

**THE CITY OF NEW YORK
DEPARTMENT OF SANITATION
NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT ON**

**PROPOSED AMENDMENTS TO RULES GOVERNING
DEPARTMENT COLLECTION OF DESIGNATED RECYCLABLE MATERIALS
FROM RESIDENTIAL BUILDINGS, CITY AGENCIES AND INSTITUTIONS**

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 section 753(a) and (b) of the New York City Charter and by section 16-304 of the Administrative Code of the City of New York that the Department proposes to adopt the following amendments to sections 1-08 and 1-09 of Chapter 1 of Title 16 of the Rules of the City of New York governing the collection of designated recyclable materials in residential buildings, City agencies and institutions. Existing provisions to be deleted are shown below in brackets and new provisions are underlined.

Written comments regarding the amendment to these rules and regulations may be sent to the office of the Deputy Commissioner for Legal Affairs, New York City Department of Sanitation, 125 Worth Street, Room 710, New York, New York 10013 on or before April 19, 2004. In addition, a public hearing regarding the proposed amendments will be held on April 19, 2004 at 125 Worth Street, Room 708, New York, New York from 9:30 A.M. to 11:00 A.M. Persons seeking to testify are requested to notify the Deputy Commissioner at the foregoing address. Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m. at the office of the Deputy Commissioner. Dated: March 19, 2004. John J. Doherty, Commissioner.

Section 1. Subdivisions (a), (e), (g) and (h) of section 1-08 of chapter 1 of title 16 of the rules of the city of New York are amended to read as follows:

(a) *Designated recyclable materials.* Pursuant to §§16-304 and 16-305 of the New York City Administrative Code the following materials are designated as recyclable materials for purposes of this section: metal cans, metal items, aluminum foil, aluminum foil products, containers made of glass, and plastic bottles and jugs and beverage cartons (collectively referred to as designated recyclable metal, glass and plastic); and newspaper, magazines, catalogs, phone books, mixed paper and corrugated cardboard (collectively referred to as designated recyclable paper). This subdivision notwithstanding, designated recyclable paper and aluminum foil and aluminum foil products that are substantially soiled with food, paint or some other contaminating material shall not be considered a designated recyclable material.

(e) *Recycling containers.*

(1) *Rigid containers for curbside recycling collection service:*

(i) Rigid containers for designated recyclable paper: Designated recyclable paper may be placed out for curbside collection in rigid containers provided such containers are: (A) a minimum of 18 and a maximum of 32 gallons in capacity; (B) covered by a lid; (C) in compliance with subparagraph (2) (iv) of this subdivision; and (D) clearly labeled three times with the words "Recycling: Mixed Paper", or some variation thereof, in letters no less than four inches in height. Alternatively, Department Mixed Paper Recycling Program Decals may be used to label containers. Labels shall appear twice on the container, on opposite sides, and once on the lid of the container. The Department recommends that rigid containers for curbside recycling collection of designated recyclable paper be green in color, however, such containers are not required to be green.

(ii) Rigid containers for designated recyclable metal, glass and plastic: Designated recyclable metal, glass and plastic may be placed out for curbside collection in rigid containers provided such containers are: (A) a minimum of 18 and a maximum of 32 gallons in capacity; (B) covered by a lid; (C) in compliance with subparagraph (2)(iii) of this subdivision; and (D) clearly labeled three times with the words "Recycling: Glass Containers, Plastic Bottles, Jugs, Beverage Cartons and Cans", or some variation thereof, in letters no less than four inches in height. Alternatively, Department Metal, Glass and Plastic Recycling Program Decals may be used to label containers. Labels shall appear twice on the container, on opposite sides, and once on the lid of the container. In addition, Department-issued blue residential recycling containers may be used for curbside collection of designated recyclable metal, glass and plastic. The Department recommends that rigid containers for curbside recycling collection of designated recyclable metal, glass and plastic be blue in color, however, such containers are not required to be blue.

(2) Plastic bags for curbside collection service:

(i) Plastic bags for designated recyclable paper: Designated recyclable paper consisting of mixed paper may be placed out for curbside collection in plastic bags, provided such bags are: (A) a minimum of 13 and a maximum of 55 gallons in capacity; (B) clear and not colored; and (C) constructed of low density polyethylene or linear low density polyethylene. All other recyclable paper shall be placed out for curbside collection as specified in subparagraph (h)(2)(i) of this section.

(ii) Plastic bags for designated recyclable metal, glass and plastic: Designated recyclable metal, glass and plastic may be placed out for curbside collection in plastic bags, provided such bags are: (A) a minimum of 13 and a maximum of 55 gallons in capacity; (B) clear and not colored; (C) constructed of low density polyethylene or linear low density polyethylene; and (D) comply with subparagraph (2) (iv) of this subdivision.

(iii) Materials other than designated recyclable paper and designated recyclable metal, glass and plastic may not be placed out for Department collection in clear plastic bags unless, pursuant to subdivision (i) of this section, the Commissioner has required the use of transparent bags for purposes of monitoring compliance with this section.

(iv) Rigid recycling containers and clear plastic recycling bags for designated recyclable paper and designated recyclable metal, glass and plastic, shall be manufactured by a manufacturer that, on an annual basis, uses at least 25% post-consumer material overall in its production of such rigid containers or bags. For the purposes of this subparagraph, "post-consumer material" shall have the same meaning as defined in subdivision (g) of §16-303 of the Administrative Code. Any written statement from the manufacturer of rigid containers or plastic bags that it has complied with the post-consumer content requirements for such containers or bags shall relieve the user of such containers or bags from liability for deviation from post-consumer content requirements.

(3) *Containers for mechanized collection service of designated recyclable paper:* Containers for mechanized collection shall be capable of being serviced by Department collection vehicles. [Separate containers shall be used for each of the following classes of designated recyclable materials that are collected via mechanized collection service:

(i) designated recyclable metal and plastic; and

(ii) designated recyclable paper. Containers used for mechanized collection of designated recyclable metal and plastic shall be dark blue in color.] Containers used for mechanized collection of designated recyclable paper shall be white in color. Containers shall be clearly labeled to indicate [what type of] designated recyclable [materials] paper may be properly placed therein. In conjunction with its determination to provide mechanized collection service under subdivision (d) of this section, the Department may supply additional specifications for containers for mechanized collection service, and shall provide information as to where containers that comply with Department specifications may be purchased.

(g) *Responsibilities and pre-collection recycling procedures for residents of residential buildings - Curbside or mechanized collection service:*

Residents of residential buildings shall:

(1) separate from other materials designated recyclable materials that are required to be recycled and shall place such separated materials in the appropriate containers or as otherwise directed by the owner, net lessee or person in charge of such building in accordance with subdivision (f) of this section;

(2) not place materials that are not required to be recycled in recycling containers; and

(3) rinse and/or clean food and/or residue from metal cans, glass containers, plastic bottles and jugs, and aluminum foil and aluminum foil products prior to the placement of such materials in the appropriate containers. In addition, in buildings receiving curbside collection service for designated recyclable paper, residents shall tie newspapers, magazines, catalogs, phone books and corrugated cardboard into bundles not exceeding eighteen inches in height, when required to do so by the owner, net lessee or person-in-charge and when notified of such

requirement as set forth in paragraph (f)(1) of this section. In buildings in which designated recyclable materials are collected at individual dwelling units or at locations other than the designated storage area, residents are responsible for separating designated recyclable materials from non-designated materials prior to placing such materials out for collection.

(h) *Collection procedures for designated recyclable and other materials.* The owner, net lessee, or person-in-charge of a residential building shall be responsible for the following. The responsibilities set forth in this subdivision shall also apply to residents of buildings of less than three dwelling units in which as a matter of regular practice the resident is responsible for bringing his/her solid waste to curbside for collection:

(1) *Designated recyclable metal, glass and plastic:*

(i) *Curbside collection service.* Designated recyclable metal, glass and plastic (other than bulk metal) that is collected for recycling via curbside recycling collection service shall be placed at curbside in containers or plastic bags complying with subparagraphs (e)(1)(ii) or (e)(2)(ii) of this section on the day(s) specified for recycling collection by the Commissioner. Bulk metal shall be placed next to such containers on such days.

(ii) *Mechanized collection service.* [Designated recyclable metal and plastic (other than bulk metal) that is collected for recycling via mechanized collection service shall be placed in containers complying with paragraph (e)(3) of this section. On the day of recycling collection, containers shall be placed in an area determined by the Commissioner to be accessible to Department vehicles.] Owners, net lessees or persons-in-charge shall call their district garage to make arrangements for recycling collection of bulk metal.

(2) *Designated recyclable paper:*

(i) *Curbside collection service.* Newspaper, magazines, catalogs, phone books and corrugated cardboard that are collected via curbside collection service shall be placed out for collection in securely tied bundles. Bundles shall not exceed eighteen inches in height. Mixed paper required to be recycled shall be placed out for curbside collection in rigid containers or plastic bags complying with subparagraphs (e)(1)(i) or (e)(2)(i) of this section. Other designated recyclable paper (i.e., newspapers, magazines, phone books, and corrugated cardboard) shall be placed out for curbside collection in such rigid containers or plastic bags or in securely tied bundles, which shall not exceed eighteen inches in height. Corrugated cardboard shall be broken into small pieces (no larger than 9 inches by 11 inches) before being placed into rigid containers or plastic bags.

(ii) *Mechanized collection service.* Designated recyclable paper that is collected via mechanized collection service shall be placed in containers complying with paragraph (e)(3) of this section. Corrugated cardboard shall be collapsed and placed into containers in a manner which will enable such material to fall freely from containers during collection. On the day of collection, containers shall be placed in an area determined by the Commissioner to be accessible to Department vehicles.

(3) *Non-designated material.* Materials that are not required to be source separated for recycling shall be removed from both curbside and mechanized collection recycling containers prior to recycling collection day.

(4) *Designated recyclable materials.* Designated recyclable materials that have been source separated as required by subdivision (g) of this section shall not be placed out for collection in the same container as non-designated material.

§ 2. Subdivisions (a), (b), (g) and (i) of section 1-09 of chapter 1 of title 16 of the rules of the city of New York are amended to read as follows:

(a) *Agency/Institution facility:* For purposes of this section, unless the context clearly indicates otherwise, a “facility within an agency/institution” or a “facility” shall mean a unit, or part of a unit, within an agency/institution that is located in one building or several buildings that operate as an integrated whole.

(b) *Designated recyclable materials:* Pursuant to §§16-304 and 16-307 of the New York City Administrative Code, the following materials are designated as recyclable materials: metal cans, metal items, aluminum foil, aluminum foil products, glass containers and plastic bottles and jugs and beverage cartons (collectively referred to as designated recyclable metal, glass and plastic); newspaper, magazines, corrugated cardboard, high grade office paper, catalogs, phone books, and mixed paper (collectively referred to as designated recyclable paper), and bulk waste. The requirement that a specific designated recyclable material be source separated or separated post-collection shall be scheduled as required by subdivision (e) of this section. Implementation schedules for specific designated recyclable materials may vary pursuant to the provisions of subdivision (e).

(g) *Recycling programs in facilities within agency/institutions that receive Department collection service.*

(1) *Pre-collection source separation requirements and procedures:*

(i) Agencies/institutions shall notify employees of the requirements of the recycling program(s) for the facility or facilities in which they work, including what designated recyclable materials are required to be source separated.

(ii) Facilities shall appoint a facility recycling coordinator and, in facilities that occupy more than one floor or functional area, a recycling coordinator for each floor or functional area. Facility recycling coordinators may also act as floor or functional area coordinators and floor or functional area coordinators may be responsible for more than one floor or functional area in one facility. Facility recycling coordinators shall act as liaisons with the agency/institution recycling coordinator and the Department to ensure that the requirements of the facility's

recycling program are met, notify the agency/institution recycling coordinator and the Department within a reasonable time if there is a change in such program and coordinate with the Department the collection of bulk waste and all designated recyclable materials generated by the facility.

(iii) Separate containers shall be made available for the pre-collection source separation of each of the following classes of designated recyclable materials:

(A) designated recyclable metal, glass and plastic;

(B) designated recyclable paper; and

(C) where appropriate, bulk waste or additional recyclable materials designated under subdivision (c) of this section. Such containers shall be placed, in accordance with all applicable laws, codes, rules and regulations, in areas reasonably accessible to all employees. Recycling containers shall be clearly [labelled] labeled to indicate what type of designated recyclable materials may be properly placed therein.

(iv) The Department shall initially supply each facility with a sufficient number of containers for the pre-collection source separation of designated recyclable paper. The number of such containers supplied shall be determined on a case by case basis by the Department in consultation with the facility. However, if a facility requires additional containers because it generates more designated recyclable paper than initially anticipated, upon request, the Department shall supply additional containers. Agencies/institutions shall be responsible for taking reasonable measures to ensure that such containers are used only for designated recyclable paper and that such containers are not lost or stolen.

(v) Containers made of metal, glass, plastic and aluminum foil and aluminum foil products that are required to be source separated shall be empty and rinsed, if necessary, so that they are free from food and beverage prior to their placement in the appropriate container.

(2) *Collection requirements and procedures:* Management in charge of facility maintenance shall be responsible for ensuring the following:

(i) Designated recyclable materials that have been source separated shall be collected and maintained in separate containers. Such containers shall be stored, in accordance with all applicable laws, codes, rules and regulations, in a central area or, where appropriate, in central areas for collection by the Department. Designated recyclable materials shall be prepared for collection on the collection day(s) designated by the Department for collection of such materials.

(ii) Separate containers shall be made available for the collection and storage of each of the following classes of designated recyclable materials:

(A) designated recyclable metal, glass and plastic;

(B) designated recyclable paper; and

(C) where appropriate, bulk waste or additional recyclable materials designated under subdivision (c) of this section. Such containers shall be clearly [labelled] labeled to indicate what type of designated recyclable materials may be properly placed therein.

- (iii) The Department shall initially supply each facility with a sufficient number of recycling containers for the collection and storage of designated recyclable paper. The number of such collection containers supplied shall be determined on a case by case basis by the Department in consultation with the facility. However, if a facility requires additional containers because it generates more designated recyclable paper than initially anticipated, upon request, the Department shall supply additional containers. Building management shall be responsible for taking reasonable measures to ensure that such containers are used only for designated recyclable paper and that containers are not lost or stolen.
- (iv) Curbside collection of newspaper, magazines, catalogs, phone books, high grade office paper, mixed paper and corrugated cardboard: In facilities receiving Department curbside collection service for newspaper, magazines, catalogs, phone books, and corrugated cardboard, such materials shall be placed out for collection in securely tied bundles not exceeding eighteen inches in height. In facilities receiving Department curbside collection service for mixed paper and high grade office paper, such materials may be placed out for curbside collection in plastic bags, provided such bags are: (A) a minimum of 13 and a maximum of 55 gallons in capacity; (B) clear and not colored; and (C) constructed of low density polyethylene or linear low density polyethylene; and (D) comply with subparagraph (2) (viii) of this subdivision.
- (v) Mechanized collection of newspaper, magazines, catalogs, phone books, high grade office paper, mixed paper and corrugated cardboard: In facilities receiving Department mechanized collection service for newspaper, magazines, catalogs, phone books, high grade office paper, mixed paper and corrugated cardboard, such materials shall be placed out for collection in containers for mechanized collection that have been approved or supplied by the Department. In addition, corrugated cardboard shall be collapsed and placed into the containers in a manner

that will enable the cardboard to fall freely from such containers during collection.

- (vi) Plastic bags for designated recyclable metal, glass and plastic: Designated recyclable metal, glass and plastic may be placed out for curbside collection in plastic bags, provided such bags are: (A) a minimum of 13 and a maximum of 55 gallons in capacity; (B) clear and not colored; (C) constructed of low density polyethylene or linear low density polyethylene; and (D) comply with subparagraph (2)(viii) of this subdivision.
- (vii) Designated recyclable paper (other than mixed paper and high grade office paper) may not be placed out for Department collection in clear plastic bags unless the Commissioner has required the use of transparent bags for purposes of monitoring compliance with this section.
- (viii) Clear plastic recycling bags for designated recyclable paper and designated recyclable metal, glass and plastic shall be manufactured by a manufacturer that, on an annual basis, uses at least 25% post-consumer material overall in its production of such bags. For the purposes of this subparagraph, "post-consumer material" shall have the same meaning as defined in subdivision (g) of §16-303 of the Administrative Code. Any written statement from the manufacturer of plastic bags that it has complied with the post-consumer content requirements for such bags shall relieve the user of such bags from liability for deviation from post-consumer content requirements.

(i) *Recycling programs in facilities within city agencies that provide their own collection service:*

(1) Recycling programs in City agency facilities that provide their own collection service shall provide for source separation of designated recyclable materials into the following classes:

- (i) designated recyclable metal, glass and plastic;
- (ii) designated recyclable paper;
- (iii) bulk waste; and
- (iv) additional recyclable materials designated under subdivision (c) of this section.

Notwithstanding the preceding sentence, City agency facilities that provide their own collection service may, with Department approval, source separate

designated recyclable materials into fewer classes of materials. Factors to be considered in granting such approval include, but are not limited to, whether the quantity of designated recyclable materials recovered for recycling would decrease significantly and whether the ability to recycle the recovered materials would be adversely affected.

(2) Facilities shall appoint a facility recycling coordinator to ensure compliance with the facility's recycling program and to notify his/her agency recycling coordinator and the Department within a reasonable time of any change in such program.

(3) Facilities shall document the type(s) of material(s) collected for recycling and the tonnage collected unless such materials are delivered for recycling to Department facilities or Department contractors. Tonnage shall be documented for each class of designated recyclable materials. Such documentation shall be submitted to the Department on a monthly basis.

§ 3. The provisions of sections one and two of these rules shall take effect immediately.

Statement of Basis and Purpose: Local Law No. 11 of 2002, which added New York City Administrative Code § 16-325, authorized the Department of Sanitation, by written order of the Sanitation Commissioner, to suspend the collection of glass, as a designated recyclable material, through June 30, 2004. Subsequently on July 16, 2003, Local Law No. 50 of 2003 amended §16-325 by requiring the Department of Sanitation to resume the collection of glass recyclables on April 1, 2004.

Pursuant to Local Law No. 50, the suspension of glass recyclables collection expires on March 31, 2004. These amendments conform §§ 1-08 and 1-09 to Local Law No. 50 and a General Order to be issued by the Commissioner on April 1, 2004.

Subdivisions (e) and (h) of §1-08 reflect operational changes by the Department to its recycling collection program relating to the discontinuation of mechanized collection service of designated recyclable metal and plastic. However, the Department will continue to collect designated recyclable paper by mechanized service in certain buildings already receiving this service. Consequently, all designated recyclable metal, glass and plastic must be placed out for collection in clear plastic bags.

The Sanitation Commissioner is authorized to adopt rules relating to the collection and removal of recyclable materials pursuant to §753 of the New York City Charter, and §§16-304 and 16-305 of the New York City Administrative Code.