

**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 repeal certain provisions of 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 10:00 a.m. on September 6, 2016. The hearing will be in the ECB Conference Room located at 66 John Street, 10th Floor, NY, NY 10038.

This location has the follow accessibility option(s) available:

Accessibility Not Applicable

Wheelchair Accessible

Assistive Listening (Ear)

Blind or Low Vision Accessible

Large Print

Audio Description for TV Film

Universal Information

Telephone Typewriter

Hearing with T-Coil

Assistive Listening (Telephone)

Closed Captioning

Sign Language Interpretation

Braille

Open Captioning

Communication Access Real-Time
Translation

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 comments to Rules_Oath@oath.nyc.gov.
- **Mail.** You can mail comments to OATH ECB, Attention: Simone Salloum, Assistant General Counsel, OATH ECB, 66 John Street, 10th Floor, New York, N.Y. 10038.
- **Fax.** You can fax 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 September 6, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? You may submit written comments up to September 6, 2016.

Do you need assistance to participate in the hearing? You must tell OATH 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 August 30, 2016.

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 OATH ECB office located at 66 John Street, 10th Floor, New York, NY 10038.

What authorizes OATH ECB to adopt this rule? 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 authorize OATH 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 OATH ECB published the agenda.

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

What laws govern the rulemaking process? OATH 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

Local Law 75 of 2016, which takes effect on August 12, 2016, modifies the penalty amounts for violations of section 16-118(1) of the Administrative Code. This provision prohibits littering and spitting in public places. Section 16-118(9) (c) of the law provides for a first offense penalty of \$75, a second offense penalty of not less than \$250 and not more than \$350 dollars and a third offense penalty of not less than \$350 and not more than \$450. In addition, section 16-118(11) provides that, in the event of a default, an additional penalty will be imposed not exceeding 150 percent of the penalties stated in section 16-118(9)(c), .

Because the penalties for violation of section 16-118(1) currently contained in ECB's rules do not comply with the new law, ECB is proposing to amend its Sanitation Penalty Schedule to repeal penalties for violation of section 16-118(1).

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 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 repealing the following entries:

Section/Rule	Description	Offense	Penalty	Default
[16 -118(1)**	Littering	1st	\$100	\$450]
[16 -118(1)**	Littering	2nd	\$250	\$450]
[16 -118(1)**	Littering	3rd	\$350	\$450]
[16 -118(1)**	Sweep Out	1st	\$100	\$450]
[16 -118(1)**	Sweep Out	2nd	\$250	\$450]
[16 -118(1)**	Sweep Out	3rd	\$350	\$450]
[16 -118(1)**	Throw Out	1st	\$100	\$450]
[16 -118(1)**	Throw Out	2nd	\$250	\$450]
[16 -118(1)**	Throw Out	3rd	\$350	\$450]