

**THE CITY OF NEW YORK
DEPARTMENT OF SANITATION**

**NOTICE OF ADOPTION OF FINAL RULES GOVERNING THE DISPOSAL OF
ELECTRONIC WASTE**

NOTICE IS HEREBY GIVEN in accordance with the requirements of Section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by sections 753 of the New York City Charter and sections 16-118 and 16-120 of the New York City Administrative Code that the Department adopts the following rule governing the disposal of electronic waste. The Department published a Notice of Opportunity to Comment on the proposed rules in the *City Record* on December 5, 2014. On January 13, 2015 the Department held a public hearing on the proposed rules.

Statement of Basis and Purpose of Final Rule

The purpose of the rule is to prohibit electronic waste from being set out for solid waste or recycling collection in New York City and to establish that it will be a violation for electronic waste to be placed out for solid waste or recycling collection.

As of January 1, 2015, the New York State Electronic Equipment Recycling and Reuse Act (Chapter 99 of the laws of 2010, codified as Title 26 of Article 27 of the Environmental Conservation Law) prohibits persons from disposing of electronic waste as solid waste in the State of New York. This act prohibits electronic waste from being placed or disposed of in any solid waste management facility, or being placed out for collection for disposal at a solid waste management facility or hazardous waste management facility in the state of New York. Therefore, the Department of Sanitation (“DSNY”) is amending its rules to clarify that it is a violation for any person to place electronic waste out for solid waste or recycling collection.

Pursuant to section 753 of the New York City Charter, the Commissioner of DSNY is charged with responsibility for the functions and operations of the City related to waste disposal. Section 1043 of the New York City Charter authorizes agencies to adopt rules necessary to carry out the duties delegated to them by law. Additionally, DSNY has authority under sections 16-118 and 16-120 of the New York City Administrative Code to issue violations to persons who improperly dispose of solid waste.

To further clarify the responsibilities placed upon persons placing electronic waste out for collection by a private carter, DSNY added definitions of hazardous waste management facility and solid waste management facility to the final rule.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Chapter 1 of title 16 of the rules of the city of New York is amended by adding a new section 1-04.2 to read as follows:

§ 1-04.2 Disposal of Electronic Waste.

(a) Definitions. For purposes of this section:

"Electronic waste" means computers (including items such as tablets and e-readers); televisions (as well as cathode ray tubes); small scale servers (such as an external storage drive that is designed to connect directly to a home or small business network); computer peripherals (such as monitors, electronic keyboards, electronic mice or similar pointing devices, facsimile machines, document scanners and printers, weighing less than 100 pounds and designed for use with a computer, including any cable, cord, or wiring permanently affixed to or incorporated into such product); television peripherals (such as VCRs, digital video recorders, DVD players, digital

converter boxes, cable or satellite receivers, and electronic or video game consoles); and portable digital music players that are discarded by any person.

“Hazardous Waste Management Facility” means a facility that receives from off-site any hazardous waste for purposes of treatment, storage or disposal.

“Solid waste management facility” means any facility employed beyond the initial solid waste collection process for the storage, processing, or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including, but not limited to, transfer stations, baling facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, facilities for the disposal of construction and demolition debris, plants and facilities for compacting, composting or pyrolyzation of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities. Solid waste management facility shall not include an electronic waste recycling facility.

- (b) No person shall place out for Department collection or cause to be placed out for Department collection any electronic waste or place out or cause to be placed out any electronic waste when such electronic waste is otherwise intended for disposal at a solid waste management facility or hazardous waste management facility in this state.
- (c) Any person who violates this section shall be liable for a civil penalty of one hundred dollars per violation.
- (d) All violations issued under this section shall be returnable to the Environmental Control Board which shall have the power to impose the penalty provided by this section.

