

**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, 2014 THROUGH JUNE 30, 2015:**

**A. 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 COMMERCIAL RECYCLING**

**RATIONALE:** The Department recently completed a commercial recycling study pursuant to Local Law 32 of 2010, signed into law on August 16, 2010. Among other things, the study: i) estimated the amount of waste in different commercial sectors and the potential for more diversion, ii) identified current private carting industry practices and potential efficiencies in transporting waste within and outside the City, and iii) assessed business generator knowledge of recycling and their compliance with the City’s current recycling requirements. As a result of this study, the Department may amend its commercial recycling rules under Section 1-10 of Chapter 1 of the Title 16 of the Rules of the City of New York to incorporate recommendations to improve the Department’s current regulatory practices that will enhance commercial recycling in the City, and to streamline existing requirements as may be necessary.

**RULE:** The Department will amend its rules governing recycling requirements applicable to commercial establishments based, in part, on the recommendations of the commercial recycling study undertaken pursuant to Local Law 32 of 2010.

**INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:**  
Generators of commercial waste who receive private carting collection service.

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

- (a) Section 1-10 of Title 16 of the Rules of the City of New York governing commercial recycling requirements;
- (b) Section 16-306 of the Administrative Code of the City of New York; and
- (c) City Administrative Procedure Act: New York City Charter Section 1043.

**SCHEDULE FOR ADOPTION:** Fiscal Year 2015.

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

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**2. SUBJECT AREA: RECYCLING – RULES GOVERNING THE SPONSORSHIP OF PUBLIC SPACE RECYCLING RECEPTACLES.**

**RATIONALE:** The purpose of this rule is to expand public space recycling sites throughout the City consistent with Department’s authority under Section 16-310 of the New York City Administrative Code that will allow the Department to recover its costs of acquiring the receptacles.

**RULE:** The Department will amend its rules to create a public space recycling receptacle sponsorship program, and establishes guidelines allowing persons to sponsor, for a fee, one or more high-end public space recycling receptacles of either 32 gallons or 44 gallons in size that the Department would place on its collection route. The applicant for sponsorship will request a specific street location that must be approved by the Department, and the sponsorship will be in effect for a period of five years. Decals to be placed on the receptacle(s) will have the sponsor’s name or its logo, and must include a pro-recycling message, but no advertising of any kind. Sponsors would be charged a fee based on the actual cost incurred by DSNY to purchase the receptacles of up to \$1,050.00 for a 32-gallon public space recycling receptacle, or up to \$1,202.18 for a 44-gallon public space recycling receptacle.

**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 16-310 of the Administrative Code of the City of New York;
- (b) Chapter 1 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 2015.

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

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**3. 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 2015.

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**B. 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 – RULES GOVERNING SELF-CERTIFICATION FOR DISPOSAL OF SEWAGE AND WASTEWATER AT TRANSFER STATIONS AND FILL MATERIAL STATIONS.**

**RATIONALE:** The Department’s permitting provisions applicable to putrescible, non-putrescible, and fill material transfer stations require the submission of a statement by a registered architect or licensed engineer certifying that the transfer station has installed a system for the sanitary disposal of sewage and wastewater in compliance with Articles 143 and 145 of the New York City Health Code. Currently, an engineer’s report containing this self-certifying statement of compliance is a required document for all transfer station permit applications and renewals. However, these Health Code provisions were repealed on October 28, 2009, and jurisdiction over disposal of sewage and wastewater activities now rests with the New York City Department of Environmental Protection which enforces the Clean Water Act, and the New York City Department of Buildings which oversees any construction and related permits on private property.

**RULE:** The Department will amend its transfer station operating rules to omit the reference to the Health Code provisions now repealed, and replace this language with a reference to the New York City Department of Environmental Protection (DEP) and Department of Buildings (DOB) provisions. Thus, the new rule would require an engineering certification based on the new DEP and DOB requirements as opposed to the Health Code requirements.

**INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:** Owners and operators of transfer stations and fill material transfer stations which operate in New York City.

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

- (a) Section 16-131, 16-131.1, and 16-131.2 of the Administrative Code of the City of New York; and
- (b) City Administrative Procedure Act: New York City Charter Section 1043.

**SCHEDULE FOR ADOPTION:** Fiscal Year 2015.

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

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**2. 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 Commissioner of Sanitation 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 that only receive and process recyclables designated by the Department and scrap metal dealers, and which provide for inspection of the operation and activities relating to the purchase and sale, acceptance and storage of recyclable material.

**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. and 16-306 of the Administrative Code of the City of New York;
- (b) Section 16-463 of the Administrative Code of the City of New York;
- (c) 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;
- (d) City Administrative Procedure Act: New York City Charter Section 1043.
- (e) 6 N.Y.C.R.R. 360, Subparts 360-11 and 360-12;
- (f) Chapter 1 of Title 17 of the Rules of the City of New York;

**SCHEDULE FOR ADOPTION:** Fiscal Year 2015.

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**C. THE FOLLOWING RULES WILL BE PROMULGATED PURSUANT TO CHAPTER 4-C AND 4-D OF TITLE 16 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.**

**1. SUBJECT AREA: REGISTRATION REQUIREMENTS FOR THE ACCEPTANCE OF RECYCLABLE CONTAINERS IN BULK USING A MOTOR VEHICLE**

**RATIONALE:** Chapter 4-D of Title 16 of the Administrative Code of the City of New York sets forth registration, reporting and lawful requirements in which an entity may legally accept recyclable containers in bulk using a motor vehicle.

**RULE:** The Department will promulgate a rule establishing registration requirements for the acceptance of recyclable containers in bulk using a motor vehicle.

**INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:** Owners and operators of businesses engaged in the practice of accepting recyclable containers in bulk while using a motor vehicle.

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

- (a) Sections 16-470 et seq. of the Administrative Code of the City of New York;  
and
- (b) City Administrative Procedure Act: New York City Charter Section 1043.

**SCHEDULE FOR ADOPTION:** Fiscal Year 2015.

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**D. 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. Currently, the Department engages in the practice of entering privately owned property (including private streets, alleys and parking lots) in order to provide refuse and recycling collection services from residential premises only if the Department obtains a signed written agreement that indemnifies the City, along with meeting certain insurance requirements. Such agreement is only for 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 such agreement and provide the required insurance, or hazardous conditions resulting in safety issues for the Department, will result in the Department requesting that all refuse and recyclable materials be brought out to a public area.

**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 its collection service.

**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 2015.

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

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**2. SUBJECT AREA: CURBSIDE PLACEMENT OF RECEPTACLES FOR RESIDENTIAL REFUSE AND RECYCLING COLLECTION**

**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. Section 16-120 of the New York City Administrative Code requires that all receptacles be stored in or at the rear of a building until such time for removal. Currently, the Department allows residential premises to place out for collection no earlier than 5:00 P.M. the day before their scheduled collection, and no earlier than 4:00 P.M. from October 1<sup>st</sup> to April 1<sup>st</sup>. Section 16-120 of the New York City Administrative Code, as amended by Local Law 6 of 2006, also requires that residential premises must remove receptacles from their collection place by 9:00 P.M. on their collection day. If collection occurs after 4:00 P.M., receptacles must be removed by 9:00 A.M. the next day.

**RULE:** The Department will promulgate rules in Chapter 1 of Title 16 of the Rules of the City of New York to incorporate the set-out and removal requirements for residential premises.

**INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULES:**  
Owners and/or managing agents of residential premises.

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

- (a) Section 16-120 of the New York City Administrative Code;
- (b) 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 2015.

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