

**CITYWIDE ADMINISTRATIVE PROCEDURE ACT
REGULATORY AGENDA FY 2019
NEW YORK CITY DEPARTMENT OF SANITATION**

PURSUANT TO SECTION 1042 OF THE NEW YORK CITY CHARTER, THE NEW YORK CITY DEPARTMENT OF SANITATION SETS FORTH BELOW ITS REGULATORY AGENDA FOR THE CITY'S FISCAL YEAR OF 2019 COMMENCING JULY 1, 2018 THROUGH JUNE 30, 2019:

SUBJECT AREA: REFUSE AND RECYCLING COLLECTION FROM RESIDENTIAL PROPERTIES ON PRIVATELY OWNED STREETS AND ALLEYS

REASONS FOR RULE:

Pursuant to Section 753 of the New York City Charter, the Commissioner may adopt rules governing the manner in which such refuse shall be arranged or sorted, the time when it will be collected and the place at which it shall be deposited for collection.

SUMMARY OF ANTICIPATED CONTENT:

The Department currently enters privately owned property, such as private streets, alleys and parking lots, in order to provide refuse and recycling collection services from residential properties, provided that the Department has first obtained a signed written agreement that indemnifies the City together with insurance. The agreement only covers the collection and removal of refuse and recyclable materials and does not obligate the Department to provide snow removal services to these privately owned areas. Failure to sign an indemnity agreement and provide the requisite insurance for potential hazardous conditions that can impact worker safety and equipment results in the Department requiring that residents of these private areas set out all their refuse and recyclable materials in an accessible public area for collection.

SUMMARY OF OBJECTIVES: The Department will amend section 1-02 to Title 16 of the Rules of the City of New York to incorporate this practice regarding the provision of collection service in these areas.

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

- (a) Title 16 of the Rules of the City of New York;
- (b) Section 753 of the New York City Charter; and
- (c) City Administrative Procedure Act: Section 1043 of the New York City Charter.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:

Owners and/or managing agents of residential premises that currently or might request that the Department provide collection service on privately owned property.

SCHEDULE FOR ADOPTION: Fiscal Year 2019.

AGENCY CONTACT:

New York City Department of Sanitation
Bureau of Legal Affairs
Robert Orlin, Deputy Commissioner
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SUBJECT AREA: RECYCLING – RULES GOVERNING THE DISPOSAL OF REFUSE AND RECYCLABLES GENERATED AT STREET EVENTS.

REASONS FOR RULE:

In 2009 the Mayor signed into law Local Law No. 13 in relation to the collection and removal of solid waste and recyclable materials at street events. The Department will amend Chapter 14 of Title 16 of the Rules of the City of New York to ensure its rules are consistent with Local Law No. 13, together with any other procedural changes to improve sanitation responsibilities before, during, and after any street events as necessary.

SUMMARY OF ANTICIPATED CONTENT:

The Department will amend its rule by clarifying the responsibilities of sponsors, producers and event managers of street events relating to the disposal of refuse and recyclable materials generated at street events, as well as street activities that occupy no more than one block for not more than one day, such as resident block parties, where no licensed vendor participates consistent with Local Law No. 13, in addition to any other procedural changes to improve sanitation responsibilities before, during, and after any street events as necessary.

SUMMARY OF OBJECTIVES:

The Department will amend Chapter 14 of Title 16 of the Rules of the City of New York to ensure its rules are consistent with Local Law No. 13, together with any other procedural changes to improve sanitation responsibilities before, during, and after any street events as necessary.

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

- (a) Section 16-326 et seq. of the Administrative Code of the City of New York;
- (b) Chapter 14 of Title 16 of the Rules of the City of New York; and
- (c) City Administrative Procedure Act: New York City Charter Section 1043.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE: Sponsors, producers and event managers of street events.

SCHEDULE FOR ADOPTION: Fiscal Year 2019.

AGENCY CONTACT:

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SUBJECT AREA: ENFORCEMENT—PENALTY SCHEDULE FOR VIOLATIONS RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS, ENVIRONMENTAL CONTROL BOARD

REASONS FOR RULE:

The Office of Administrative Trials and Hearings, Environmental Control Board (“OATH ECB”), is in the process of repealing all penalty schedules in its rules so they can be relocated to the rules of the enforcement agencies with primary rulemaking and policymaking jurisdiction over the laws that underlie these penalties.

SUMMARY OF ANTICIPATED CONTENT:

The Department will amend its rule to include certain provisions of its existing penalty schedule, which is currently found in Title 48 of the Rules of the City of New York, by moving those provisions into Title 16 of the Rules of the City of New York. In conjunction with this rule, OATH ECB will remove the existing agency penalty schedule from its rule.

SUMMARY OF OBJECTIVES:

Working with the City’s rulemaking agencies, the Law Department, OMB, and the Office of Operations conducted a retrospective rules review of the City’s existing rules, identifying those rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. This proposed rule meets the criteria for this initiative.

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

- (a) Title 16 of the Administrative Code of the City of New York;
- (b) Title 16 of the Rules of the City of New York;
- (c) Section 753 of the New York City Charter; and
- (d) City Administrative Procedure Act: New York City Charter Section 1043.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE: Individuals and businesses.

SCHEDULE FOR ADOPTION: Fiscal Year 2019.

AGENCY CONTACT:

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SUBJECT AREA: VARIOUS—PLAIN LANGUAGE AMENDMENTS

REASONS FOR RULE:

Working with the City’s rulemaking agencies, the Law Department, OMB, and the Office of Operations conducted a review of the City’s existing rules, identifying those rules that should be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. This proposed rule meets the criteria for this initiative.

SUMMARY OF ANTICIPATED CONTENT:

The Department will modify its rules to incorporate plain language changes that were identified during the retrospective rules review conducted by the City.

SUMMARY OF OBJECTIVES:

Modification of such rules will help to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance.

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

- (a) Title 16 of the Administrative Code of the City of New York;
- (b) Title 16 of the Rules of the City of New York;
- (c) Section 753 of the New York City Charter; and
- (d) City Administrative Procedure Act: New York City Charter Section 1043.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE: Individuals and businesses.

SCHEDULE FOR ADOPTION: Fiscal Year 2019.

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