

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2010**

No. 37

Introduced by Council Members Koslowitz and The Speaker (Council Member Quinn) and Council Members Brewer, Comrie, Dromm, Fidler, Gentile, Gonzalez, James, Koppell, Lander, Lappin, Mark-Viverito, Rodriguez, Vann, Crowley, Rose, Eugene, Jackson, Nelson, Gennaro, Van Bramer, Levin, White, Recchia, Chin, Williams, Ferreras, Barron, Garodnick, Reyna and Sanders Jr.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to yard waste.

Be it enacted by the Council as follows:

Section 1. Section 16-308 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, subdivisions g and h as amended by local law number 40 for the year 2006, is amended to read as follows:

§16-308 Yard waste. a. [Within eighteen months of the effective date of this chapter, the commissioner shall provide for the source separation, collection and composting of department-collected yard waste, with the exception of yard waste generated by the department of parks and recreation, any other city agency that generates a substantial amount of yard waste, or any person under contact with the department of parks and recreation or any other city agency, generated within designated areas of the city in which a substantial amount of yard waste is generated from October 15 to November 30 of each year, unless the generator otherwise provides for recycling or storage for composting or mulching. The commissioner may construct and operate one or more composting facilities, or utilize the services of other facilities.

b. Within thirty-six] *Except as provided in subdivision b of this section, within twenty-four months*

of the effective date of [this chapter]*the local law that amended this section*, the commissioner shall provide for the source separation, collection and composting of [department-collected]*department-managed* yard waste generated within designated areas of the city in which a substantial amount of yard waste is generated from March 1 to July 31 and September 1 to November 30 of each year, unless the generator otherwise provides for recycling or storage for composting or mulching. [The commissioner may construct and operate one or more composting facilities, or utilize the services of other facilities. c] *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 2006 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.*

b. [Within eighteen months of the effective date of this chapter, the department of parks and recreation or any other] *Any city agency, or person under contract with a city agency, that generates a substantial amount of yard waste shall, in coordination with the department, provide for the source separation, collection and composting of such yard waste [generated by the department of parks and recreation, any other city agency that generates a substantial amount of yard waste, or any person under contract with the department of parks and recreation or any other*

city agency]. [d. Within eighteen months of the effective date of this chapter, no landfill, incinerator or resource recovery facility owned, operated or used by the department shall accept for final disposal from October 15 to November 30 of each year truckloads primarily composed of yard waste, except that composted yard waste may be used as part of the final vegetative cover for a department landfill.

e)Unless otherwise provided by law, the department shall accept for composting any city agency yard waste source separated for department collection pursuant to this subdivision.

c. Within [thirty-six]twenty-four months of the effective date of the local law that amended this [chapter]section, 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 [truckloads primarily composed of yard waste], except that composted yard waste may be used as part of the final vegetative cover for a department landfill.

[f]d. All city agencies responsible for the maintenance of public lands shall to the maximum extent practicable and feasible give preference to the use of compost materials derived from the city's [solid]yard waste in all land maintenance activities.

[g]e. Generators of yard waste, except those identified in subdivision [h]f of this section, shall separate, tie, bundle, or place into paper bags[,] or unlined rigid containers, in accordance with rules promulgated by the commissioner, any yard waste set out for collection by the department pursuant to subdivision [b]a 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.

[h]f. No person engaged in a business that generates yard waste[,] shall leave such yard waste for collection by the department, or disperse such yard waste in or about the curb or street. Any person engaged in a business that generates yard waste shall be required to collect and dispose of such yard waste at a permitted composting facility; provided, however, that if the department, by written order of the commissioner, determines that there is insufficient capacity at permitted composting facilities within the city of New York or within ten miles of the borough in which any such person generates yard waste, then such yard waste may be disposed of at any appropriately permitted solid waste management facility.

g. Each permitted composting facility within the city, including those operated by city agencies, shall annually report to the commissioner the amount of yard waste and any other compostable waste collected and disposed of by weight at such composting facility. All such reports shall be submitted prior to February first of each calendar year and shall contain the amount collected and disposed of for the previous calendar year. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

h. No person residing in a district where the department provides residential yard waste composting collection pursuant to subdivision a of this section shall dispose of grass clippings as regular waste for collection by the department during the period of time when the department conducts such composting collection. The department shall conduct outreach and education to inform residents within such districts of the dates when it will conduct yard waste

composting collection. No person residing in a district where the department provides residential yard waste composting collection shall be held liable for a violation of this subdivision during the first year the department provides such residential yard waste composting collection.

§2. Section 16-309 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§16-309 Christmas trees. [Within eighteen months of the effective date of this chapter, the] *The* commissioner shall [designate areas and within these designated areas] establish and implement a *curbside* collection system for Christmas trees during [the first three] *a minimum of two* weeks [of] *in* January of each year and provide for the composting or recycling of the Christmas trees the department collects or receives for disposal.

§3. This local law shall take effect one hundred twenty days after enactment except that the commissioner shall take such actions as are necessary for its implementation, including promulgation of rules prior to such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council onJuly 29, 2010..... and approved by the Mayor onAugust 16, 2010.....

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 37 of 2010, Council Int. No. 157-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

