

New York City Department of Sanitation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Sanitation (DSNY) is proposing to amend its existing penalty schedule to make modifications to existing penalties and to move certain provisions of its existing penalty schedule, which is currently found in the rules of the Office of Administrative Trials and Hearings (OATH), in Title 48 of the Rules of the City of New York, and move those provisions into Title 16 of the Rules of the City of New York. OATH is proposing a companion rule that repeals the DSNY Penalty Schedule from Title 48.

When and where is the hearing? DSNY will hold a public hearing on the proposed rule.. The public hearing will take place via Webex at 9:30 AM on September 21, 2021 using the following link:

<https://dsnynyc.webex.com/dsnynyc/j.php?MTID=m8f704d2746f2f2c9aa8247b1682c0067>

Tuesday, Sep 21, 2021 9:30 am | 1 hour 30 minutes | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 132 139 7887

Password: PuqJm23FmG3

Join by video system

Dial 1321397887@dsnynyc.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 132 139 7887

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DSNY through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to nycrules@dsny.nyc.gov.
- **Mail.** You can mail comments to DSNY, Bureau of Legal Affairs, 125 Worth Street, Room 710, New York, NY 10013.
- **Fax.** You can fax comments to DSNY at 212-788-3876.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing mliquori@dsny.nyc.gov by September 20, 2021 at 5:00 P.M. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign-up in advance. You can speak for up to three minutes.

Is there a deadline to submit comments? Comments will be due to the Department of Sanitation by September 21, 2021.

What if I need assistance to participate in the hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (646) 885-5006. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by September 14, 2021.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public on DSNY's website.

What authorizes DSNY to make this rule? Sections 1043 and 753 of the New York City Charter, sections 16-116, 16-117.1, 16-118, 16-120, 16-120.1, 16-122, 16-123, 16-127, 16-130, 16-327, 10-117, 10-119 of the New York City Administrative Code, New York State General Business Law section 397-a, New York State Public Health Law section 1310, New York State Vehicle and Traffic Law sections 375 and 1224 and New York State Environmental Conservation Law section 27-1701(3) authorize DSNY to make this proposed rule. This rule was included in DSNY's agenda for this fiscal year.

Where can I find the DSNY's rules? DSNY's rules are in Title 16 of the Rules of the City of New York.

What rules govern the rulemaking process? DSNY must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The New York City Department of Sanitation (DSNY) is amending its rule relating to its penalty schedule for those violations that are returnable to the Hearings Division of the Office of Administrative Trials and Hearings (OATH Hearings).

In 2017, DSNY added a new chapter 19 to its rule to move certain provisions of its existing penalty schedule, which was previously located in Title 48 of the Rules of the City of New York (RCNY), for those violations written pursuant to 16-118 of the New York City Administrative Code (Administrative Code). DSNY is amending these provisions to conform with Local Law 131 of 2018, Local Law 137 of 2018 and Local Law 80 of 2021.

In accordance with Local Law 131 of 2018, the penalties for those violations found in §16-118(1) are amended to be \$300 for a second violation and \$400 for a third violation. Local Law 137 of 2018 also increased the penalties for those violations found in §16-118(4) as it relates to littering or spillage from a motor vehicle, to \$200 for a first violation, \$350 for a second violation and

\$450 for a third and subsequent violation. Local Law 80 of 2021 reduced the penalties and created a repeat violator scheme for those violations found in §16-118(2)(a) to \$50 for a first violation, \$100 for a second violation and \$100 for a third and subsequent violation. Local Law 80 of 2021 also reduced the penalties for those violations found in §16-118(3) to \$50 for a first violation, \$100 for a second violation and \$100 for a third and subsequent violation.

OATH Hearings is in the process of repealing all penalty schedules in its rules so they can be relocated to the rules of the enforcement agencies with primary rulemaking and policymaking jurisdiction over the laws that underlie these penalties. DSNY is moving the rest of its existing penalty schedule that is currently found in Title 48 of the RCNY, in which a range of penalties are found in the authorizing sections of the Administrative Code or provisions of state law. Provisions of the existing penalty schedule found in Title 48 of the RCNY and any other provisions found in the Administrative Code that contain fixed penalties will not be included in this schedule. Those penalty amounts can be found in the specific provision of law. These penalty schedules include those schedules that DSNY enforces that are currently found in Title 48 of the RCNY, except that this schedule incorporates changes made pursuant to Local Law 135 of 2018, that establishes penalties for those that improperly dispose of their waste in areas that are not permitted by law, pursuant to §16-120(e)(2), to reflect \$75 for a first violation, \$300 for a second violation and \$400 for a third and subsequent violation. This penalty schedule also incorporates the changes made pursuant to Local Law 80 of 2021 that lowers the penalties for all of §16-120, except §16-120(e), to \$50 for a first violation, \$100 for a second violation and \$200 for a third and subsequent violation. Local Law 80 of 2021 also reduced the penalty for a violation of §16-116 and §16-127 to \$50. This penalty schedule also includes a penalty of \$250 for a violation of New York State Public Health Law §1310.

In conjunction with this rule, OATH ECB will remove the rest of DSNY's penalty schedule from its rule found in Title 48 of the RCNY.

Working with the City's rulemaking agencies, the Law Department, OMB, and the Office of Operations conducted a retrospective rules review of the City's existing rules, identifying those rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. This rule meets the criteria for this initiative.

DSNY's authority for these rules is found in sections 753 and 1043 of the New York City Charter, sections 16-116, 16-117.1, 16-118, 16-120, 16-120.1, 16-122, 16-123, 16-127, 16-130, 16-327, 10-117, 10-119 of the New York City Administrative Code, New York State General Business Law section 397-a, and New York State Public Health Law section 1310, New York State Vehicle and Traffic Law sections 375 and 1224 and New York State Environmental Conservation Law section 27-1701(3).

New material is underlined.

[Deleted material is in brackets.]

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

Section 1. Chapter 19 of Title 16 of the Rules of the City of New York is amended to read as follows:

Chapter 19

PENALTY SCHEDULE

§19-101 Definitions

Default penalty. “Default penalty” shall mean the penalty imposed by the Office of Administrative Trials and Hearings acting pursuant to section 1049-a of the Charter of the City of New York in accordance with subparagraph (d) of paragraph one of subdivision d of section 1049-a of such Charter.

RCNY. “RCNY” shall mean the Rules of the City of New York.

§19-102 General

- (a) Unless otherwise indicated, all citations are to the New York City Administrative Code.
- (b) Sections marked with an asterisk (*) indicate that a repeat violation is:
- (1) a violation by the same respondent of the same section of law; and
 - (2) a violation that occurred within 12 months of the dates of 12 or more violations issued to the same respondent; and
 - (3) a violation that occurred at the same place of occurrence as the previous 12 violations.
- (c) Sections marked with two asterisks (**) indicate that a second or third violation is:
- (1) a violation by the same respondent of the same section of law as the previous violation(s); and
 - (2) a violation that occurred within 12 months of the date of the last violation issued to the same respondent.
- (d) Sections marked with three asterisks (***) indicate that a second or third violation is:
- (1) a violation by the same respondent of the same section of law as the previous violation(s); and
 - (2) a violation that occurred within 12 months of the date of the last violation issued to the same respondent; and
 - (3) the violation was issued to a natural person.

(e) Sections marked with five asterisks (*****) indicate that second or third violation is:

(1) a violation by the same respondent of the same section of law as the previous violation(s); and

(2) a violation that occurred within 18 months of the date of the last violation issued to the same respondent.

(f) A second or third violation for those violations found in section 19-104 of this chapter, shall be:

(1) a violation by the same respondent of the same section of law as the previous violation(s); and

(2) a violation that occurred within three years of the date of the last violation issued to the same respondent.

(g) A second or third violation for those violations found in section 19-106 of this chapter, shall be:

(1) a violation by the same respondent of any provisions of the rules found in 16 RCNY Chapter 8, or of Section 16-117.1 of the New York City Administrative Code, and

(2) where the date of occurrence of the current violation is within two years of the date of the prior violation.

(h) For those violations found in section 19-106 of this chapter, where a hearing officer finds that the respondent is a worker, defined as an individual employee working under the direction of another whose job duties permit no exercise of judgment or discretion), the penalty will be \$500.

§19-103 Sanitation Penalty Schedule

Section of Law	Description	Offense	Penalty	Default Penalty
<u>16-116(b)</u>	<u>Posting of sign/permit</u>		<u>50</u>	<u>50</u>
<u>16-118(1)(a)**</u>	<u>Littering</u>	<u>1st</u>	<u>75</u>	<u>112</u>
		<u>2nd</u>	<u>[250] 300</u>	<u>375</u>
		<u>3rd</u>	<u>[350] 400</u>	<u>400</u>
<u>16-118(1)(a)**</u>	<u>Sweep-out</u>	<u>1st</u>	<u>75</u>	<u>112</u>
		<u>2nd</u>	<u>[250] 300</u>	<u>375</u>
		<u>3rd</u>	<u>[350] 400</u>	<u>400</u>
<u>16-118(1)(a)**</u>	<u>Throw-out</u>	<u>1st</u>	<u>75</u>	<u>112</u>

		2nd	[250] <u>300</u>	375
		3rd	[350] <u>400</u>	400
16-118(1)(b)**	Spitting	1st	75	112
		2nd	[250] <u>300</u>	375
		3rd	[350] <u>400</u>	400
16-118(2)(a) **	Dirty sidewalk	1st	[100] <u>50</u>	300
		2nd	<u>100</u>	<u>300</u>
		3rd	<u>100</u>	<u>300</u>
16-118(2)(a) **	Dirty Area	1st	[100] <u>50</u>	300
		2nd	<u>100</u>	<u>300</u>
		3rd	<u>100</u>	<u>300</u>
16-118(2)(a) **	Failure to Clean 18" Into Street	1st	[100] <u>50</u>	300
		2nd	<u>100</u>	<u>300</u>
		3rd	<u>100</u>	<u>300</u>
16-118(2)(a) **	Sidewalk obstruction	1st	[100] <u>50</u>	300
		2nd	<u>100</u>	<u>300</u>
		3rd	<u>100</u>	<u>300</u>
16-118(2)(b) *	Dirty Sidewalk (Vacant Lot) *		100	300
16-118(2)(b) *	Dirty Area (Vacant Lot) *		100	300
16-118(2)(b) *	Sidewalk Obstruction (Vacant Lot) *		100	300
16-118(2)(b) *	Failure to Clean 18" Into Street (Vacant Lot) *		100	300
16-118(2)(b)*	Repeat Violation		250	300
16-118(3) **	Dust or substances flying	1st	[100] <u>50</u>	450
		2nd	[250] <u>100</u>	450
		3rd	[350] <u>100</u>	450
16-118(4) **	[Spilling] Spillage from [truck or] receptacle	1st	100	450
		2nd	250	450
		3rd	350	450
16-118(4) **	Spillage from truck	1st	<u>200</u>	<u>200</u>
		2nd	<u>350</u>	<u>350</u>
		3rd	<u>450</u>	<u>450</u>
16-118(4) ***	Littering from a Motor Vehicle	1st	<u>200</u>	<u>200</u>
		2nd	<u>350</u>	<u>350</u>
		3rd	<u>450</u>	<u>450</u>
16-118(6) **	Noxious liquids	1st	100	450

		2nd	250	450
		3rd	350	450
16-118(6)**	Public Urination	1st	75	112
		2nd	250	375
		3rd	350	400
16-118(7)	Preventing or otherwise interfering with work of DSNY employee		100	300
<u>16-120(a)**</u>	<u>Improper Disposal</u>	<u>1st</u>	<u>50</u>	<u>300</u>
		<u>2nd</u>	<u>100</u>	<u>300</u>
		<u>3rd</u>	<u>200</u>	<u>300</u>
<u>16-120(a)**</u>	<u>Insufficient Receptacles</u>	<u>1st</u>	<u>50</u>	<u>300</u>
		<u>2nd</u>	<u>100</u>	<u>300</u>
		<u>3rd</u>	<u>200</u>	<u>300</u>
<u>16-120(a)**</u>	<u>Broken Receptacles</u>	<u>1st</u>	<u>50</u>	<u>300</u>
		<u>2nd</u>	<u>100</u>	<u>300</u>
		<u>3rd</u>	<u>200</u>	<u>300</u>
<u>16-120(a)**</u>	<u>Uncovered Receptacles</u>	<u>1st</u>	<u>50</u>	<u>300</u>
		<u>2nd</u>	<u>100</u>	<u>300</u>
		<u>3rd</u>	<u>200</u>	<u>300</u>
<u>16-120(a)**</u>	<u>Improper Disposal--Bedding</u>	<u>1st</u>	<u>50</u>	<u>300</u>
		<u>2nd</u>	<u>100</u>	<u>300</u>
		<u>3rd</u>	<u>200</u>	<u>300</u>
<u>16-120(a)**</u>	<u>Improper receptacles</u>	<u>1st</u>	<u>50</u>	<u>300</u>
		<u>2nd</u>	<u>100</u>	<u>300</u>
		<u>3rd</u>	<u>200</u>	<u>300</u>

<u>16-120(b)**</u>	<u>Separation and weight</u>	<u>1st</u>	<u>50</u>	<u>300</u>
		<u>2nd</u>	<u>100</u>	<u>300</u>
		<u>3rd</u>	<u>200</u>	<u>300</u>
<u>16-120(c)**</u>	<u>Storage of receptacles</u>	<u>1st</u>	<u>50</u>	<u>300</u>
		<u>2nd</u>	<u>100</u>	<u>300</u>
		<u>3rd</u>	<u>200</u>	<u>300</u>
<u>16-120(d)**</u>	<u>Loose rubbish</u>	<u>1st</u>	<u>50</u>	<u>300</u>
		<u>2nd</u>	<u>100</u>	<u>300</u>
		<u>3rd</u>	<u>200</u>	<u>300</u>
<u>16-120(e)(1)**</u>	<u>Improper Disposal (DSNY Litter Basket)</u>	<u>1st</u>	<u>100</u>	<u>100</u>
		<u>2nd</u>	<u>250</u>	<u>250</u>
		<u>3rd</u>	<u>350</u>	<u>350</u>
<u>16-120(e)(2)**</u>	<u>Improper Disposal</u>	<u>1st</u>	<u>75</u>	<u>75</u>
		<u>2nd</u>	<u>300</u>	<u>300</u>
		<u>3rd</u>	<u>400</u>	<u>400</u>
<u>16-122(b)</u>	<u>Street obstruction</u>		<u>100</u>	<u>150</u>
<u>16-122(c)</u>	<u>Disabled vehicle</u>		<u>100</u>	<u>150</u>
<u>16-123**</u>	<u>Snow, ice and dirt removal</u>	<u>1st</u>	<u>100</u>	<u>350</u>
		<u>2nd</u>	<u>150</u>	<u>350</u>
		<u>3rd</u>	<u>250</u>	<u>350</u>
<u>16-127(a)</u>	<u>Earths, rocks and rubbish</u>		<u>50</u>	<u>100</u>
<u>16-327(a)</u>	<u>Failure to dispose of solid waste and recyclable materials properly (street events)</u>		<u>\$100 per violation. Maximum: Up to \$500 per</u>	<u>\$100 per violation. Maximum: Up to \$500 per</u>

			day or <u>\$2,000</u> per street event.	day or <u>\$2,000</u> per street event.
<u>16-327(b)(1)</u>	<u>Failure to provide sufficient number of refuse and recycling receptacles for street event</u>		<u>\$100 per violation.</u> Maximum: Up to <u>\$500 per day or \$2,000 per street event.</u>	<u>\$100 per violation.</u> Maximum: Up to <u>\$500 per day or \$2,000 per street event.</u>
<u>16-327(b)(2)</u>	<u>Spillage condition from overflowing receptacle (Street events)</u>		<u>\$100 per violation.</u> Maximum: Up to <u>\$500 per day or \$2,000 per street event.</u>	<u>\$100 per violation.</u> Maximum: Up to <u>\$500 per day or \$2,000 per street event.</u>
<u>16-327(b)(3)</u>	<u>Failure to properly bag and/or bundle refuse and recyclables</u>		<u>\$100 per violation.</u> Maximum: Up to <u>\$500 per day or \$2,000 per street event.</u>	<u>\$100 per violation.</u> Maximum: Up to <u>\$500 per day or \$2,000 per street event.</u>
<u>16-324(b)(4)</u>	<u>Failure to place bagged and/or bundled refuse and recyclables at predetermined location</u>		<u>\$100 per violation.</u> Maximum: Up to <u>\$500 per day or \$2,000 per street event.</u>	<u>\$100 per violation.</u> Maximum: Up to <u>\$500 per day or \$2,000 per street event.</u>
<u>16 RCNY 1-04.2</u>	<u>Improper disposal of electronic waste</u>		<u>100</u>	<u>100</u>
<u>16 RCNY 5-06(a)(3)</u>	<u>Vehicle Body - Improper color</u>		<u>250</u>	<u>500</u>
<u>16 RCNY 5-06</u>	<u>Misc. Violation of vehicle body specifications</u>		<u>250</u>	<u>500</u>
<u>10-117(a)</u>	<u>Illegal placement of stickers or decals on public or private property</u>		<u>150</u>	<u>500</u>

<u>10-117.3(b)</u>	<u>Failure to remove graffiti</u>		<u>150</u>	<u>300</u>
<u>10-119**</u>	<u>Illegal posting of handbill/notice</u>	<u>1st</u>	<u>75</u>	<u>200</u>
		<u>2nd</u>	<u>150</u>	<u>200</u>
<u>10-120*</u>	<u>Defacement of City handbill/notice</u>	<u>1st</u>	<u>75</u>	<u>200</u>
		<u>2nd</u>	<u>150</u>	<u>200</u>
<u>10-119**</u>	<u>Posting on a tree</u>	<u>1st</u>	<u>150</u>	<u>200</u>
		<u>2nd</u>	<u>300</u>	<u>550</u>
<u>NYS General Business Law section 397-a</u>	<u>Placement of unsolicited advertisements on private property in a manner contrary to sign authorized by General Business Law §397-a.</u>		<u>250</u>	<u>250</u>
<u>NYS Public Health Law section 1310</u>	<u>Failure to remove canine waste</u>		<u>250</u>	<u>250</u>
<u>NYS Vehicle and Traffic Law section 375(1)*****</u>	<u>Unlawful Placement of Handbills on Vehicles</u>	<u>1st</u>	<u>75</u>	<u>100</u>
		<u>2nd</u>	<u>150</u>	<u>200</u>
<u>NYS Vehicle and Traffic Law section 1224(7)</u>	<u>Abandoned Vehicle</u>		<u>250</u>	<u>1000</u>
<u>NYS Environmental Conservation Law section 27-1701(3)</u>	<u>Improper disposal of lead acid battery</u>		<u>50</u>	<u>50</u>
<u>16-117.1</u>	<u>Improper transport/storage/disposal of asbestos waste</u>		<u>1,000</u>	<u>10,000</u>
<u>16-117.1</u>	<u>Hazardous transportation/storage/disposal of asbestos waste</u>		<u>10,000</u>	<u>10,000</u>

§19-104 Sanitation Solid Waste Transfer Station and Intermodal Penalty Schedule

<u>Section of Law</u>	<u>Description</u>	<u>Offense</u>	<u>Penalty</u>	<u>Default Penalty</u>
<u>16-130(b)</u>	<u>Operating a non-putrescible solid waste transfer station without a permit</u>	<u>1st</u>	<u>2,500</u>	<u>10,000</u>

		2nd	5,000	10,000
		3rd	10,000	10,000
<u>16 RCNY 4-01 et seq.</u>	<u>Commissioner's transfer station rule (non-putrescible waste)</u>	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
<u>16-130(b)</u>	<u>Operating a putrescible waste transfer station without a permit.</u>	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
<u>16 RCNY 4-11 et seq.</u>	<u>Commissioner's transfer station rule (putrescible waste)</u>	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
<u>16-130(b)</u>	<u>Operating dump or fill material operation without a permit</u>	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
<u>16 RCNY 3-02 et seq.</u>	<u>Commissioner's rule (dump and fill material operation)</u>	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
<u>16 RCNY 4-32,33,34</u>	<u>Violation of transfer station Rules re: siting/hours/reports/plans</u>	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
<u>16-130(b)</u>	<u>Operating an intermodal solid waste container facility without a registration</u>	1st	2,500	10,000
		2nd	5,000	10,000
		3rd and sub.	10,000	10,000
<u>16 RCNY 4-44(c)</u>	<u>Failure to handle intermodal containers in a safe and sanitary manner</u>	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
<u>16 RCNY 4-44(g)</u>	<u>Failure to maintain solid waste received at the facility for transports in intermodal containers</u>	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000

16 RCNY 4-44(h)	Failure of intermodal containers to meet the specification requirements set forth in 16 RCNY 4-43	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY 4-44(i)	Failure to maintain and/or provide records	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY 4-44(j)	Failure to remove intermodal containers containing putrescible waste within 72 hours of receipt.	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY 4-44(l)	Failure to store equipment within the property lines.	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000

§19-105 Sanitation Medical Waste Penalty Schedule

<u>Section of Law</u>	<u>Description</u>	<u>Offense</u>	<u>Penalty</u>	<u>Default Penalty</u>
16-120.1*****	Improper disposal of infectious/medical waste	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16-120.1 (d)	Improper disposal of regulated household waste		100	250
16-120.1(e)*****	Failure to file DEC medical waste plans	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16-120.1(f)*****	Failure to file DEC medical waste plans/amended plans	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000

<u>16-120.1(e) or (f)</u>	<u>Late filing of medical waste plans or reports within 30 days as per 16-120.1(i)(6)</u>		<u>100</u>	<u>250</u>
<u>16 RCNY 11-02(a) *****</u>	<u>Failure to file DEC Medical Waste Plans</u>	<u>1st</u>	<u>2,500</u>	<u>10,000</u>
		<u>2nd</u>	<u>5,000</u>	<u>10,000</u>
		<u>3rd</u>	<u>10,000</u>	<u>10,000</u>
<u>16 RCNY 11-02(b) *****</u>	<u>Failure to File Medical Waste Plans/Amended Plans</u>	<u>1st</u>	<u>2,500</u>	<u>10,000</u>
		<u>2nd</u>	<u>5,000</u>	<u>10,000</u>
		<u>3rd</u>	<u>10,000</u>	<u>10,000</u>
<u>16 RCNY 11-02(a), (b)</u>	<u>Late Filing of Medical Waste Plans or Reports Within 30 days as per 16 RCNY 11-02(c)</u>		<u>100</u>	<u>250</u>
<u>16 RCNY 1-04</u>	<u>Improper disposal of regulated household waste</u>		<u>100</u>	<u>250</u>

§19-106 Sanitation Asbestos Waste Penalty Schedule

<u>Section of Law</u>	<u>Violation Description</u>	<u>Offense</u>	<u>Penalty</u>	<u>Aggravating Circumstance: Visible Emission or Adult Exposure</u>	<u>Aggravating Circumstance: Child Exposure</u>	<u>Mitigation: No Knowledge</u>	<u>Mitigation: Small Quantity</u>
	<u>PRESENT FOR STORAGE OF ASBESTOS WASTE:</u>						
16 RCNY 8-03(a)(1)	<u>Not Wet</u>	1st	<u>4,000</u>	<u>8,000</u>	<u>9,000</u>	<u>-1,000</u>	<u>-500</u>
		2nd	<u>5,000</u>	<u>10,000</u>	<u>11,000</u>	<u>N/A</u>	<u>-1,000</u>
16 RCNY 8-03(a)(2)	<u>Uncontained, unsealed</u>	1st	<u>7,000</u>	<u>14,000</u>	<u>15,000</u>	<u>-2,000</u>	<u>N/A</u>
		2nd	<u>8,000</u>	<u>16,000</u>	<u>18,000</u>	<u>N/A</u>	<u>N/A</u>
16 RCNY 8-03(a)(2)	<u>Not 6 mil</u>	1st	<u>5,000</u>	<u>10,000</u>	<u>11,000</u>	<u>-2,000</u>	<u>-1,000</u>
		2nd	<u>6,000</u>	<u>12,000</u>	<u>14,000</u>	<u>N/A</u>	<u>-1,000</u>
16 RCNY 8-03(a)(2)	<u>No Warning Label</u>	1st	<u>1,000</u>	<u>N/A</u>	<u>N/A</u>	<u>-500</u>	<u>-200</u>
		2nd	<u>1,500</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>-500</u>
16 RCNY 8-03(a)(3)	<u>Mixed w/ other waste</u>	1st	<u>5,000</u>	<u>10,000</u>	<u>11,000</u>	<u>-2,000</u>	<u>-1,000</u>
		2nd	<u>6,000</u>	<u>12,000</u>	<u>14,000</u>	<u>N/A</u>	<u>-1,000</u>
	<u>STORAGE OF ASBESTOS</u>						

	<u>WASTE:</u>						
16 RCNY 8- 04(a)(1)	<u>Uncontained, unsealed</u>	1st	<u>12,000</u>	<u>24,000</u>	<u>25,000</u>	<u>-4,000</u>	<u>N/A</u>
		2nd	<u>14,000</u>	<u>25,000</u>	<u>25,000</u>	<u>N/A</u>	<u>N/A</u>
16 RCNY 8- 04(a)(1)	<u>Not wet, not 6 mil</u>	1st	<u>10,000</u>	<u>20,000</u>	<u>22,000</u>	<u>-4,000</u>	<u>-2,000</u>
		2nd	<u>11,000</u>	<u>22,000</u>	<u>24,000</u>	<u>N/A</u>	<u>-2,000</u>
16 RCNY 8- 04(a)(1)	<u>No warning label</u>	1st	<u>2,000</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>	<u>-500</u>
		2nd	<u>3,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>-500</u>
16 RCNY 8- 04(a)(2)	<u>No 24 hour inspection</u>	1st	<u>2,000</u>	<u>4,000</u>	<u>N/A</u>	<u>-1,000</u>	<u>-500</u>
		2nd	<u>3,000</u>	<u>6,000</u>	<u>N/A</u>	<u>N/A</u>	<u>-500</u>
16 RCNY 8- 04(a)(3)	<u>Inadequate spare leak-tight containers</u>	1st	<u>3,000</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>	<u>-500</u>
		2nd	<u>4,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>-500</u>
16 RCNY 8- 04(a)(4)	<u>Inadequate water supply</u>	1st	<u>3,000</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>	<u>-500</u>
		2nd	<u>4,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>-500</u>
16 RCNY 8- 04(a)(5)	<u>Mixed with other waste</u>	1st	<u>7,000</u>	<u>14,000</u>	<u>15,000</u>	<u>-2,000</u>	<u>-1,000</u>
		2nd	<u>8,000</u>	<u>16,000</u>	<u>18,000</u>	<u>N/A</u>	<u>-1,000</u>
16 RCNY 8- 04(a)(6)	<u>Unsecured area</u>	1st	<u>6,000</u>	<u>N/A</u>	<u>N/A</u>	<u>-2,000</u>	<u>-1,000</u>
		2nd	<u>7,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>

16 RCNY 8-04(b)	<u>50 cu. yds/no authorization</u>	1st	<u>3,000</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>	<u>N/A</u>
		2nd	<u>4,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
16 RCNY 8- 04(b)(1)(i)	<u>50 cu. yds/ no inspection records</u>	1st	<u>2,000</u>	<u>5,000</u>	<u>N/A</u>	<u>-1,000</u>	<u>N/A</u>
		2nd	<u>3,000</u>	<u>6,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
	PRESENT FOR TRANSPORT ASBESTOS WASTE:						
16 RCNY 8-05(a)	<u>Uncontained, unsealed</u>	1st	<u>14,000</u>	<u>25,000</u>	<u>25,000</u>	<u>-4,000</u>	<u>N/A</u>
		2nd	<u>16,000</u>	<u>25,000</u>	<u>25,000</u>	<u>N/A</u>	<u>N/A</u>
16 RCNY 8-05(a)	<u>Not wet, not 6 mil</u>	1st	<u>12,000</u>	<u>24,000</u>	<u>25,000</u>	<u>-4,000</u>	<u>-2,000</u>
		2nd	<u>14,000</u>	<u>25,000</u>	<u>20,000</u>	<u>N/A</u>	<u>-2,000</u>
16 RCNY 8-05(a)	<u>No warning label</u>	1st	<u>3,000</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>	<u>-500</u>
		2nd	<u>4,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>-500</u>
16 RCNY 8-05(b)	<u>Without inspection</u>	1st	<u>3,000</u>	<u>6,000</u>	<u>7,000</u>	<u>-1,000</u>	<u>-500</u>
		2nd	<u>4,000</u>	<u>8,000</u>	<u>9,000</u>	<u>N/A</u>	<u>-500</u>
16 RCNY 8-05(c)	<u>Mixed with other waste</u>	1st	<u>8,000</u>	<u>16,000</u>	<u>18,000</u>	<u>-2,000</u>	<u>-1,000</u>
		2nd	<u>9,000</u>	<u>18,000</u>	<u>20,000</u>	<u>N/A</u>	<u>-2,000</u>
16 RCNY 8- 05(d)(1)	<u>Transporter w/o DEC permit</u>	1st	<u>3,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
		2nd	<u>4,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
16 RCNY 8- 05(d)(2)	<u>Transporter w/o DCA permit</u>	1st	<u>3,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
		2nd	<u>4,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
	TRANSPORT ASBESTOS						

WASTE:							
16 RCNY 8-06(a)	<u>Uncontained, unsealed</u>	1st	<u>16,000</u>	<u>25,000</u>	<u>25,000</u>	<u>-5,000</u>	<u>N/A</u>
		2nd	<u>18,000</u>	<u>25,000</u>	<u>25,000</u>	<u>N/A</u>	<u>N/A</u>
16 RCNY 8-06(a)	<u>Not wet, not 6 mil</u>	1st	<u>12,000</u>	<u>24,000</u>	<u>25,000</u>	<u>-4,000</u>	<u>-2,000</u>
		2nd	<u>14,000</u>	<u>25,000</u>	<u>25,000</u>	<u>N/A</u>	<u>-2,000</u>
16 RCNY 8-06(a)	<u>No warning label</u>	1st	<u>4,000</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>	<u>-500</u>
		2nd	<u>5,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>
16 RCNY 8-06(b)	<u>No examination, unsafe packaging</u>	1st	<u>4,000</u>	<u>8,000</u>	<u>9,000</u>	<u>-1,000</u>	<u>-500</u>
		2nd	<u>5,000</u>	<u>10,000</u>	<u>11,000</u>	<u>N/A</u>	<u>-1,000</u>
16 RCNY 8-06(c)	<u>Inadequate spare leak-tight containers</u>	1st	<u>4,000</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>	<u>-500</u>
		2nd	<u>5,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>
16 RCNY 8-06(d)	<u>Inadequate water supply</u>	1st	<u>4,000</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>	<u>-500</u>
		2nd	<u>5,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>
16 RCNY 8-06(e)	<u>Mixed with other waste</u>	1st	<u>9,000</u>	<u>18,000</u>	<u>20,000</u>	<u>-4,000</u>	<u>-2,000</u>
		2nd	<u>10,000</u>	<u>20,000</u>	<u>22,000</u>	<u>N/A</u>	<u>-2,000</u>
16 RCNY 8-06(f)	<u>Unprotected container</u>	1st	<u>9,000</u>	<u>18,000</u>	<u>20,000</u>	<u>-4,000</u>	<u>-2,000</u>
		2nd	<u>10,000</u>	<u>20,000</u>	<u>22,000</u>	<u>N/A</u>	<u>-2,000</u>
16 RCNY 8-06(g)	<u>Lacking DEC permit</u>	1st	<u>4,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
		2nd	<u>5,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
16 RCNY 8-06(h)	<u>Lacking DCA permit</u>	1st	<u>4,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
		2nd	<u>5,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
	<u>PRESENT FOR DISPOSAL ASBESTOS WASTE</u>						

<u>16 RCNY 8-07(a)</u>	<u>Unapproved site</u>	<u>1st</u>	<u>10,000</u>	<u>20,000</u>	<u>22,000</u>	<u>-4,000</u>	<u>-2,000</u>
		<u>2nd</u>	<u>12,000</u>	<u>24,000</u>	<u>25,000</u>	<u>N/A</u>	<u>-2,000</u>
<u>16 RCNY 8-07(b)</u>	<u>Non-compliance w/ order</u>	<u>1st</u>	<u>9,000</u>	<u>18,000</u>	<u>20,000</u>	<u>N/A</u>	<u>N/A</u>
		<u>2nd</u>	<u>10,000</u>	<u>20,000</u>	<u>22,000</u>	<u>N/A</u>	<u>N/A</u>
<u>16 RCNY 8-07(c)</u>	<u>Uncontained, unsealed</u>	<u>1st</u>	<u>18,000</u>	<u>25,000</u>	<u>25,000</u>	<u>-6,000</u>	<u>N/A</u>
		<u>2nd</u>	<u>20,000</u>	<u>25,000</u>	<u>25,000</u>	<u>N/A</u>	<u>N/A</u>
<u>16 RCNY 8-07(c)</u>	<u>Not wet, not 6 mil</u>	<u>1st</u>	<u>16,000</u>	<u>25,000</u>	<u>25,000</u>	<u>-5,000</u>	<u>-3,000</u>
		<u>2nd</u>	<u>18,000</u>	<u>25,000</u>	<u>25,000</u>	<u>N/A</u>	<u>-3,000</u>
<u>16 RCNY 8-07(c)</u>	<u>No warning label</u>	<u>1st</u>	<u>5,000</u>	<u>N/A</u>	<u>N/A</u>	<u>-2,000</u>	<u>-1,000</u>
		<u>2nd</u>	<u>6,000</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>-1,000</u>
<u>16 RCNY 8-07(d)</u>	<u>No examination, unsafe repackaging</u>	<u>1st</u>	<u>5,000</u>	<u>10,000</u>	<u>11,000</u>	<u>-2,000</u>	<u>-1,000</u>
		<u>2nd</u>	<u>6,000</u>	<u>12,000</u>	<u>14,000</u>	<u>N/A</u>	<u>-1,000</u>
<u>16 RCNY 8-07(e)</u>	<u>Mixed with other waste</u>	<u>1st</u>	<u>10,000</u>	<u>20,000</u>	<u>22,000</u>	<u>-4,000</u>	<u>-2,000</u>
		<u>2nd</u>	<u>12,000</u>	<u>24,000</u>	<u>25,000</u>	<u>N/A</u>	<u>-2,000</u>
	<u>ABANDONMENT:</u>						
<u>16 RCNY 8-08</u>	<u>Abandonment of Asbestos waste</u>	<u>1st</u>	<u>20,000</u>	<u>25,000</u>	<u>25,000</u>	<u>-6,000</u>	<u>-4,000</u>
		<u>2nd</u>	<u>22,000</u>	<u>25,000</u>	<u>25,000</u>	<u>N/A</u>	<u>-4,000</u>

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

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

RULE TITLE: 2021 RG 037

REFERENCE NUMBER: Promulgation of Sanitation Penalty Schedule

RULEMAKING AGENCY: 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: July 20, 2021

**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: Promulgation of Sanitation Penalty Schedule

REFERENCE NUMBER: DSNY-26

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 a cure period is not practicable under the circumstances..

/s/ Francisco X. Navarro
Mayor's Office of Operations

July 20, 2021
Date