**New York City Department of Sanitation**

**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?**
Pursuant to Section 753 of the New York City Charter and Sections 16-118 and 16-120 of the New York City Administrative Code, the Department of Sanitation ("DSNY") is proposing a rule that prohibits the disposal of electronic waste and establishes penalties for those who illegally dispose of electronic waste.

**When and where is the Hearing?** DSNY will hold a public hearing on the proposed rule. The public hearing will take place at 9:30 A.M. on January 13, 2015. The hearing will be in the 3rd floor hearing room (Room 330) at 125 Worth Street, New York, NY 10013.

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

- **Website.** You can submit comments to the DSNY through the NYC rules Web site at http://rules.cityofnewyork.us.
- **Email.** You can email written comments to nycrules@dsny.nyc.gov
- **Mail.** You can mail written comments to DSNY, 125 Worth Street, Room 710, New York, NY 10013.
- **Fax.** You can fax written comments to DSNY at 212-788-3876.
- **Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing can sign up in the hearing room before the hearing begins on January 13, 2015.

**Is there a deadline to submit written comments?** The deadline for submitting written comments shall be January 13, 2015.

**Do you need assistance to participate in the Hearing?** You must contact the Department of Sanitation's Bureau of Legal Affairs if you need a reasonable accommodation because 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. You must tell us by January 6, 2014.

**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/. A few days after the hearing, 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 at 125 Worth Street, Room 710, New York, NY 10013.

**What authorizes DSNY to make this rule?** Section 753 of the City Charter, and Sections 16-118 and 16-120 of the New York City Administrative Code authorize DSNY to make this proposed rule. This proposed rule was not included in DSNY's regulatory agenda for this Fiscal Year because it was not contemplated when DSNY published the agenda.

**Where can I find 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 purpose of the proposed rule is to prohibit electronic waste from being set out for solid waste or recycling collection in New York City and to establish that it will be a violation for electronic waste to be placed out for solid waste or recycling collection.

Beginning January 1, 2015, the New York State Electronic Equipment Recycling and Reuse Act (Chapter 99 of the laws of 2010, codified as Title 26 of Article 27 of the Environmental Conservation Law) prohibits persons from disposing of electronic waste as solid waste in the State of New York. This act will prohibit electronic waste from being placed or disposed of in any solid waste management facility, or being placed out for collection for disposal at a solid waste management facility or hazardous waste management facility in the state of New York. Therefore, Department of Sanitation ("DSNY") seeks to amend its rules to clarify that it shall be a violation for any person to place electronic waste out for solid waste or recycling collection.

Pursuant to section 753 of the New York City Charter, the Commissioner of the DSNY is charged with responsibility for the functions and operations of the City related to waste disposal. Section 1043 of the New York City Charter authorizes agencies to adopt rules necessary to carry out the duties delegated to them by law. Additionally, DSNY has authority under sections 16-118 and 16-120 of the New York City Administrative Code to issue violations to persons who improperly dispose of solid waste.

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 1 of title 16 of the rules of the city of New York is amended by adding a new section 1-04.2 to read as follows:

§ 1-04.2 Disposal of Electronic Waste.

(a) Definitions. For purposes of this section, "Electronic waste" means computers (including items such as tablets and e-readers); televisions (as well as cathode ray tubes); small scale servers (such as an external storage drive that is designed to connect directly to a home or small business network); computer peripherals (such as monitors, electronic keyboards, electronic mice or similar pointing devices, facsimile machines, document scanners and printers, weighing less than 100 pounds and designed for use with a computer, including any cable, cord, or wiring permanently affixed to or incorporated into such product); television peripherals (such as VCRs, digital video recorders, DVD players, digital convertor boxes, cable or satellite receivers, and electronic or video game consoles); and portable digital music players that are discarded by any person.

(b) No person shall place out for Department solid waste or recycling collection or cause to be placed out for Department solid waste or recycling collection any electronic waste.

(c) No person shall place electronic waste out for collection by a private carter where such electronic waste is intended for disposal at a solid waste management facility or hazardous waste management facility in this state.

(d) Any person who violates this section shall be liable for a civil penalty of one hundred dollars per violation.

(e) All violations issued under this section shall be returnable to the Environmental Control Board which shall have the power to impose the penalty provided by this section.

**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:** Electronic Waste Removal

**REFERENCE NUMBER:** 2014 RG 071

**RULEMAKING AGENCY:** Department of 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: November 21, 2014

**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:** Electronic Waste Removal

**REFERENCE NUMBER:** DSNY-6

**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 the requirement for a cure period is mitigated by the sufficient notice period, and the outreach and education campaign on proper disposal of electronic waste to the regulated individuals and communities.

*/s/ Jee Kwon*
Mayor's Office of Operations

*November 21, 2014*
Date