

**PURSUANT TO SECTION 1042 OF THE NEW YORK CITY CHARTER, THE NEW YORK CITY DEPARTMENT OF SANITATION HEREBY PUBLISHES ITS REGULATORY AGENDA FOR JULY 1, 2016 THROUGH JUNE 30, 2017:**

**A. THE FOLLOWING RULES WILL BE PROMULGATED PURSUANT TO THE NEW YORK CITY SOLID WASTE TRANSFER STATION LAW AS SET FORTH IN SECTIONS 16-130 AND 16-131 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.**

**1. SUBJECT AREA: SOLID WASTE FACILITIES -- REGISTRATION REQUIREMENTS FOR RECYCLING PROCESSING FACILITIES AND OVERSIGHT AUTHORITY OVER THEIR OPERATIONS.**

**RATIONALE:** Section 16-130(b) of the Administrative Code of the City of New York authorizes the Sanitation Commissioner to establish one or more classes of permits for solid waste transfer facilities. Some transfer stations operating in New York City exclusively receive, store and process certain materials that are, or can be recycled. In addition, Section 16-463 authorizes broad oversight over recycling facilities that handle paper, metal and plastics, as well as scrap metal facilities that handle refrigerant-containing items. The promulgation of separate rules requiring such facilities to register with the Department and authorizing the Department to inspect their on-site operations and activities will enhance the Department's oversight and enforcement responsibilities in this area.

**RULE:** The Department will promulgate a rule establishing registration requirements for recycling facilities in the City that only receive and process recyclables designated by the Department, and scrap metal dealers. The rules will also provide for the inspection of their operations and activities relating to the acceptance and storage of recyclable material, together with reporting requirements.

**INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:** Owners and operators of recycling facilities which operate in New York City.

**RELEVANT FEDERAL, STATE AND LOCAL LAWS OR RULES APPLICABLE TO PROPOSED RULE:**

- (a) Sections 16-301 et seq. ,16-306 and 16-463 of the Administrative Code of the City of New York;
- (b) Sections 1-10(g) of Chapter 1 and Section 4-08 of Chapter 4 of Title 16 of the Rules of the City of New York governing recycling responsibilities of owners and/or operators of solid waste transfer stations;
- (c) City Administrative Procedure Act: New York City Charter Section 1043.
- (d) 6 N.Y.C.R.R. 360, Subparts 360-11 and 360-12;
- (e) Chapter 1 of Title 17 of the Rules of the City of New York;

**SCHEDULE FOR ADOPTION:** Fiscal Year 2016.

**OFFICIAL CONTACT:** Deputy Commissioner for Legal Affairs, Department of Sanitation.

**TELEPHONE:** (646) 885-5006.

**B. THE FOLLOWING RULE WILL BE PROMULGATED PURSUANT TO SECTION 753 OF THE NEW YORK CITY CHARTER:**

**1. SUBJECT AREA: REFUSE AND RECYCLING COLLECTION FROM RESIDENTIAL PROPERTIES ON PRIVATELY OWNED STREETS AND ALLEYS**

**RATIONALE:** Pursuant to Section 753 of the New York City Charter, the Commissioner may adopt rules governing the manner in which such refuse shall be arranged or sorted, the time when it will be collected and the place at which it shall be deposited for collection. The Department currently enters privately owned property, such as private streets, alleys and parking lots, in order to provide refuse and recycling collection services from residential properties, provided that the Department has first obtained a signed written agreement that indemnifies the City together with insurance. The agreement only covers the collection and removal of refuse and recyclable materials and does not obligate the Department to provide snow removal services to these privately owned areas. Failure to sign an indemnity agreement and provide the requisite insurance for potential hazardous conditions that can impact worker safety and equipment results in the Department requiring that residents of these private areas set out all their refuse and recyclable materials in an accessible public area for collection.

**RULE:** The Department will amend section 1-02 to Title 16 of the Rules of the City of New York to incorporate this practice regarding the provision of collection service in these areas.

**INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULES:**

Owners and/or managing agents of residential premises that currently or might request that the Department provide collection services on privately owned property.

**RELEVANT FEDERAL, STATE AND LOCAL LAWS OR RULES APPLICABLE TO PROPOSED RULE:**

- (a) Title 16 of the Rules of the City of New York;
- (b) Section 753 of the New York City Charter
- (c) City Administrative Procedure Act: Section 1043 of the New York City Charter.

**SCHEDULE FOR ADOPTION:** Fiscal Year 2016.

**OFFICIAL CONTACT:** Deputy Commissioner for Legal Affairs, Department of Sanitation.

**TELEPHONE:** (646) 885-5006.

**2. SUBJECT AREA: REMOVAL OF DERELICT BICYCLES**

**RATIONALE:** Pursuant to section 753 of the New York City Charter and by sections 16-122 and 16-128 of the New York City Administrative Code, the Department proposes to amend its rules governing the removal and disposal of derelict bicycles. Such amendment is necessary in order to address the concerns of residents, community groups, elected officials and bicycle owners, regarding the Department's current criteria by making the criteria less stringent for classifying certain bicycles as derelict when they are affixed to public property, in order to facilitate their removal and disposal.

**RULE:** The Department will amend section 1-05.1 to Title 16 of the Rules of the City of New York.

**INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULES:**

Residents, community groups, elected officials and bicycle owners.

**RELEVANT FEDERAL, STATE AND LOCAL LAWS OR RULES APPLICABLE TO PROPOSED RULE:**

- (a) Title 16 of the Rules of the City of New York;
- (b) Section 753 of the New York City Charter;
- (c) Section 16-122 of the Administrative Code of the City of New York;
- (d) Section 16-128 of the of the Administrative Code of the City of New York; and
- (e) City Administrative Procedure Act: Section 1043 of the New York City Charter.

**SCHEDULE FOR ADOPTION:** Fiscal Year 2017.

**OFFICIAL CONTACT:** Deputy Commissioner for Legal Affairs, Department of Sanitation.

**TELEPHONE:** (646) 885-5006.

**C. THE FOLLOWING RULES WILL BE PROMULGATED PURSUANT TO THE NEW YORK CITY RECYCLING LAW AS SET FORTH IN CHAPTER 3 OF TITLE 16 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK:**

**1. SUBJECT AREA: RECYCLING – RULES GOVERNING THE DISPOSAL OF REFUSE AND RECYCLABLES GENERATED AT STREET EVENTS.**

**RATIONALE:** In 2009 the Mayor signed into law Local Law No. 13 in relation to the collection and removal of solid waste and recyclable materials at street events. In order to conform its rules to the law, the Department will amend Chapter 14 of Title 16 of the Rules of the City of New York to ensure its rules are consistent with Local Law No. 13, together with any other procedural changes to improve sanitation responsibilities before, during, and after any street events as necessary.

**RULE:** The Department will amend its rules by clarifying the responsibilities of sponsors, producers and event managers of street events relating to the disposal of refuse and recyclable materials generated at street events, as well as street activities that occupy no more than one block for not more than one day, such as resident block parties, where no licensed vendor participates consistent with Local Law 13, in addition to any other procedural changes to improve sanitation responsibilities before, during, and after any street events as necessary.

**INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:** Sponsors, producers and event managers of street events.

**RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:**

- (a) Section 16-326 et seq. of the Administrative Code of the City of New York;
- (b) Chapter 14 of Title 16 of the Rules of the City of New York; and
- (b) City Administrative Procedure Act: New York City Charter Section 1043.

**SCHEDULE FOR ADOPTION:** Fiscal Year 2016.

**OFFICIAL CONTACT:** Deputy Commissioner for Legal Affairs, Department of Sanitation.

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