

## **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-E 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 May 15, 2015 and a public hearing was held on June 15, 2015.

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

The Environmental Control Board (ECB) held a public hearing on June 15, 2015 regarding amendments to its Sanitation Penalty Schedule. The Sanitation Penalty Schedule is found in Section 3-122 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York. One individual from the public attended the June 15, 2015 public hearing. No written comments or oral testimony concerning this Proposed Rule were received at the June 15, 2015 public hearing.

Local Law 69 (LL 69) of 2013 holds the manufacturers of refrigerant-containing appliances responsible for the lawful recovery of refrigerants from appliances disposed of by residents. Since the enactment of LL 69, the Department of Sanitation (DSNY) has adopted amendments to Chapter 17 of Title 16 of the Rules of the City of New York. DSNY's rules:

- Establish the registration requirements for "responsible parties," meaning the brand owner or manufacturer of refrigerant-containing appliances;
- Describe the obligations of responsible parties, including the requirement to indicate whether they will establish their own recovery program, participate with other responsible parties in a recovery program, or partake in DSNY's recovery program;
- Establish fees associated with DSNY's refrigerant recovery program, and describe the required information that must be contained in the biannual bill sent by DSNY to a responsible party;
- Create a process by which a responsible party can challenge DSNY's biannual bill;
- Establish annual reporting requirements for responsible parties who establish their own or participate with other responsible parties in refrigerant recovery programs;
- Establish violations and fines for failing to comply with certain requirements of the rule;

- Establish a violation, punishable by a fine of \$500, for any responsible party who disposes of a refrigerant-containing appliance without arranging for the lawful recovery of the appliance’s refrigerants, as provided by LL 69; and
- Establish that enforcement proceedings may be brought as civil actions or in a proceeding before the Environmental Control Board (ECB).

To enforce the amendments to Chapter 17 of Title 16 of the Rules of the City of New York related to the proper disposal of refrigerants, ECB has amended its Sanitation Penalty Schedule to create penalties for violations of these rules.

ECB’s authority for these rules is found in Chapter 4-E 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.

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 adding an entry after 16 RCNY 11-02(a)(b), for Late Filing of Medical Waste Plans or Reports Within 30 days as per RCNY 11-02(c), to read as follows:**

<b>Section/Rule</b>	<b>Description</b>	<b>Offense</b>	<b>Penalty</b>	<b>Default</b>
<u>16 RCNY 17-06(a)</u>	<u>Failure to submit a registration or annual report</u>		<u>\$250</u>	<u>\$250</u>
<u>16 RCNY 17-06(b)</u>	<u>Responsible party failed to comply with Federal regulations when recovering refrigerants</u>		<u>\$500</u>	<u>\$500</u>
<u>16 RCNY 17-06(c)</u>	<u>Improper disposal of an appliance by a responsible</u>		<u>\$500</u>	<u>\$500</u>

	<u>party without arranging for the lawful recovery of refrigerants</u>			
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