
Subject:

Public Comments on Source Separation and Handling Requirements for Commercial Organic Waste

Sent: Friday, September 04, 2015 11:44 AM

Subject: Public Comments on Source Separation and Handling Requirements for Commercial Organic Waste

FYI – This comment appeared on the NYC rules website:

Kenneth Brezner

Comment:

The New York State Department of Environmental Conservation has the following comments: Under the definition of “Organic waste” it includes food that is sold to farmers and meat by-products that are sold to a rendering company. It has been department staffs' experience that farmers typically do not pay for food scraps and the rendering companies sometimes pay restaurants but it is not always the case. The definitions do not address the use of waste vegetable oils as an ingredient in biodiesel. On-site systems: under 1-11(b)(1)(iii), the proposed rules allow on-site systems if any residuals generated by the unit are taken to an organic waste processing facility. The Department is concerned about on-site systems that simply grind and/or liquefy the organic waste and discharge the waste to the sanitary sewer system. Although 1-11(b)(iii) requires any on-site system to be operated in accordance with sewer discharge rules, it is not clear that the discharge of liquefied waste would be banned if it was only a limited amount compared to the overall flow in the sewer system. If this material was allowed to be discharged to the sewer system, it could be argued that it eventually could be partially converted to energy through anaerobic digestion at one of the wastewater treatment plants. However, NYCDEP does not currently beneficially use the biosolids so the organics from the food scraps would not be recycled. This would be contrary to the intent of the food scrap recycling law. 1-11(b)(3)(iii) – the wording is hard to follow. 1-11(c) and (d) – the terms “disposal”, “discarded” and “disposing” do not seem appropriate for food scraps that will be recycled.

Agency: DSNY

Subject:

Organics Comment (Posted nyc.gov/nycrules)

Sent: Thursday, September 10, 2015 2:06 PM

Subject: Organics Comment (Posted nyc.gov/nycrules)

Dylan Siegel

Comment:

The DSNY has not publicly discussed the technology that will help businesses and individuals responsibly compost organic waste, without causing unintentional impacts on the environment. Majority of the waste companies that accept organic waste in the city use a system called windrow composting. Even if they are implementing forced aeration, windrow has issues with leachate and sometimes odor problems. It is clear that the best way to control the fermentation process is in an enclosed space, which is called in-vessel. My company FOOD to PLANT is one of the leading compost technology providers in Manhattan, but no other NYC compost company has technology like we have developed. This is concerning to me and the industry we are trying to develop. For example: FTP has selected 16 different strains of micro-organisms, which are patent pending, that help speed up composting rates. We also developed an advanced filtration device using nano-zeolite, UV lights, and a metal ion catalytic converter that removes 99.99% of VOC's. Also, no one is utilizing pressure swing absorption technology to concentrate oxygen from the air to boost fermentation speeds. We do all of this, and it should be a standard for all in-vessel composting. My concern is that hotels and other businesses will end up causing more harm than good, by utilizing simple "compost" technology. FTP has designed a compost system utilizing all of this technology into a small in-vessel system that can fit into a kitchen. Why put the burden on larger companies when everyone can be composting at home safely with zero odor? I agree 100% with this law, but I want to ensure that NYC is using the most advanced technology available, that minimizes the environmental impact in a cost effective way. Agency: DSNY

New York City Department of Sanitation
Monday, October 5, 2015 @ 10:00
125 Worth Street, 2nd Floor, New York, NY 10013

Comments of the New York City Hospitality Alliance on:

New York City Department of Sanitation's proposal to amend its rules governing source separation and handling requirements for organic waste generated by certain commercial establishments that have their refuse and recycling collected by private carters, based on Local Law 146 of 2013, codified in § 16-306.1 of the New York City Administrative Code.

My name is Andrew Rigie and I am the Executive Director of the New York City Hospitality Alliance ("The Alliance"), a trade association representing thousands of restaurants, nightlife establishments and hotels in the five boroughs.

The Alliance is supportive of environmentally conscious efforts and many of our members have implemented various initiatives into their business operations to reduce their overall impact on the environment. In fact, some of our members who operate restaurants both large and small have voluntarily implemented composting programs into their operations already or would like to in the future. Our organization would happily engage in conversations with the City of New York about how to encourage more businesses to compost while ensuring a regulatory environment that works with cooperatively with us.

Today's proposed Rule that requires certain large-scale facilities to compost will impact a small percent of our members. However, it is our understanding that these businesses generally have the capacity to compost, and the haulers and composting processing facilities have the capacity to process their material without posing undue financial and operational burdens on these businesses.

Our concern, however, is that when asked about expanding the composting mandate Sanitation Commissioner Kathryn Garcia said, "This is the first step, not the end," We want to take this opportunity to caution the city against expanding required composting to include small restaurants until it is certain that there is sufficient infrastructure available to manage the compost and without posing undue burdens on our city's restaurants, many of whom operate in small spaces that simply may not have the room. We do not want yet another large cost imposed on small businesses or a mandate that cannot be met.

Respectfully submitted,



Andrew Rigie
Executive Director
arigie@theNYCalliance.org



October 5, 2015

To Whom It May Concern:

Great Forest already works with several covered generators to source separate organic waste and we are in full support of this legislation. However, with the law as proposed, we foresee a few operational impacts that would affect current and future source-separation efforts and we encourage the council to consider these before finalizing the legislation.

In our experience commercial food waste generators and their source-separation efforts, it would be unrealistic, at least at this stage, to expect all organic waste to be captured successfully from public areas or 'front of house' spaces where the generator may have little control over users of a program. Additionally, it is unclear to what level this law will be enforced – if simply having a source separation program in place with collection or onsite processing is enough to be in compliance, or if there is an expectation of how much of total organic waste generated will actually be recovered by the program on-site.

Additionally, there is an expectation for reporting by the generator if material is processed on site. We encourage the city to consider extending the reporting requirement to the generator level even under the scenario where the private carter removes the source-separated material. Under the proposed legislation this reporting is expected of the hauler, but that would be in an aggregated form and it may be beneficial to the city to have generator level data, even if that information is not made publicly available attributed to the generator.

On the topic of posted signage, we encourage the city to clarify the responsible party for signage provision, and that the signage or basic signage template is available to that responsible party so that all posted signage is standardized across the city.

Finally, the law says designated food waste generators must source-separate organics and that arranging collection by a private carter is one option to manage this waste; it also specifies the destinations allowable for private carters to take this material; there is nothing in the law that specifies how a private carter should collect source-separated organics or that the private carter must maintain the source-separation efforts of the generator. We encourage the city to include language that requires the private carter to either 1) collect source-separated organics in a separate truck from putrescible waste if the source separated organics are stored loose in containers or use a bag or liner that is not very durable, or 2) allow private carters to collect source separated organics in the same truck as putrescible waste if the source separated organics are stored in an approved, compostable bag or liner that is durable enough to withstand compaction or will not break apart when co-collected with putrescible waste, and only if that same truck is going to a transfer station where the bags of organics will be removed from the load and taken to an approved destination.

We appreciate your consideration of these comments and look forward to the final legislation, which will move the city towards its zero waste goals.

Sincerely,

Amy Marpman
Great Forest
Chief Operating Officer



October 5, 2015

Contact:
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Comments on New York City Department of Sanitation Draft Rule Amending 1-01 of Local Law 146 of 2013

Good morning, my name is Ya-Ting Liu and I am the NYC Program Director at the New York League of Conservation Voters (NYLCV), a statewide environmental organization with over 25,000 members in New York City. We are pleased to submit the following comments regarding the draft rule amending 1-01 of Local Law 146 of 2013.

NYLCV commends the City of New York for its efforts to divert organic waste from landfills. Last fall, we hosted a policy forum to explore how best to create a processing infrastructure for a food waste program and the strategies needed to achieve the necessary economies of scale. Today's rule change governing the source separation and handling requirements for organic waste generated by the largest commercial food establishments is important. It sends the necessary market signal that the City is committed. But it will be necessary for the City to do more if it is to reach OneNYC's goal of sending zero waste to landfills by 2030.

First, a significant amount of organics processing capacity will need to be developed for residential and commercial organics waste streams. While several facilities are in the planning stages, no facilities currently exist to serve the nation's largest source of municipal organic waste. In order to address this challenge, the City must create a comprehensive approach and begin a conversation with industry, businesses and the public about what it is willing to do create, incentivize and spur organics processing capacity within or near the city.

NYLCV offers three recommendations for reaching this goal:

1. Maximize the use of anaerobic digestion capacity at NYC DEP's wastewater treatment plants (WWTPs). Organic waste can be co-digested with sewage sludge. In addition to the eventual 500 tons per day (tpd) of capacity for organics waste projected at Newtown Creek WWTP, the City should encourage high-quality organic waste from commercial or institutional sources at other WWTPs that could accommodate such material. DEP should make clear and public what its intentions and plans are for anaerobic digestion capacity at its WWTPs and what quality of materials they will take.





October 5, 2015

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2. The City should make publicly-owned sites available to facility developers that would be suitable for wet or dry anaerobic digestion technology or composting facilities. These sites should be of appropriate size, provide suitable transportation access, and allow adequate buffer distances from already overburdened communities. If these sites are under state or federal control, the City should try to free them for such use.
3. The City should launch a pilot project to create exclusive franchise zones for commercial organic waste. In addition to facilitating the financing of new infrastructure capacity, such exclusive franchise zones could provide other public benefits, such as reduction in truck travel. These franchise zones might also be used to control the collection of non-organic waste and recyclables and/or residential and institutional materials.

The New York City Department of Sanitation sends more than 3 million tons of waste to landfills each year. Almost a third of that is food waste. Today's rule change governing commercial food waste is a good first step to kick start this work. We look forward to working with the City to make sure we have the processing capacity and infrastructure in place that can get us to the zero waste goal.





UNITED STATES TENNIS ASSOCIATION

October 5, 2015

Written Testimony Submitted

To

Department of Sanitation, City of New York

Public Hearing on Proposed Rules Governing Source
Separation and Handling Requirements for Organic
Waste Generated by Certain Commercial
Establishments

By

The USTA National Tennis Center Incorporated &
The United States Tennis Association Incorporated

Andrea Hirsch
Chief Administrative Officer & General Counsel
United States Tennis Association Incorporated

Daniel Zausner
Chief Operating Officer
USTA National Tennis Center, Inc.

Thank you for the opportunity to submit written testimony on the proposed regulations based on Local Law 146 of 2013, codified in § 16-306.1 of the New York City Administrative Code.

As you may know, the United States Tennis Association Incorporated (USTA) is the national governing body for the sport of tennis – promoting and developing the sport’s growth on every level in the United States, from the local communities to the crown jewel of the professional game, the US Open Tennis Championships. Each summer, the USTA is proud to hold the US Open in Flushing Meadows Corona Park, Queens at the USTA Billie Jean King National Tennis Center (NTC). Local Law 146 appears to be applicable to Arthur Ashe Stadium at the NTC. The stadium has a capacity of more than 22,000 and, falls within the regulation’s definition of a *Covered establishment*.¹

The US Open is the highest-attended annual sporting event in the world. With this honor comes the responsibility of addressing the event’s environmental footprint so as to help create a more sustainable future for the local community and the event’s patrons. Therefore, in 2008, the USTA developed and has since honed its US Open environmental initiatives program diverting over 1,800 tons of waste through a site-wide recycling and composting program, saving over 2,500 tons of greenhouse gas emissions; offsetting enough electricity to power over 1,000 homes for one year; and entertaining over 2.5 million fans arriving via mass transit.² Each year the USTA increases the amount of US Open waste it diverts from landfills, most recently diverting 70% of the waste from the 2014 US Open.³

The USTA is also a member of the Green Sports Alliance – an organization of 12 leagues, 150+ venues, and 140+ teams aimed at enhancing the environmental evolution of professional and collegiate sports. This network works closely to learn from one another so as to increase their collective impact on sustainability in sport. The challenges pertaining to composting fan waste is often a topic of discussion and we take all opportunities to work together to find viable solutions.

While the USTA supports the City of New York’s intent behind the amendments to Local Law 146, the proposed changes do not make clear the necessary distinction between how waste is generated at a restaurant versus at a stadium. As it pertains to operating a large sporting facility with live events, some of the proposed requirements pose significant challenges; how these challenges impact the USTA and its ongoing environmental efforts at the US Open are addressed below.

¹ Specifically: Sec. 1-11(a)(1) “an arena or stadium having a seating capacity of at least fifteen thousand persons”.

² This cumulative data includes the 2008 – 2014 US Opens; data for the recently concluded 2015 US Open is still being compiled.

³ For additional information about the US Open environmental initiatives program, please visit www.usopen.org/green

Section 16-303 of the New York City Administrative Code defines “organic waste” as

“any material found in the waste stream that can be broken down into, or otherwise become part of, usable compost, such as food scraps, soiled paper, and plant trimmings. As determined by the commissioner, such term may also include disposable plastic food service ware and bags that meet the ASTM International standard specifications for compostable plastics...”.

Unlike at a restaurant where the waste stream is controlled mostly by restaurant staff, a stadium’s waste stream is mostly controlled by the fans attending a live event. Contamination of the on-site waste stream by fans is one of the greatest challenges for the US Open composting program. Contamination includes unintentional comingling with the recycling stream and disposing of items fans have brought into the stadium. In addition, many of the typical food items fans expect to consume and are therefore offered at the US Open, (e.g., chip bags, some food wrappers) are not compostable, further contaminate the compostable waste stream, and also fall outside of the current “organic waste” definition outlined above. Some larger stadiums that host events for seasons much longer than the two-week long US Open, are able to manually sort out these items; however, due to space and time constraints, this is not feasible at the USTA Billie Jean King National Tennis Center. While this is not a challenge for our more controlled organic waste streams within the kitchens and back-of-the-house operations of the US Open, in spite of heavy messaging and communication, it is a reality when it comes to the waste generated by fans. For these reasons, it is necessary for the USTA and/or its transporter to engage an Organic Waste Processing Facility that is capable of handling a certain percentage of contamination from the waste stream generated by our fans.

Our US Open compost program relied on a commercial compost facility in Delaware with the capability of composting the volume and characteristic of the fan waste generated during the US Open. However, shortly after the conclusion of the 2014 US Open, this facility closed its doors. As a result, we no longer had a viable solution for the 150 tons of compostable fan waste expected for the 2015 US Open and had to rely on a local waste to energy plant in order to maintain our environmental goals and continue to divert the waste from a landfill. Fortunately, the nearly 100% of food waste (approximately 90 tons or 30% of our diverted waste stream) collected from our concession and restaurant kitchens (back-of-the-house) was still able to be sent to a farm for composting.

As of the date of this testimony, we are not aware of and cannot locate an Organic Waste Facility that is capable of handling the volume and characteristic of the fan waste generated by the US Open and located within a reasonable distance from the New York City area. That said, there are a number of farms and other Organic Waste Facilities within the region that will accept (and have been accepting) the food waste stream that is generated from the US Open kitchens. For this reason, we respectfully urge the commissioner to reconsider the inclusion of disposable service ware and bags within the definition of “organic waste” and focus the rule on food

waste generated in “back of house” food preparation operations. As facilities capable of handling the fan waste (also known as “front of house”) from large sporting events are made available, we are prepared and look forward to composting that waste stream again.

Lastly, we are pleased that there are exemptions to the signage requirements in Local Law 146. The rules, as amended, state: "If posting a sign near the designated covered establishment’s entrance is not practicable, the owner of such designated covered establishment shall retain a copy of such sign on its premises and shall furnish a copy to the Department upon request."

This exemption is necessary since the entrance to large stadiums requires many critical pieces of information for patrons. Most importantly, signage helps direct patrons safely to their seats and ensures an efficient flow of people in and out of the stadium. In the case of stadium entrances, it is not practical to post signs on this subject when other signs are more critical to overall safety.

Thank you for your time and for your consideration regarding our concerns related to the proposed rule changes. We are available to answer any questions you may have about my written submission and willing to meet to discuss in more detail how these regulations impact the limitations of operating a large sporting facility. Our contact information is below.

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Comments on Proposed Rules regarding Commercial Organic Waste 10/5/2015

Bonnie Graziano

Blue Sphere Corporation

VP BSD – USA

For the record, Blue Sphere Corporation develops Anaerobic Digester facilities. We have a 5 megawatt plant operating in Charlotte, North Carolina, and a 3.2 megawatt plant currently being built in Johnston, Rhode Island.

The development of these facilities would not have been possible without significant economic incentives and the active cooperation of local electric and / or gas utilities, local and state government, and the community at large.



**Environmental
Protection**

Emily Lloyd
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By email: <http://rules.cityofnewyork.us>.

Re: New York City Department of Sanitation (DSNY) proposed amendment of its rules governing source separation and handling requirements for organic waste generated by certain commercial establishments that have their refuse and recycling collected by private carters.

The New York City Department of Environmental Protection (DEP) submits these comments in response to DSNY's proposed Commercial Organics Waste Rule, which was published in the City Record on August 27, 2015. DEP appreciates the opportunity to provide comments on these draft rules.

DEP is the New York City (NYC) agency with primary responsibility for overseeing the operation, maintenance and management of the water supply that provides high quality drinking water to nearly half the population of the State of New York – over nine million people. DEP also collects and treats wastewater. Averaged across the year, our system treats approximately 1.3 billion gallons of wastewater per day collected through 7,500 miles of sewers and 96 pump stations to one of 14 in-City Wastewater Treatment Plants (WWTPs). DEP operates four combined sewer overflow (CSO) storage facilities, and treats up to 3.5 billion gallons per day of combined storm and sanitary flow in wet weather. As a result of DEP's investment of over \$10 billion in infrastructure improvements over the decade, NYC Harbor waters are the cleanest they have been in the past 100 years.

DEP appreciates that diverting organic waste, particularly food waste, from landfills for beneficial use is a significant component of the City's sustainability goals as outlined in OneNYC and an important element in DSNY's sustainable waste management plan. Furthermore, DEP is supportive of DSNY's efforts to fulfill its obligations under Local Law 146 of 2013 by tasking large restaurants, food distributors and arenas with making beneficial use of the organic waste they generate.

As the City's wastewater system may be impacted by the on-site use of digesters, DEP is actively considering promulgating rules to address their use. DEP requests the following changes to the Commercial Organics Waste rule, detailed below, to ensure that DEP has the necessary data to inform rules that would protect the wastewater system from potential negative impacts of on-site digestion. Such data will also inform DEP's subsequent appraisals of wastewater system impacts as DSNY considers whether to expand the reach of the rule to additional facilities in the future. The requested changes will allow the City to best support the development of a strong network of composting and beneficial reuse infrastructure, while continuing to maintain and protect the critical functioning of the City's wastewater infrastructure and the quality of NYC harbor waters.

General Comment

Generally, DEP's perspective on the proposed rules is focused on the need to keep NYC's surrounding waterways clean, and its sewer system and treatment plants functioning at their best. As on-site digestion will introduce additional pollutant loads to the City's wastewater system, it is critical to collect necessary data to analyze and inform DEP's consideration of potential rules regulating such activity. Data on the numbers and locations of the entities that may be subject to the DSNY rules, and the anticipated extent of onsite digester use, would be most helpful as DEP endeavors to identify possible contributions to the waste stream with respect to the quality of discharged wastewater (solids, biochemical oxygen demand, viscosity, nitrogen) and potential volume.

Just as DSNY has studied the present regional capacity to compost or beneficially reuse source-separated food waste, DEP will likely have to conduct a study to determine whether our WWTPs have capacity for the additional loadings and volumes, whether we will need additional Industrial Pretreatment Program requirements, whether we will need to establish a permitting program, or whether it will be necessary to limit installation of on-site systems, impose technical requirements for equipment, or undertake other measures to ensure that the wastewater system is not negatively impacted by the use of onsite digestion equipment.

Specific Recommendations (Original text is in italics; deleted material is in brackets; new material is underlined)

Proposed Change

Statement of Basis and Purpose of Proposed Rule

Organic waste makes up approximately one-third of the waste generated by food-generating businesses in New York City. This material can be converted into soil enhancing compost, or used as an energy source in aerobic and anaerobic digesters, but most of it is currently disposed of in landfills outside the City ...

The Department of Environmental Protection (DEP) [will] may separately promulgate additional rules regulating the use of onsite aerobic and anaerobic digestion equipment; these DEP rules may include, among other requirements, standards for types of equipment that may be installed.

Rationale

This revision would provide notice to the regulated community that there may be additional rules promulgated by DEP with which they would have to comply, including standards that limit the types of on-site digesters that they may install as well as the potential need to replace equipment that is installed prior to DEP's rulemaking.

Proposed Change

§1-11(b) Source separation requirements for designated covered establishments

(1) A designated covered establishment shall source separate organic waste generated at its premises and either:

(i) arrange with a private carter for the separate collection of such organic waste ...;

(ii) transport its own organic waste ...;

Or (iii) provide for a beneficial organic waste use on-site at its premises,

(2) A designated covered establishment shall register with the Department, including notification as to which of the three methods for source separating organic waste generated at its premises it has chosen.

Rationale

This section currently requires covered entities to choose a method of source separation, but does not require notification to DSNY of the method chosen. Registration with DSNY would allow for tracking of covered establishments and provide needed information as to their numbers and locations for all enforcing agencies.

Proposed Change

§1-11(b)(2)(iii)

ensure that any such organic waste processing system is installed in accordance with the health code, including but not limited to the provisions of article 143, the building code, including but not limited to subchapters twelve and thirteen of chapter one of title twenty-seven of the administrative code, if applicable, and all applicable laws and rules governing the discharge of waste and waste water, including section 19-11 of title 15 of the rules of the city of New York governing the discharge of grease into the city sewer system, Plumbing Code §10, Section 413.1 per LL 99 of 2005 prohibiting the use of commercial food waste disposers, and any other applicable regulations enforced by the department of environmental protection or the New York state department of environmental conservation.

Rationale

The DSNY rules should ensure the regulated community is on notice of the prohibition of any technology that grinds material prior to discharge per the ban on the use of commercial food waste disposers.

Proposed Change

§1-11(b)(3)(i)

"A designated covered establishment that provides for a beneficial organic waste use on-site at its premises for some or all of the organic waste it generates shall:

- (i) to the extent practicable, weigh and measure by volume the amount of organic waste disposed of by any such method on-site. A designated covered establishment shall maintain records of such weights and measurements for a period of three years, and*

[the records shall be submitted by the covered establishment to the Department upon request within five business days of such request either by postal mail or electronic mail to the Department] shall annually report such weights and measurements to the Department.

Rationale

DSNY's requiring annual submission of records of volume of waste disposed will enable estimation of loads and determination of whether an entity has installed an appropriately-sized system. Access to such records will inform both DEP's rulemaking and any future DSNY program expansion.

Thank you for the opportunity to comment on the proposed rules. We look forward to working with DSNY on the successful implementation of this important program.

Sincerely,



Angela Licata
Deputy Commissioner of Sustainability
NYC Environmental Protection