

Rules Governing the Recycling of Private Carter-Collected Waste
Effective September 30, 1993

Definitions

Beverage cartons: means coated cardboard cartons or boxes, including milk and juice cartons or boxes, gable-top cartons and aseptic packages.

Bulk metal: means metal items that are too heavy or large to lift or fit into recycling containers, including large metal appliances.

Bulk waste: includes large glass, metal, ceramic, porcelain and/or wood items, including, but not limited to, furniture such as chairs, tables and desks; household appliances such as refrigerators, freezers, stoves, washing machines, dishwashers; hot water tanks; and trash compactors; sinks; corrugated roofing; aluminum siding; storm window and door frames; sewer pipes; brass fittings; copper pipes and fittings; and scrap lumber.

City agency or agency: means all city mayoral and non-mayoral agencies. Excluded from the definition of city agency or agency are city-owned buildings, including residential units within buildings, that are leased to entities other than New York City governmental entities. A city-owned building, or part of a building, that is leased for residential purposes shall be covered by §1-09 (recycling rules for residential buildings). A city-owned building, or part of a building, that is leased for non-residential purposes shall be covered by §1-10 (recycling rules for private-carter collected waste) unless such building is leased to a facility or organization that qualifies as an institution as defined in this section.

Commercial occupants: means every and any occupant within a residential building who engages in or operates any business, trade or profession for profit.

Construction waste: means construction waste shall include non-putrescible waste materials resulting from building demolition, construction, alteration and excavation, including, but not limited to materials such as dirt, earth, plaster, concrete, rock, rubble, slag, ashes, tree stumps, roots and waste timber and lumber.

Curbside collection: means collection service where building solid waste and/or designated recyclable material collected by the Department is placed at the curbside of such building in containers or bundles which are then manually emptied by Department personnel into collection vehicles. The commencement of curbside collection of designated recyclable materials shall be scheduled on a district-by-district basis.

Designated recyclable glass, metal and plastic: includes: containers made of glass; metal cans; plastic bottles and jugs; aluminum foil and aluminum foil products; and metal items, as such term is defined in this section.

Designated recyclable paper: includes: newspaper; magazines; catalogs; phone books; corrugated cardboard; and mixed paper, as such term is defined in this section.

Economic market: refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials.

Film plastic: means non-rigid plastic wrap or bags, including, but not limited to, shrink wrap, grocery bags, dry cleaning or clothing bags.

Food or beverage service establishment: means any establishment that serves food or beverages that is required to be permitted pursuant to Articles 85, 87, 88, or 89 of the New York City Health Code, including but not limited to a delicatessen, caterer, cafeteria, or restaurant, or any beverage service establishment required to be licensed pursuant to section 100 of the New York State Alcoholic Beverage Control Law that sells beverages for on-premises consumption, including but not limited to a bar or tavern.

Generator of private carter-collected waste: or “generator” means any owner, net lessee, lessee, agent or occupant of a premises that generates solid waste that is collected by a private carter.

High grade office paper: includes: white bond paper, including, but not limited to, typing paper, letterhead and copier paper; computer printout; computer tab cards; and manila folders. Carbon paper and envelopes are not included in the definition of high grade office paper.

Institution: includes non-profit organizations and other facilities or organizations, except those described in subdivision c of this section, receiving Department collection service or free dump privileges at Department solid waste disposal facilities. Excluded from the definition of institutions are college- or university-owned residential apartment buildings that are located outside of the college's or university's campus. Such buildings shall be covered by recycling rules for residential buildings.

Metal items: means items that are more than fifty percent metal, including, but not limited to, large metal appliances, such as stoves, ovens and dishwashers; small metal appliances, such as toasters and irons; metal utensils, pots and pans; wire hangers; metal cabinets; metal pencil sharpeners or staplers; metal furniture; window screens; metal lighting fixtures; metal tools; metal boxes, such as tool and mail boxes; nuts and bolts; lawn mowers; bicycles; and metal toys.

Mixed paper: includes: junk mail, smooth cardboard, such as cereal and shoe boxes and cardboard tubes from paper towels; white and colored paper; manila folders; envelopes, including plastic window envelopes; paper bags; paper or cardboard cartons and trays, such as egg cartons and produce trays; and soft-cover books. Such term does not include plastic or wax coated paper; carbon paper, or hardcover books.

Post-collection separation: means the dividing of solid waste into some or all of its component parts after the point of collection.

Private carter: means any person required to be licensed or permitted pursuant to subchapter eighteen of chapter two of Title Twenty of the Administrative Code of the City of New York.

Public building: means any building used and occupied and maintained and operated by an agency of the City of New York or of the State of New York.

Putrescible solid waste: means solid waste containing organic matter having the tendency to decompose with the formation of malodorous by-products.

Recyclable materials: means solid waste that may be separated, collected, processed, marketed and returned to the economy in the form of raw materials or products, including but not limited to, types of metal, glass, paper, plastic, food waste, tires and yard waste.

Recycled or recycling: “Recycled” or “recycling” means any process by which recyclable materials are separated, collected, processed, marketed and returned to the economy in the form of raw materials or products.

Recycler: means any person who lawfully collects, accepts, or otherwise processes recyclable material who is not required to be licensed or permitted pursuant to subchapter 18 of chapter 2 of Title 20 of the New York City Administrative Code.

Residential generator of private carter-collected waste: means any owner, net lessee, lessee, agent or occupant of a premises, or portion of a premises, used for residential purposes that generates solid waste that is collected by a private carter.

Source Separation: means the dividing of solid waste into some or all of its component parts at the point of generation.

Rules Governing the Recycling of Private Carter-Collected Waste
Effective September 30, 1993 [See also §1-10 ante.]

§1-10 Recycling of Carter-collected Waste.

(a) *Designated recyclable materials.*

- (1) General designation: Except as provided in paragraphs (2) and (3) of this subdivision, the following materials are designated as recyclable materials for purposes of this section: high grade office paper, newspaper, magazines, catalogs, phone books and corrugated cardboard (collectively referred to as designated paper materials); metal components of bulk waste; construction waste, excluding plaster, wall coverings, drywall, roofing shingles, wood and lumber, and glass window panes; and textiles generated by establishments whose solid waste is routinely comprised of at least ten percent textiles.
- (2) Designated recyclable materials for food or beverage service establishments. The following materials are designated as recyclable materials for food or beverage service establishments for purposes of this section: containers made of glass or metal and bottles and jugs made of polyethylene terephthalate plastic (PET, plastic resin #1) or high density polyethylene plastic (HDPE, plastic resin #2) (collectively referred to as designated glass, metal and plastic containers); aluminum foil and aluminum foil products; corrugated cardboard; metal components of bulk waste; and construction waste, excluding plaster, wall coverings, drywall, roofing shingles, wood and lumber, and glass window panes.
- (3) Designated recyclable materials for residential generators of carter-collected waste. The following materials are designated as recyclable materials for residential generators of carter-collected waste for purposes of this section: containers made of glass or metal and bottles and jugs made of polyethylene terephthalate plastic (PET, plastic resin #1) or high density polyethylene plastic (HDPE, plastic resin #2) (collectively referred to as designated glass, metal and plastic containers); aluminum foil and aluminum foil products; newspaper, magazines, catalogs, phone books, and corrugated cardboard (collectively referred to as designated paper materials); metal components of bulk waste; and construction waste, excluding plaster, wall coverings, drywall, roofing shingles, wood and lumber, and glass window panes.
- (4) Notwithstanding paragraphs (1), (2), and (3) of this subdivision, any high grade office paper, newspaper, magazine, catalog, phone book, corrugated cardboard, aluminum foil and/or textile that is substantially soiled with food, paint, wax or some other contaminating material shall not be considered a designated recyclable material, provided that generators shall establish source separation systems as specified in this section to minimize contamination.

(b) ***Economic market determination.*** Pursuant to §16-306(b) of the New York City Administrative Code, the commissioner has determined that economic markets exist for the materials designated as recyclable in paragraphs (1), (2), and (3) of subdivision (a) of this section. Any person may submit evidence to the Department of the existence or non-existence of an economic market for any material found in the carter-collected waste stream, and the Department shall review such evidence in conjunction with its biennial updates of the Comprehensive Solid Waste Management Plan. Nothing in this subdivision shall preclude the Department from reviewing the existence or non-existence of an economic market for any material found in the carter-collected waste stream at any other time.

(c) *Source separation requirements for generators of carter-collected waste.*

- (1) ***General source separation requirements.*** Generators of carter-collected waste, other than food or beverage service establishments and residential generators, shall, at a minimum, source separate the materials listed in paragraph (1) of subdivision (a) of this section as follows:

- (i) high grade office paper, newspaper, magazines, catalogs, phone books, corrugated cardboard and textiles shall be source separated from designated construction waste and from all non-designated materials;
- (ii) metal components of bulk waste shall be source separated from construction waste, but may be commingled either with designated paper materials and textiles, provided such bulk metal is not substantially soiled with a contaminating material, or with non-designated material;
- (iii) designated construction waste may be commingled with non-designated components of construction waste, but shall be source separated from all other designated and non-designated materials.

(2) *Source separation requirements for food or beverage service establishments:* Food or beverage service establishments that generate carter-collected waste shall, at a minimum, source separate the materials listed in paragraph (2) of subdivision (a) of this section as follows:

- (i) containers made of glass or metal, bottles and jugs made of polyethylene terephthalate plastic (PET) or high density polyethylene plastic (HDPE), and aluminum foil and aluminum foil products shall be source separated from corrugated cardboard, from construction waste, and from non-designated materials;
- (ii) designated glass, metal and plastic containers and aluminum foil and aluminum foil products shall be placed out for collection in transparent or translucent bags unless such materials are collected in a vehicle compartment that contains only such materials or materials that have been commingled pursuant to subdivision (d) of this section;
- (iii) corrugated cardboard shall be source separated from designated glass, metal and plastic containers and aluminum foil and aluminum foil products, from designated construction waste, and from non-designated materials;
- (iv) metal components of bulk waste shall be source separated from construction waste, but may be commingled either with designated glass, metal and plastic containers and aluminum foil and aluminum foil products; with corrugated cardboard, provided such bulk metal is not substantially soiled with a contaminating material; or with non-designated material;
- (v) designated construction waste may be commingled with non-designated components of construction waste, but shall be separated from all other designated and non-designated materials.

(3) *Source separation requirements for residential generators of carter-collected waste.* Residential generators of carter-collected waste shall, at a minimum, source separate the materials listed in paragraph (3) of subdivision (a) of this section as follows:

- (i) containers made of glass or metal, bottles and jugs made of polyethylene terephthalate plastic (PET) or high density polyethylene plastic (HDPE), and aluminum foil and aluminum foil products shall be source separated from designated paper materials and textiles, from construction waste, and from non-designated materials;
- (ii) designated glass, metal and plastic containers and aluminum foil and aluminum foil products shall be placed out for collection in transparent or translucent bags unless such materials are collected in a vehicle compartment that contains only such materials or materials that have been commingled pursuant to subdivision (d) of this section;
- (iii) newspaper, magazines, catalogs, phone books, and corrugated cardboard shall be source separated from designated glass, metal and plastic containers and aluminum foil and aluminum foil products, from construction waste, and from non-designated materials;

- (iv) metal components of bulk waste shall be source separated from construction waste, but may be commingled either with designated glass, metal and plastic containers and aluminum foil and aluminum foil products; with designated paper materials, provided such bulk metal is not substantially soiled with a contaminating material; or with non-designated material;
- (v) designated construction waste may be commingled with non-designated components of construction waste, but shall be separated from all other designated and non-designated materials.

(4) *Source separation requirements for premises occupied, in part, by food or beverage service establishments.* Any generator of carter-collected waste who operates a food or beverage service establishment in only part of his or her premises, such as a generator who operates a cafeteria within an office building or a bar or restaurant within a hotel or theater, shall be subject to paragraph (1) of this subdivision with respect to the part of his or her premises that is not a food or beverage service establishment and shall be subject to paragraph (2) of this subdivision with respect to the part of his or her premises that is a food or beverage service establishment.

(d) ***Commingling non-designated materials with designated recyclable materials.***

- (1) Notwithstanding the provisions of subdivision (c) of this section, generators of carter-collected waste may commingle non-designated paper and wood materials with designated paper materials and textiles, and food or beverage service establishments and residential generators may commingle non-designated metal, glass or plastic materials with designated glass, metal and plastic containers and aluminum foil and aluminum foil products, provided such non-designated materials are not substantially soiled with a contaminating material.
- (2) Any generator who commingles designated and non-designated materials pursuant to this subdivision shall enter into a written agreement with his or her carter or recycler that provides for the recycling, reuse or sale for reuse of all materials commingled pursuant to this subdivision. Such written agreement shall identify, by type, each non-designated material that will be commingled.
- (3) Any generator who commingles designated and non-designated materials pursuant to this subdivision shall post a sign identifying, by type, each non-designated material that will be commingled. Such sign shall use lettering of a conspicuous size and be prominently displayed by affixing it to a window near the principal or service entrance of the generator's premises so as to be easily visible from outside such premises. If this is not possible, such sign shall be prominently displayed inside such premises near the principal or service entrance to such premises.

(e) All generators of carter-collected waste shall ensure that **separation of materials** as set forth in subdivision c or d of this section is maintained prior to the collection of such materials by a carter or recycler. Nothing in this paragraph shall require an owner of a premises that generates carter-collected waste, or his or her agent, to separate designated recyclable materials that have not been properly source separated by generators other than such owner or his or her agent.

(f) ***Implementation and notice requirements:***

- (1) *Owners, net lessees or persons-in-charge of a premises who arrange for the collection of solid waste.* The owner, net lessee or person-in-charge of a premises who arranges for the collection by a carter or recycler of the solid waste generated by such premises shall:
 - (i) enter into a written agreement with a carter or recycler for the recycling, reuse or sale for reuse of designated recyclable materials in accordance with subdivision (c) or (d) of this section, except where such materials are managed pursuant to Title 10 of Article 27 of the Environmental Conservation Law. A copy of such agreement shall be provided to the Department upon request.

- (ii) Notify his or her tenants, occupants, and/or employees, in writing, of applicable source separation requirements, including what materials are required to be source separated and how to source separate such materials. A copy of such notification shall be provided to the Department upon request.
- (iii) Post and maintain one or more signs in maintenance areas where refuse is collected and/or stored that set forth what materials are required to be source separated and collection procedures for such materials; and
- (iv) in public areas where designated recyclable materials that are required to be source separated are routinely generated, provide containers for, or otherwise provide for the separate collection of, such materials.

(2) *Tenants or occupants.* Tenants or occupants of premises that generate curbside-collected waste shall, at a minimum:

- (i) source separate materials in accordance with subdivision (c) or (d) of this section;
- (ii) notify their employees, customers, clients, or others lawfully on the premises of applicable source separation requirements by posting and maintaining one or more signs that set forth what materials are required to be source separated and how to source separate such materials, or by labeling containers to indicate what materials may be properly placed therein. This subparagraph shall not apply to residential tenants or occupants.
- (iii) Any sign posted pursuant to this paragraph shall be posted in a common area or areas routinely visited by such employees, customers, clients, and/or others lawfully on the premises.
- (iv) Containers for the collection of designated recyclable materials to be used by customers, clients, or others lawfully on the premises shall be labeled to indicate what materials may be properly placed therein. This subparagraph shall not apply to residential tenants or occupants.

(3) Nothing in this subdivision shall preclude a tenant or occupant from instituting his or her own source separation program in accordance with the provisions of subdivision (c) or (d) of this section.

(g) ***Responsibilities of operators of non-putrescible and putrescible solid waste transfer stations.*** Operators of non-putrescible and putrescible solid waste transfer stations shall:

- (1) recycle, reuse, or sell for reuse, or cause to be recycled, reused or sold for reuse:
 - (i) all designated recyclable materials received by such operators that have been separated as required by subdivision (c) of this section; or
 - (ii) all materials received by such operators that have been commingled pursuant to subdivision (d) of this section;
- (2) at a minimum, maintain the separation of separated paper materials before their transfer to another location;
- (3) at a minimum, separate, by type, commingled glass, metal and plastic materials, unless such operator demonstrates to the department that such materials will be separated for recycling, reuse, or sale for reuse at another location;

- (4) separate metal components of bulk waste from other designated and non-designated materials, unless such operator demonstrates to the department that metal components of bulk waste will be separated for recycling, reuse, or sale for reuse at another location;
- (5) separate designated construction waste from non-designated components of construction waste before transferring such waste to another location;
- (6) not bring designated recyclable materials for disposal, or cause such materials to be brought for disposal, to any solid waste disposal facility, whether or not such facility is operated by the department, in an amount that should have been detected through reasonable inspection efforts by such operators; and
- (7) not bring non-designated materials commingled pursuant to subdivision (d) of this section for disposal, or cause such materials to be brought for disposal, to any solid waste disposal facility, whether or not such facility is operated by the department, in an amount that should have been detected through reasonable inspection efforts by such operators.

(h) ***Enforcement and compliance.***

- (1) The commissioner reserves the right to conduct lawful inspections at reasonable times to ensure compliance with this section. Such inspections may include, but need not be limited to:
 - (i) inspections to ensure compliance with the requirements of subdivision (f) of this section;
 - (ii) inspections of solid waste and/or designated recyclable materials placed out for collection by a generator to determine whether such materials have been source separated in accordance with subdivision (c) of this section or commingled in accordance with subdivision (d) of this section;
 - (iii) inspections of solid waste brought to department solid waste disposal facilities; and
 - (iv) inspections of non-putrescible and putrescible solid waste transfer stations.
- (2) Any person who violates any provision of this section shall be liable for civil penalties as provided for under §16-324 of the New York City Administrative Code. In addition, operators of non-putrescible or putrescible solid waste transfer stations that bring designated recyclable materials for disposal, or cause such materials to be brought for disposal, to any department facility in an amount that should have been detected through reasonable inspection efforts by such operators shall be liable for civil penalties as provided for in §16-133(a)(2) of the New York City Administrative Code for violations of §16-129 of such code and rules promulgated there under.
- (3) The commissioner shall inform the commissioner of the Department of Consumer Affairs of any violations of rules promulgated pursuant to §16-306 of the New York City Administrative Code committed by a carter as determined by the Environmental Control Board or a court of appropriate jurisdiction and may recommend that the commissioner of the Department of Consumer Affairs suspend, or revoke the license, or deny renewal of a license for such carter.

(i) ***Severability.*** The provisions of these rules shall be severable and if any phrase, clause, sentence, paragraph, subsection or section of these rules, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of these rules and the application thereof shall not be affected thereby.

