

## **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 and 1049-a of the New York City Charter and Chapter 4-D of Title 16 of the New York City Administrative Code. The ECB has amended its Sanitation Penalty Schedule, which is found in Section 3-122 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York. It contains penalties for notices of violation issued by the New York City Department of Sanitation (DSNY). The rule was published in The City Record on February 11, 2015 and a public hearing was held on March 13, 2015.

### **Statement of Basis and Purpose of Final Rule**

On August 12, 2013, Mayor Bloomberg signed into law Intro. No. 893-A, which was designated as Local Law No. 57 of 2013 (LL 57). This law created a new chapter in Title 16 of the Administrative Code of the City of New York, Chapter 4-D, which established several new violations related to the bulk collection of recyclable containers using motor vehicles. ECB then conducted its rulemaking process, and amended its Sanitation Penalty Schedule to reflect this new law.

The manner in which the rules were promulgated during the last rulemaking process unintentionally did not make clear whether certain violations applied to vehicle owners. The technical change in the rule restores the intended purpose of the law to apply to vehicle owners.

ECB's authority for these rules is found in Chapter 4-D of Title 16 of the Administrative Code of the City of New York and Sections 1043(a) and 1049-a of the New York City Charter.

The ECB held a public hearing on March 13, 2015 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. No members of the public attended the public hearing. Neither written comments nor oral testimony were presented at the March 13, 2015 public hearing concerning the Proposed Rule regarding amendments to ECB's Sanitation Penalty Schedule.

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

**Section 1. The Environmental Control Board has amended its Department of 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 revising the entry in that schedule for Admin. Code Section 16-471 to read as follows:**

Section/Rule	Description	Offense	Penalty	Default
16-471[(a)]	Use of motor vehicle to unlawfully accept, receive, or collect recyclable containers in bulk from more than one person on or in any street (Vehicle Owner)		\$1,000	\$1,000
16-471[(b)]	Unlawful transfer of recyclable containers in bulk from one vehicle to another on or in any street where one or more of the vehicles has a commercial license plate (Vehicle Owner)		\$1,000	\$1,000