

LOCAL LAW 87 OF 1992

INT. NO. 576

By Council Member Michels (by the request of the Mayor); also Council Member Rivera.

LOCAL LAW

To amend the administrative code of the city of New York, in relation to private carter-collected waste

Be it enacted by the Council as follows:

Section 1. Section 16-306 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§16-306 Private carter-collected waste. a. The commissioner shall [, within nine months of the effective date of this chapter,] adopt and implement [regulations] rules designating recyclable materials that constitute in the aggregate at least one-half of all solid waste collected by private carters, and additional materials if the commissioner determines that economic markets exist for them. [Generators] Pursuant to subdivision b of this section, such rules shall require generators of private carter-collected waste to source separate some or all of the designated materials and to arrange for lawful collection for recycling, reuse or sale for reuse by private carters or persons other than private carters of such source separated materials. With regard to designated materials that are not required by such rules to be source separated, generators of private carter-collected waste [shall] may source separate [the] these designated materials [unless they] and, in any event, shall arrange for their lawful collection for recycling, reuse or sale for reuse by private carters or persons other than private carters. [Where] If a generator of private carter-collected waste has source separated the designated materials in accordance with the rules and arranged for the lawful collection for recycling, reuse or sale for reuse by private carters or persons other than private carters of such source separated materials and, with regard to designated materials that are not required by such rules to be source separated, arranged for lawful collection for recycling, reuse or sale for reuse by private carters or persons other than private carters, such arrangement shall constitute an affirmative defense to any proceeding brought against the generator pursuant to section 16-324 of this chapter.

b. The rules promulgated pursuant to subdivision a of this section shall require that generators of private carter-collected waste source separate the designated materials in such manner and to such extent as the commissioner determines to be necessary to minimize contamination and maximize the marketability of such materials. However, in promulgating such rules the commissioner shall not require source separation of a material unless the commissioner has determined that an economic market exists for such material. For the purpose of this section, the term "economic market" refers to instances

in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials. The commissioner of consumer affairs, in consultation with the commissioner, shall [promulgate regulations] adopt and implement rules requiring private carters to provide for the collection of, and ensure the continued separation of, designated materials that have been source separated, provide for the separation of all other designated materials, and provide for [post-collection separation and] recycling of all the designated materials [if], provided, however, that generators [do not otherwise source separate and recycle the designated] may arrange for the recycling, reuse or sale for reuse of designated materials by persons other than private carters if the designated materials have been source separated.

§ 2. Notwithstanding any other provision of this local law, this local law shall not be deemed to render invalid any rule promulgated prior to the effective date of this local law by the commissioner or the commissioner of consumer affairs.

§ 3. The rules required to be promulgated by the commissioners of sanitation and consumer affairs pursuant to section 16-306 of the administrative code, as amended by this local law, shall be promulgated on or before July 1, 1993 and shall take effect no earlier than July 1, 1993.

§ 4. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.