.

This rule was published by DSNY in the City Record on July 26, 2024, with the scheduled hearing date of today, September 4, 2024. Additionally, DSNY e-mailed copies of the rule to all New York City local elected officials, the City's 59 community boards, media, and interested parties, and published the proposed rule on its website.

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

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facilities.

DSNY currently employs a contract operator to run the compost facilities, at a cost to the City. The Department charges fees for materials delivered to its compost facilities by persons or other entities to offset these costs, as allowed 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 the analysis included payments to the contract operator to perform the services of composting and mulching and other ongoing expenses relating 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

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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, the proposed rule would set 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; such rate would go into effect as of October 15, 2024. Thereafter, such rate would be adjusted annually after July 1 in accordance with the change in the Consumer Price Index, CPI, and such change would become effective annually on September 1.

This rule would also establish 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 would be weighed upon arrival at the

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compost facilities.

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 e-mailed directly to nycrules@dsny.nyc.gov by 5:00 p.m. today.

DSNY will make available a copy of the 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 asked 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

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the chat area that you wish to testify by indicating your name and affiliation, if any. When you speak, please say 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 three minutes.

I'm going to begin by calling the first person that signed up to testify and that is MaryEllen Sullivan from the Brooklyn Solid Waste Advisory Board.

MaryEllen.

MS. SULLIVAN: Thank you very much, Madelynn.

Again, my name is MaryEllen Sullivan, and I am affiliated with the Brooklyn Solid Waste Advisory Board.

The Solid Waste Advisory Boards of Brooklyn, Bronx, Manhattan, and Queens appreciate the opportunity to speak to DSNY's proposed rules to establish fees for the disposal of yard and organic waste at DSNY-owned-and-operated compost facilities.

Any attempt at setting cost basis for

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processing compost is an important first step in recognizing composting as a crucial policy option for New York City's valuable organics and yard waste; however, we request that the following questions be answered before rates are set.

First question, what are the factors that went into the cost calculation of 85 per ton?

Have any additional City or State agencies reviewed DSNY's current estimates for the cost of processing organic rates?

What impact, if any, would this pricing have on community composting?

And what are DSNY's current estimated costs for each of the following sub-bullet points: The collection of organics, the processing of organics for compost, the export of organics to incineration or landfill, the processing of organics for co-digestion, and sub-costs under that are associated export costs of the resulting digestate, and the disposal cost for digestate, and then finally, the associated transportation cost for each of the bullet points above.

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Various entities have estimated these costs, from NRD to the Independent Budget Office; however, a definitive breakdown from the DSNY has never been made public for these cost components. The fee estimates were provided by the DSNY, this would allow for the crafting of an important policy around the actual cost, compared to the benefits of composting to the City of New York.

According to IBO, a 14 percent organics capture rate would reduce CO2 emissions by 72,000 tons, and if almost all Citywide organics were diverted CO2 emissions would be reduced by 657,000 tons per year.

Furthermore, the IBO acknowledges that using an EPA estimate for the social costs of carbon, currently set at \$42 per ton, the City could avert between 3 million and 28 million in carbon social costs or organic capture rates for 14 to 100 percent.

The SWAB recognized the IBO's valuation for the social impacts of composting of organics to society in terms of externality such as air and water pollution, waste of

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natural resources that are currently not being taken into account.

Finally, while we cannot currently opine on the \$85 price in the absence of the additional information that we have requested, the SWABs are focused on these issues, including strengthening localized composting and the compost projects now that budgets have been minimally restored. However, if any non-profit compost processor should use this sight, or any of the DSNY sights, we believe that they should not be charged tipping fees in light of the services that they are providing to New York City.

We thank you very much again for your time and for your actions on this important topic. Thank you.

MS. LIGUORI: Thank you very much.

Would anyone else like to testify? If you would like to, please indicate so in the chat, indicate your name and affiliation, if any, or use the raise-hand function.

(No response.)

Just a reminder that comments may be

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submitted through the close of business today
at nycrules@dsny.nyc.gov, or via the NYC rules
website.

Last call. Would anyone like to testify,
other than Ms. Sullivan, obviously?

(No response.)

Hearing none and seeing none, thank you
very much everyone for attending today's public
hearing. Thank you very much.

(Time Noted: 10:12 a.m.)

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In Re Public Hearing - Regarding rule to establish fees for disposal of yard waste

September 4, 2024

1012 11:11

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72000 9:13

161291 3:22

657000 9:15