

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, 2015 THROUGH JUNE 30, 2016:

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 RECYCLING REQUIREMENTS BY COMMERCIAL ESTABLISHMENTS

RATIONALE: The Department recently completed a commercial recycling study pursuant to Local Law 32 of 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 and consistent with the Administration’s long-term sustainability plan, *One New York*, the Department will 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 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 2016.

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

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2. SUBJECT AREA: RECYCLING – RULES GOVERNING SEPARATE COLLECTION OF COMMERCIAL ORGANIC MATERIAL

RATIONALE: Local Law 146 of 2013 requires certain large commercial food-generating establishments in the City to arrange with a private carter for the separate collection of organic waste material they generate for the purpose of composting, aerobic or anaerobic digestion, or other processing methods approved by the Department by rule. Compliance with this requirement will become legally mandated if the Sanitation Commissioner determines there is sufficient processing capacity in the region for processing organic material, and the processing cost is competitive with the cost of disposing of organic material by landfill or incineration. The law provides a phased-in approach for designating large scale food waste generators that must comply with Local Law 146 in order to promote the expansion of organics processing capacity needed to make organics diversion viable over the long term. This year the Department will designate the first category of commercial food generators that will be required to source separate their organic waste. As processing capacity in the region continues to evolve and grow, the Department will expand this requirement to cover more food-service establishments.

RULE: The Department will promulgate a rule designating certain food-generating commercial establishments that will be required to source separate the organic waste they generate, and arrange with a licensed private carter to separately collect it. The rule will also require private carters to arrange for the composting, aerobic or anaerobic digestion, or other approvable processing method for such material it collects from the designated covered establishments, together with reporting requirements.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE: Commercial food waste generators and private carters that furnish collection service to them.

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 16-306.1 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 2016.

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 2016.

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

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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 -- 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 purchase and sale, 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.

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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 2016.

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

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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 2016.

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