

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on the proposed amendments to the rule governing the removal and disposal of organic Christmas trees.

Date / Time: April 18, 2012, 9:30 A.M. to 11:30 A.M

Location: 125 Worth Street, Room 819
New York, New York

Contact: Ellen Cooper, Associate Counsel
Bureau of Legal Affairs
New York City Department of Sanitation
125 Worth Street, Room 710
New York, New York 10013
ecooper@dsny.nyc.gov

Proposed Rule Amendment

Pursuant to the authority vested in the Commissioner of the Department of Sanitation by section 753(a) and (b) of the New York City Charter and by section 16-309 of the New York City Administrative Code, the Department proposes to adopt the following rule to set requirements for Christmas trees placed at the curb for collection by the Department. This rule creates a new Section 1-04.2 of Chapter 1 of Title 16 of the Rules of the City of New York. The rule was not included in the Department's regulatory agenda because it was not contemplated at the time.

Instructions

- Prior to the hearing, you may submit written comments about the proposed amendment to the office of the Deputy Commissioner for Legal Affairs, New York City Department of Sanitation, 125 Worth Street, Room 710, New York, New York 10013 by mail or electronically through NYC RULES at www.nyc.gov/nycrules by April 18, 2012.
- Individuals seeking to testify are requested to notify the Deputy Commissioner at the above address.
- To request a sign language interpreter or other reasonable accommodation for a disability at the hearing, please contact Edna Luna by April 11, 2012 by fax at (212) 788-3876 or by mail at 125 Worth Street, Room 710, New York, New York 10013.
- Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between 9:00 a.m. and 5:00 p.m., at the office of the Deputy Commissioner.

STATEMENT OF BASIS AND PURPOSE

The Commissioner of the New York City Department of Sanitation is authorized to adopt rules pursuant to sections 753(a) and (b) of the New York City Charter relating to the removal and disposition of various items from the City's streets and sidewalks, as well as rules specifying what items will be collected by the Department and the manner in which those items are arranged or sorted. Additionally, section 16-309 of the New York City Administrative Code authorizes the Department to establish and implement a curbside collection system for Christmas trees that the Department collects or receives for composting or disposal.

The purpose of the proposed rule is to establish requirements for the annual set out of Christmas trees by residents to facilitate the collection of Christmas trees by the Department of Sanitation (the "Department"), and the chipping and composting of those trees. Failure to follow these requirements will be considered a violation of §16-120 of the New York City Administrative Code.

Since the Department began collecting Christmas trees twenty years ago, it has repeatedly directed residents, through continuous public education campaigns, to place their unwanted Christmas trees at the curb without ornaments, lights, garland, tinsel, decorative accessories, tree stands, and large plastic seasonal bags used to transport trees from home to curb. This is necessary to ensure that once the trees are collected and chipped, the resulting mulch material would be free of any non-organic material. However, even after twenty years of public education asking residents to remove all decorative accessories and inorganic items from their Christmas trees, residents and building staff continue to place trees at the curbside with such items, which increases the Department's overall operating costs to run its Christmas tree composting program.

The Christmas tree composting program was instituted to help reduce the amount of material under the Department's jurisdiction requiring disposal, favoring reuse instead. However, the success of the program rests on the Department's ability to accept and maintain a clean input stream of trees for chipping and composting that are free from any inorganic materials. The failure to follow these requirements compromises the Department's ability to successfully ensure that trees will be reused rather than disposed. Christmas trees with lights, ornaments, tree stands, plastic bags or any other inorganic material require disposal rather than reuse. A resident's or building staff's failure to comply with the Department's requirements results in higher operating costs without the benefit of successful reuse taking place.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this Board, unless otherwise specified or unless the context clearly indicates otherwise.

New matter is underlined; Deleted matter appears in [brackets].

Section 1. Chapter 1 of Title 16 of the Rules of the City of New York is amended by adding a new section 1-04.2 to read as follows:

§ 1-04.2 Collection of Christmas trees.

(a) Definitions. For purposes of this section, “Christmas trees” mean any real organic trees. This provision does not include artificial Christmas trees placed out for collection and disposal by the department.

(b) Any Christmas tree that is placed at the curbside or other designated area for collection by the department must be free of any inorganic materials including, but not limited to, lights, stand, ornaments, garland, tinsel, decorative accessories and plastic bags.

(c) Failure to set out any Christmas tree at the curbside or other designated area for collection by the department as provided in this section is a violation of §16-120 of the New York City Administrative Code.

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Collection of Christmas Trees

REFERENCE NUMBER: 2012 RG 018

RULEMAKING AGENCY: Department of Sanitation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: March 6, 2012

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Disposal of Christmas Trees

REFERENCE NUMBER: DSNY-2

RULEMAKING AGENCY: Department of Sanitation

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because the requirement for a cure period is mitigated by the extensive notice period, outreach, and guidance on compliance to the regulated individuals and communities.

/s/ Ruby B. Choi
Mayor's Office of Operations

3/7/2012
Date