

**City of New York  
Environmental Control Board**

**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Environmental Control Board (ECB) proposes to amend 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).

**When and where is the Hearing?** ECB will hold a public hearing on the proposed rules. The public hearing will take place at 2:00 p.m. on March 13, 2015. The hearing will be in the ECB Conference Room located at 66 John Street, 10th Floor, NY, NY 10038.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the ECB through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to Rules\_Oath@oath.nyc.gov.
- **Mail.** You can mail written comments to ECB, Attention: James Macron, Counsel to the Board, ECB, 66 John Street, 10<sup>th</sup> Floor, New York, N.Y. 10038.
- **Fax.** You can fax written comments to ECB, 212-361-1900.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Elizabeth Nolan at 212-436-0708. You can also sign up in the hearing room before the hearing begins on March 13, 2015. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** You may submit written comments up to March 13, 2015.

**Do you need assistance to participate in the Hearing?** You must tell ECB staff if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-436-0708. You must tell us by March 6, 2015.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the ECB's office located at 66 John Street, 10<sup>th</sup> Floor, New York, NY 10038.

**What authorizes ECB to adopt this rule?** 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 authorize ECB to adopt this proposed rule. This proposed rule was not included in ECB’s regulatory agenda for this Fiscal Year because it was not contemplated when ECB published the agenda.

**Where can I find ECB’s rules?** ECB’s rules are in Title 48 of the Rules of the City of New York.

**What laws govern the rulemaking process?** ECB must meet the requirements of Section 1043(b) of the Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the Charter.

**Statement of Basis and Purpose**

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 proposed technical change in the rule will restore 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.

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

**Section 1. The Environmental Control Board proposes to amend 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:**

<b>Section/Rule</b>	<b>Description</b>	<b>Offense</b>	<b>Penalty</b>	<b>Default</b>
16-471[(a)]	Use of motor vehicle to unlawfully accept,		\$1,000	\$1,000

	receive, or collect recyclable containers in bulk from more than one person on or in any street (Vehicle Owner)			
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

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Amendment of Sanitation Penalty Schedule (Collection of Recyclable Materials)

**REFERENCE NUMBER:** 2014 RG 105

**RULEMAKING AGENCY:** Environmental Control Board

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: December 30, 2014

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Sanitation Penalty Schedule (Collection of Recyclable Materials)**

**REFERENCE NUMBER: OATH-ECB-52**

**RULEMAKING AGENCY: OATH-ECB**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

December 30, 2014  
Date