

Environmental Control Board

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board (ECB) in accordance with Sections 1043 (a) and 1049-a of the New York City Charter and by Local Law 77 of 2013 (Local Law 77), as codified in Section 16-308 of the NYC Administrative Code. The Environmental Control Board (ECB) has amended its Sanitation Penalty Schedule found in Section 3-122 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York. This schedule contains penalties for notices of violation issued by the New York City Department of Sanitation (DSNY). The rule amends the Sanitation penalty schedule to reflect the relettering of certain subdivisions of section 16-308 of the New York City Administrative Code by Local Law 77. The penalty amounts for these violations remain unchanged. The rule was published in The City Record on May 9, 2014 and a Public Hearing was held on June 11, 2014.

Statement of Basis and Purpose of Final Rule

On October 2, 2013, Mayor Bloomberg signed into law Intro 1107-A, which became Local Law 77 of 2013 (Local Law 77), in relation to the collection of food waste. Specifically, this law codified the Department of Sanitation's (DSNY) organic waste collection pilot program and made several technical amendments to section 16-308 of the New York City Administrative Code.

The ECB held a public hearing on June 11, 2014 regarding amendments to its Sanitation Penalty Schedule found in Section 3-122 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York relating to organic waste recycling. Neither written comments nor oral testimony were presented at the June 11, 2014 public hearing concerning the proposed rule regarding amendments to its Sanitation Penalty Schedule.

Several subdivisions of section 16-308 that DSNY currently enforces were relettered. These sections relate to a city yard waste collection program. The rule amends ECB's Sanitation Penalty Schedule to reflect the relettering of subdivisions of section 16-308 by Local Law 77. The penalties for these violations remain unchanged.

The former subdivision (e) of section 16-308 of the Administrative Code establishes requirements related to the manner in which yard waste should be set out for collection by DSNY. Local Law 77 relettered subdivision (e) as subdivision (f).

The former subdivision (f) of section 16-308 of the Administrative Code, establishes requirements applicable to business that generate yard waste. Local Law 77 relettered subdivision (f) as subdivision (g).

ECB’s authority for these rules is also found in section 1049-a of the New York City Charter.

New material is underlined.
 [Deleted material is in brackets.]

Section 1. The Environmental Control Board has amended its Sanitation Penalty Schedule found in Section 3-122 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York by amending the entries for 16-308(e) and 16-308(f), to read as follows:

Section/Rule	Description	Offense	Penalty	Default
[16-308(e)] <u>16-308(f)</u>	Improper receptacle for yard waste (Resident—One to eight dwelling units)	1st	\$25	\$25
		2 nd	\$50	\$50
		3 rd	\$100	\$100
[16-308(e)] <u>16-308(f)</u>	Improper receptacle for yard waste (Resident-Nine or more dwelling units)	1st	\$100	\$100
		2 nd	\$200	\$200
		3 rd	\$400	\$400
		Persistent Violator* (fourth and any subsequent violation)	\$400	\$400

		within a period of six months from the issuance of the first violation)		
[16-308(f)] <u>16-308(g)</u>	Improper Dispersal of Yard Waste (Business Generating Yard Waste)	1st	\$250	\$250
		2 nd	\$1000	\$1000
		3 rd	\$2500	\$2500
[16-308(f)] <u>16-308(g)</u>	Improper Disposal of Yard Waste (Business Generating Yard Waste)	1st	\$250	\$250
		2 nd	\$1000	\$1000
		3 rd	\$2500	\$2500