

**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, 2013 THROUGH JUNE 30, 2014:**

**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 – DESIGNATION OF RIGID PLASTICS AS ADDITIONAL RECYCLABLE MATERIAL FOR COLLECTION**

**RATIONALE:** Section 16-305(c) of the New York City Administrative Code requires the Sanitation Commissioner to designate rigid plastics containers as a recyclable material to be source separated and collected from the Department-managed waste stream prior to delivery of Department-managed recyclables to the Sims Group recycling processing facility being constructed at the South Brooklyn Marine Terminal. This new recycling processing facility is scheduled to open and be operational in 2013. Besides traditional food containers, there are many other consumer items made of rigid plastic that the Department intends to capture in its recycling collection program. The proposed rule will add a new category of rigid plastic items to be source separated and set out by residents, city agencies and institutions for collection by the Department that will expand the City's current recycling program.

**RULE:** The Department will amend its rules by designating rigid plastics as recyclable material for source separation and collection by the Department of Sanitation.

**INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:** Residents, city agencies and institutions that receive collection service by the Department of Sanitation.

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

- (a) Sections 1-01, 1-08(a), (e), (g), and (h), and 1-09(b) of Title 16 of the Rules of the City of New York;
- (b) Section 16-305(c) 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 2014.

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

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## **2. 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 conform to any 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 2014.

**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 2014.

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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, such 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 rules in order that they conform and reflect the current requirements by the appropriate city agencies having jurisdiction over the disposal of sewage and wastewater activities, and construction and related permits on private property.

**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 2014.

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

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

**2. SUBJECT AREA: SOLID WASTE FACILITIES -- REGISTRATION REQUIREMENTS FOR RECYCLING PROCESSING FACILITIES.**

**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 and process certain materials that are, or can be recycled. The promulgation of separate rules requiring such facilities to register with the Department will enhance the Department's oversight and enforcement responsibilities in this area.

**RULE:** The Department will promulgate a rule establishing registration requirements for facilities that only receive and process recyclables designated by the Department.

**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) 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 2014.

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

**SUBJECT AREA: ENFORCEMENT – RULES GOVERNING THE IMPOUNDMENT OF TRUCKS OR VEHICLES USED TO COMMIT CERTAIN VIOLATIONS OF THE NEW YORK CITY ADMINISTRATIVE CODE.**

**RATIONALE:** Local Law 50 of 2007 authorizes the Department to impound vehicles used to unlawfully remove recyclable material from the curb that is set out by residents for Department collection. This rule would expand the Department’s existing rules governing impoundment procedures to cover other applicable violations under Title 16 of the New York Administrative Code beyond impoundments performed pursuant to section 16-119 of the Code, including the unlawful removal of designated recyclables pursuant to 16-118(7)(b) of the Code.

**RULE:** The Department will amend its rules under Section 5-08 of Title 16 of the Rules of the City of New York governing impoundment of vehicles used to commit violations of certain section of the New York City Administrative Code.

**INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:**  
Persons whose vehicles are impounded by the Department.

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

- (a) Section 5-08 of Title 16 of the Rules of the City of New York governing the impoundment of trucks or vehicles by the Department;
- (b) Section 16–118(7) of the Administrative Code of the City of New York
- (c) Section 16–119 of the Administrative Code of the City of New York; and
- (d) City Administrative Procedure Act: New York City Charter Section 1043.

**SCHEDULE FOR ADOPTION:** Fiscal Year 2014.

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