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**SOLID WASTE MANAGEMENT PLAN
BIENNIAL UPDATE REPORT**

**For the Reporting Period of
JANUARY 1, 2021 - DECEMBER 31, 2022**

**Submitted
May 2023**

Revised

July 2023

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- Attachment I:** Solid Waste Management Plan Milestone Status Summary
- Attachment II:** Fresh Kills Closure Press Release
- Attachment III:** New York City Housing Authority Sustainability Plan: Goal 4
- Attachment IV:** Commercial Recycling Rules
- Attachment V:** Residential Waste Disposal for Calendar Year 2021
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SECTION 1: EXECUTIVE SUMMARY AND HIGHLIGHTS

This eighth Biennial Update Report dated May 2023 (Report) prepared by the New York City (City or NYC) Department of Sanitation (DSNY), is submitted to the New York State Department of Environmental Conservation (NYSDEC) in accordance with the provisions of 6 NYCRR.366-5.1. It provides information on the City's progress in implementing its approved Local Solid Waste Management Plan for 2006 through 2026 (SWMP), during the reporting period of January 1, 2021 through December 31, 2022 (Reporting Period).

In accordance with 6 NYCRR 366-5.1, this Report is required to provide summary information on solid waste management planning, solid waste and recyclables data, and to address:

- (i) Changes to the planning unit structure;
- (ii) Actual waste generation, recycling and disposal data and comparisons with and reasons for deviations from projections;
- (iii) Changes to solid waste management practices;
- (iv) Outreach and education activities;
- (v) Efforts to ensure compliance with local recycling laws;
- (vi) Obstacles preventing the planning unit from implementing tasks and/or achieving the goals of the SWMP; and
- (vii) The status of conformance with the implementation schedule, including discussion of reasons for deviating from the implementation schedule.

No changes were made to the Planning Unit structure during the Reporting Period. The solid waste and recyclables data in this Report includes, as required: (i) the names and locations of all known facilities that accepted waste or recyclables from the Department during the previous two years; and (ii) for each facility, the quantity and type of waste and recyclables sent to the facility, as well as information on the efforts taken by the City to ensure compliance with local recycling laws in accordance with 6 NYCRR 366-5.1(b)(1)(v) (see Section 5.2).

Section 6.8 of the Report contains information on other solid waste recycling and reuse programs in the City, including biosolids generated by the NYC Department of Environmental Protection

(DEP). Reporting Period accomplishments are highlighted in this Executive Summary and more detailed information on ongoing initiatives is available in the Sections.

The City's first SWMP Biennial Update Report discussed implementation during 2007 and 2008. The City's second Report reported on the status of SWMP implementation during 2009 and 2010 and was revised in February 2012 to reflect proposed changes in the milestone implementation schedule. The City's third Report reported on the status of SWMP implementation during 2011 and 2012. The City's fourth Report reported on the status of SWMP implementation during 2013 and 2014. The City's fifth Report reported on the status of SWMP implementation during 2015 and 2016. The City's sixth Report reported on the status of SWMP implementation during 2017 and 2018. The City's seventh Report reported on the status of SWMP implementation during 2019 and 2020.

Most of the data in this Report is provided on a calendar year (CY) basis, however some metrics are reported on a Fiscal Year basis, to align with other City reporting. The City's Fiscal Year (FY) runs from July 1 to June 30. For example, FY22 began July 1, 2021 and ended June 30, 2022. Additional information is sometimes referenced on DSNY or other public websites via hyperlinks embedded in the Report text. A comprehensive list of referenced online content is available in Attachment XX.

1.1 SWMP STATUS

The current SWMP is a twenty-year planning document that was prepared by DSNY with the assistance of the New York City Economic Development Corporation (NYCEDC) and other mayoral agencies, adopted by the City in July 2006. The SWMP was approved by the NYSDEC on October 27, 2006 and will expire on October 26, 2026. The expiration date was clarified in 2022; previously the NYSDEC website indicated it expired in 2025.

Since the SWMP was approved by NYSDEC in 2006, DSNY, other City agencies, and related entities have advanced SWMP goals and substantially completed nearly all the projects and initiatives represented in the SWMP milestones, as detailed in prior biennial reports. As a result, this Report focuses on City initiatives and program updates specific to this Reporting Period. A

recap of the SWMP goals, implementation dates, and status is in Attachment I. The sections of this report are organized thematically around the focus areas of the SWMP: Recycling, Residential Waste, Commercial Waste, and Other “Supporting” Initiatives.

In November of 2021, DSNY hired a Director of Solid Waste Management Planning to coordinate the development of the next SWMP. In addition, DSNY awarded a contract to the consulting firm *Inch and Meter* to support the Current Conditions Assessment for the next SWMP, “SWMP26”. This contract began in the fall of 2022 and is expected to reach completion by the end of 2023.

1.2 REPORTING PERIOD HIGHLIGHTS

1.2.1 NEW LEADERSHIP

During this Reporting Period, the planning unit experienced a change in Mayoral Administration. Mayor Eric Adams was sworn in as the 110th NYC Mayor shortly after midnight on January 1, 2022. This was partway through the Reporting Period. Transitions of citywide leadership staff and policy focus followed, as is common with changes in governance. Jessica Tisch was appointed Commissioner of the Department of Sanitation on April 18, 2022. She brings over a decade of experience transforming government agencies to work more efficiently and effectively for New Yorkers. Since taking on the role, the Commissioner’s focus has been on restoring funding to the Department that was cut during the pandemic to return levels of service for cleaning and collection. The [Targeted Neighborhood Taskforce](#) was created to clean overlooked areas of the city. Surveillance cameras have been installed in multiple locations in all 5 boroughs to document and enforce illegal dumping violations. In addition, DSNY is evaluating the feasibility of containerizing waste to reduce the number of bags set out for collection at the curb. Finally, historic progress has been made with the expansion of residential organics collection.

1.2.2 RESIDENTIAL ORGANICS AND RECYCLING

DSNY continued to refine and evolve the options for New Yorkers to recover organic material during the Reporting Period. A summary of these achievements includes:

1. Piloting an opt-in program for curbside composting in certain districts as part of the City’s recovery from the COVID-19 pandemic.

2. Expanding curbside composting collection to all of Queens in the fall of 2022.
3. Piloting *smart* (digital access) compost bins in Astoria, Queens and Downtown Manhattan with plans to expand the program to all five boroughs.
4. Working with community partners to restore and expand the number of food scrap drop off sites to 225 by the end of 2022, following reductions during the COVID-19 pandemic.

DSNY also continued to innovate on recycling by piloting appointment based curbside collection of textiles and batteries on Staten Island, in addition to the existing citywide e-waste collection programs.

Details on DSNY's Recycling Programs are provided in Section 4.1, and diversion tonnages throughout the Report.

1.2.3 RESIDENTIAL WASTE AND FRESH KILLS LANDFILL

DSNY completed the implementation of the Converted Marine Transfer Stations (MTS) Program, a key component of the SWMP long-term plan for the transport and disposal of DSNY-managed waste from the City, during the prior Reporting Period (2019-2020). DSNY also maintained rail export capacity for municipal solid waste (MSW) via a land-based transfer station to rail network. During 2022, over 85% of the ~3.2 million tons per year MSW exported from NYC moved by rail. Details on these export programs are in Section 4.2.

New York City reached an important milestone in the closure of the Fresh Kills Landfill on May 24, 2022, announcing alongside State and local officials the final certification of landfill closure. See Attachment II for the press announcement. DSNY continues to manage and maintain the leachate collection and treatment and gas collection and passive flaring system, including monitoring and reporting, for all four landfill sections.

A detailed description of Fresh Kills Landfill closure, post-closure and end use activities is provided in Section 6.6.

1.2.4 COMMERCIAL WASTE

During the reporting Period, DSNY received final proposals for the Commercial Waste Zones (CWZ) request for proposal (RFP) process. The proposals are currently under review and contract awards are anticipated in 2024. The Department also increased staffing for outreach and education

in preparation for the transition to zoned service. Rulemaking was undertaken to further define program requirements and expectations for the eventual zone awardees. DSNY still expects the CWZ program to increase waste diversion, reduce the environmental impact of transit, and reduce safety concerns for the commercial waste sector in the Planning Unit. During the Reporting Period, Private Transfer Stations in the city reported receiving approximately 1.6 million tons of MSW (including recycling), 2.1 million tons of construction and demolition debris and 3.1 million tons of fill per year. See Sections 4.3 and 6.7 for more information on commercial waste in the city.

1.2.5 BUDGET AND FLEET

The FY 2023 January Budget included \$1.82 billion in expense funding. Highlights include:

- \$3.4 million for the Queens Residential Organics collection program beginning October 3, 2022, paused for winter starting Sunday, December 25, 2022, and resuming the week of March 27, 2023. The Queens Residential Organics program is geared to eliminate waste sent to landfills and incinerators.
- \$2.4 million for cleaning services on highways and East River Crossings (litter baskets)
- Almost \$10 million for pedestrian space, greenway, and park perimeter cleaning. These programs will add nearly 60 cleaning crews for service along highway service roads, step streets, greenways, and public plazas at 1,586 locations across and 654 park litter baskets accessible from city streets.

Additional information on Resources and Funding in support of the SWMP is in Section 5.

DSNY has been a leader in reducing air pollutant emissions from our heavy-duty fleet. DSNY was an early adopter of advanced technologies to reduce particulate matter, NO_x, and SO_x emissions, and today operates one of the cleanest heavy-duty diesel fleets in the country. DSNY also led the way in testing hybrid and compressed natural gas trucks, worked with industry to develop new innovations to reduce idling and capture braking energy, and developed an industry-leading emissions testing laboratory.

During the Reporting Period, DSNY expanded on earlier tests of heavy-duty electric vehicles. In 2021, DSNY unveiled the first-ever fully electric street sweeper, with plans to expand both fully electric and plug-in hybrid electric mechanical broom fleets this year. On the collection truck side, DSNY ordered seven fully electric rear-loader collection trucks. These trucks have performed well in collection operations, although they have not had the range or power necessary to meet the demands of snow plowing.

1.3 NEW SUPPORTING INITIATIVES

1.3.1 ENVIRONMENTAL JUSTICE FOR ALL

In 2017, New York City passed Local Laws (LL) 60 and 64 to assess environmental equity issues in the City and develop a plan to incorporate environmental justice into the fabric of City decision-making. The legislation requires (i) a Report on the status of environmental justice in NYC, (ii) an online portal, and (iii) a comprehensive plan to advance environmental justice in the City. In early 2021, the City released an interactive map of the City’s Environmental Justice Areas and launched a citywide public engagement process to bring frontline communities to the table in developing the Scope of Work for the *Environmental Justice for All (EJNYC)* report. LL 64 established the Environmental Justice Advisory Board comprised of advocates, academics, and public health experts to advise the City as they implement these laws and to bring this work to New Yorkers through public hearings and other forms of engagement. The City is currently carrying out the development of the landmark report and portal, both of which will be released in 2023.

1.3.2 CITYWIDE ORGANICS STUDY

The Department of Citywide Administrative Services (DCAS) issued a solicitation in May 2022 for a *Citywide Organics Study* to take a comprehensive look at the current supply chains and life cycles of NYC organic waste management practices. The study will develop a methodology to compare organics waste management processes according to their financial and technical feasibility, as well as their potential to reduce and sequester greenhouse gas emissions, generate renewable energy, recover nutrients as a soil additive, improve quality of life, and redress environmental justice. The contract for this study was registered in March 2023 and will be completed within two years. This work will bring together DSNY’s efforts to expand organics

recovery from residents and institutions, as well as the Commercial Organics Rules, the Department of Parks and Recreation’s wood recovery efforts (see Section 4.1.3), and the Department of Environmental Protection’s biosolids program (Section 6.7.3).

SECTION 2– PLANNING UNIT DESCRIPTION

The Planning Unit for the local Solid Waste Management Plan is the City of New York (City) and consists of the five boroughs (and co-terminus counties) of Manhattan, (New York County) Queens (Queens County), Brooklyn (Kings County), Staten Island (Richmond County), and the Bronx (Bronx County). The components of the Planning Unit are unchanged since SWMP approval in 2006.

According to 2020 Census-based population information provided on the New York City Department of City Planning (NYCDP) [website](#), the city’s population is currently approximately 8,804,190, an increase of 629,057 or 7.7 percent since the 2010 Census, below the population projected for FY 2020 (8,979,567) in the SWMP (See Table II 2-1) and above NYCDP’s 2020 population projection (8,550,971) provided in its December 2013 report entitled [New York City Population Projections by Age/Sex & Borough](#).

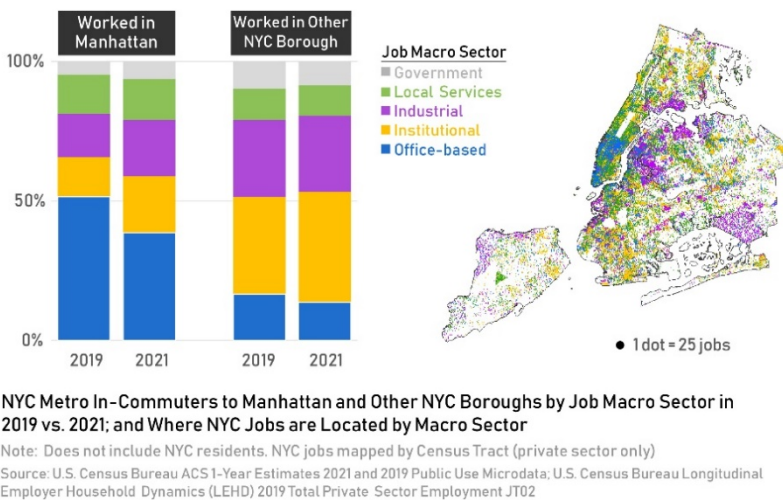


Figure 1: Remote Work Impacts

The city continues to rebound from the COVID-19 pandemic. Most restrictions and emergency programs have ended; however, the impacts of this historic event remain. One lasting impact has been a shift of work from office spaces to home/remote or “hybrid” arrangements¹. Although the data on solid waste managed during the Reporting Period do not show clear impacts of this change on the residential waste stream, it appears hybrid work is here to stay. DSNY will continue to service the solid waste management needs of the city, in person, and work towards increased recycling, reuse and waste reduction as outlined in the SWMP.

The city continues to rebound from the COVID-19 pandemic. Most restrictions and emergency programs have ended; however, the impacts of this historic event remain. One lasting impact has been a shift of work from office spaces to home/remote or “hybrid” arrangements¹. Although the

¹ NYC Department of City Planning, “NYC Thinking Regionally: January 2023, Remote Work”

SECTION 3 – SWMP MILESTONE REVIEW

As reported in the 2019-2020 update, nearly all the Milestones from the 2006 SWMP have been completed. The exceptions are noted in the table below. New information provided in this Reporting Period is indicated by green font. All Milestones from the 2006 SWMP, and their completion dates, are listed in Attachment I.

Table 1: SWMP Milestones with Reporting Period Updates

SWMP Milestones – Recycling	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
MANHATTAN “ACCEPTANCE FACILITY” RECYCLABLES TRANSFER STATION				
Finalize site selection and complete design and permitting	2014	2008	§ 2.3.2 + 3.3.4	On hold and funding removed from budget, DSNY will reevaluate in 2026 SWMP
Complete construction and begin facility operation	2017	2011	§ 2.3.2 + 3.3.4	On hold and funding removed from budget, DSNY will, reevaluate in 2026 SWMP
NEW INITIATIVES – RECYCLING				
Increase recycling diversion rate		Ongoing	§ 2.4.1	Residential curbside diversion rate declined from 18.0% in FY18 to 17.6% in FY21 and 17.0% in FY22 ²
Promote restoration of recycling services		Ongoing	Attachment VI, § 1.4.2	Completed ³
Issue various new public education materials		Ongoing	§ 2.4.7.4	See Sections 4.1.11 and 7.2 of this Report
NEW INITIATIVES – WASTE REDUCTION				
Resolve feasibility issues regarding development of on-site food composting facility at Hunt’s Point Food Center	2014	2007	§ 2.4.8.2	NYCDEP is investing in the Hunts Point WRRF, including a possible future codigestion project. See Section 4.1.3 of this Report

² Based on City Council “Local Law 40” diversion report. Includes DSNY collected curbside and containerized which captures schools, litter baskets, public space recycling and dedicated service at Agencies and Institutions.

³ Status changed from previous biennial update status of “Ongoing” to “Complete” as full service was restored in 2004. Outreach and education remain ongoing.

Table 2: New Milestones

New Initiatives (not included in 2006 SWMP)	Target Year	Waste Stream	Status
Complete closure of Fresh Kills Landfill	2022	MSW	Complete
Expand DSNY organics collection citywide for schools and residents	Fall 2024	Organics	In progress
Pilot first CWZ implementation	End of 2024	All commercial except C&D	Contract procurement
Document data gaps in NYC solid waste management system	2024	All	As part of SWMP26 Current Conditions Assessment
NYCHA Waste Yard Redesigns – baler installation	End of 2025	Cardboard recycling	6 Locations identified

SECTION 4– SWMP IMPLEMENTATION

4.1 RECYCLING PROGRAMS

4.1.1 CURBSIDE RESIDENTIAL RECYCLING

DSNY’s adopted budget for the Reporting Period allocated sufficient funds to process paper/cardboard and commingled metal, glass, plastic, and beverage cartons (MGPC), which continue to be collected from all 3.5 million New York City households, all public and most private schools, public institutions, and many nonprofit institutions in New York City. During the Reporting Period, diverted tonnages totaled over 1.35 million tons, or an average of 676,740 tons per year, reflecting paper/cardboard and MGPC collections from these sources. This total also includes metals recovered from the incineration of DSNY collected MSW at Covanta Facilities. See Section 6.3 for more information on residential recycling tonnage. Information on what is recyclable in the City’s residential curbside collection program is available on DSNY’s [website](#).

4.1.2 EVALUATION OF WASTE STREAM FOR ADDITIONAL RECYCLABLES

DSNY conducts ongoing evaluations for additional recyclables. An updated residential Waste Characterization Study (WCS) is underway. DSNY expects to release results in Spring 2024.

Extended Producer Responsibility

DSNY supports Extended Producer Responsibility (EPR) legislation and has participated in state-level policy discussions as New York lawmakers advance this possible framework to improve material recovery and reduce waste.

4.1.3 ORGANICS DIVERSION PROGRAMS

Before the COVID-19 pandemic, the NYC Department of Sanitation ran the largest residential curbside composting program in the country covering 913,000 households, which was ultimately servicing a total population of 3.5 million New Yorkers. This expansive residential curbside composting program was eliminated in 2020 due to fiscal constraints brought on by the COVID-19 pandemic. The Department continued to offer seasonal collection of leaf and yard waste and

post-holiday Christmas tree collection. However, the City did not offer curbside compost collection from May 2020-October 2021.

Opt-In Curbside Composting Program

In August of 2021, DSNY initiated an Opt-In Curbside Composting program, wherein residents could “opt-in” to receive curbside compost collection. The goal of the “opt-in” model was to ensure cost-effective and operationally efficient collection services as those who opted in were seen as guaranteed participants. In addition, the Department thought that the “opt-in” model would ensure a certain density of collection points within each Community Board and would therefore offer maximal operational efficiency. Starting in August of 2021, 6.3 million residents within the forty-four Community Districts around the City were given the opportunity to sign-up for Curbside Composting collection service. DSNY would provide service to registrants once their Community District reached a minimum number of vetted sign-ups that reflected a certain density within the community board.

Between August 2021 and January 2023, DSNY received 68,854 opt-in sign-ups from 37,766 addresses, of which 29,380 were eligible sign-ups. The discrepancy between the total number of sign-ups and the total eligible sign-ups reflects the prevalence of high-rise buildings in the City. Since composting was not mandated by law in NYC during the Reporting Period, a multi-unit building with over 10 units required the agreement of an authorized building representative to properly manage the food and yard waste material. Because of this requirement, many residents that signed up were often unable to receive service due to the lack of sign-on from authorized building representatives. This was a significant hindrance to getting a large number of eligible buildings within a Community District registered for service. After 18 months of running the opt-in program from August 2021-February 2022, only 7 of 44 Community Districts received enough vetted sign-ups to start service. These Community Districts included Brooklyn 1, 2, 6, and 7, Bronx, 8, and Manhattan 6 and 7. Residents that opted-in were able to request brown composting bins from DSNY and were engaged with a vast array of outreach activities.

In February 2022, Mayor Adams paused the expansion of this complicated and ineffective Opt-In program to new Community Districts. However, residents living within the seven Community

Districts that have opt-in service will continue to receive collection service under that program until standard curbside service is available. In addition, the Mayor, the DSNY Commissioner, and the City Council continued conversations regarding expanding organics collection within the city and policy options to increase participation. Program development remains ongoing, and updates will be provided in the next biennial report.

Opt-In Stats

Table 3: Opt-In Households Added to Organics Routes as of January 2023

	# of Households
1-9 unit	40,942
10+ unit buildings	86,875
Total	127,817

Table 4: Residential Curbside Organics Collected, Opt-In by Community Board

Community Board	Tons, CY 2021	Tons, CY 2022	Tons, Jan-Feb 2023
BKN01	14	271	43
BKN02	29	598	104
BKS06	219	1168	186
BKS07	31	546	86
BX08	16	403	59
MN06	5	102	18
MN07	15	518	100

Table 5: Total Organics Bins Delivered, Opt-In Program

Bin Type	Quantity
13-gallon	5,025
21-gallon	3,568
Total	7,039

NYC Smart Compost Program

On Earth Day 2021 (April 22, 2021), then-Mayor De Blasio and then-Commissioner Grayson announced a plan to roll out a Smart Bin composting program. Using a managed-access bin (first using a key card, then transitioning to a smart phone app), “smart bins” provided an innovative

option for New Yorkers to drop off their food scraps and food-soiled paper 24 hours a day, 7 days a week.

Beginning in December of 2021, 16 smart bins were installed in Astoria, Queens as part of an initial pilot to test collections and operations, as well as resident interest and participation. With bins filling up daily, the pilot proved to be a success. Four additional bins were installed in Astoria, Queens in January 2022, and in August 2022, Mayor Adams and Commissioner Tisch announced the expansion of the Smart Bin program, bringing the total number of bins to 250. Installation of the additional bins began in December 2022 and continued in 2023, bringing Smart Bins to all 5 boroughs (45 in Manhattan, 45 in The Bronx, 30 in Queens, 110 in Brooklyn, and 10 in Staten Island).

Queens Curbside Composting Program

In August 2022, the Department announced that a new weekly Curbside Composting service would be available to all Queens residents starting in the October 2022. Sign up was not required and residents in Queens could use any bin (up to 55-gallons or less) with a lid to set-out their compostable material. To incentivize participation, residents in 1–9-unit buildings had two months to order a free brown bin to be delivered directly to their homes. In addition, to address the high-rise concerns, all Queens buildings with more than nine units automatically received starter brown-bins from the Department to encourage building management to participate in the program. Curbside compost collection began in Queens on October 3, 2022, pausing at the end of December 2022 during the winter months. Service resumed March 27, 2023, with no more future winter pauses. Service is provided weekly on the neighborhood recycling day, to minimize any confusion about set out requirements.

In its three months of operations, Queens curbside composting service diverted 12.7 million pounds (6,350 tons) of material from landfill. Many Queens districts outperformed the Opt-In Districts by collecting over three times the tonnage per district than the Opt-In districts. Participation in the Queens program grew 57% from October to December, with an added bump during the November leaf season. The Queens Curbside Composting was delivered at one-third the cost per district of the previous curbside program but was seen to be more successful at

diverting food waste from the landfill. In total, 2.5 million Queens residents are served by this program.

Queens Curbside Composting Stats

Table 6: Residential Curbside Organics Collected, by Community Board, Oct 3-Dec 31, 2022

Community Board	Tons Collected
QW01	302
QW02	124
QW03	140
QW04	104
QW05	427
QW06	333
QE07	710
QE08	449
QW09	532
QE10	445
QE11	725
QE12	1120
QE13	708
QE14	277

Table 7: Composting Bins Delivered

Bin Type	Quantity
13-gallon	19,816
21-gallon	25,648
Total	45,464

Citywide Curbside Composting Program

The Department of Sanitation deemed the Queens program a success and will continue to expand Curbside Composting to all boroughs of the city by Fall 2024. DSNY looks forward to providing an update on this exciting program expansion in the next reporting period.

Community Composting

To support organic waste recycling in all its forms, DSNY continued its longstanding support of community composting through the New York City Compost Project (NYCCP). In partnership with Brooklyn Botanic Garden, Big Reuse, Earth Matter NY, the Lower East Side Ecology Center, The New York Botanical Garden, Queens Botanical Garden, and the Snug Harbor Cultural Center, DSNY conducted and facilitated the transformation of food scraps and yard waste into rich, fertile compost to use locally in farming, gardening, and community beautification.

NYC Compost Project partners operated five NYSDEC-registered community compost sites in 2021 and 2022. These compost sites processed a total of 2,962 tons of material in CY 2021 and 1,945 tons of material in CY 2022. Tonnage was lower in 2022 due to the planned closure of the East River Compost Yard in October 2021 to facilitate construction of the East Side Coastal Resiliency Project. At the end of 2022, Snug Harbor became the sixth NYSDEC-registered community compost site operated by NYCCP partners.

Table 8: Tons of Material Composted in NYCCP DEC sites in CY 2021 & CY 2022

Site	NYC Compost Project Partner/Operator	Tons in CY 2021	Tons in CY 2022
Compost Learning Center, Governors Island	Earth Matter NY	710	679
East River Compost Yard	LES Ecology Center	1004	NA
Farm and Compost Center, Flushing	Queens Botanical Garden	132	189
Queensbridge, Long Island City	Big Reuse	762	748
Gowanus Salt Lot, Brooklyn	Big Reuse	354	330
Total (tons)	All NYCCP DEC Sites	2,962	1,946

In 2021 and 2022, DSNY also continued its work with public food scrap drop-off (FSDO) sites throughout the five boroughs. FSDOs are operated by DSNY-funded partners, including the NYC Compost Project and GrowNYC, and an increasing number of sites are completely or partially managed by volunteers at community organizations. DSNY maintains an up to date listing of Smart Bin locations and FSDO sites on the Department’s [website](#).

FSDOs operated or collected by GrowNYC and NYCCP partners collected 3,976 tons of food scraps 2021 and 3,513 tons in 2022. To offset the loss of processing capacity from the closure of the East River Compost Yard and to meet the demands of a growing number of FSDOs, material was processed at mid-scale compost sites operated by NYCCP and by DSNY at Fresh Kills and Waste Management’s CORE® facility.

Table 9: Tons of Material Collected at FSDOs in CY 2021 & CY 2022

	Tons in CY 2021	Tons in CY 2022
Composted at an NYCCP mid-scale Compost Site	3233	1,992
Composted at a Community Compost site (not funded by DSNY)	0	0.88
Processed by DSNY	743	1,520
Total (tons)	3,976	3,513

Hunts Point Sustainability Hub

In Section 2.4.8.2 of the SWMP, DSNY reported on a study completed with NYCEDC regarding the feasibility of an on-site, food-waste composting facility at the Hunts Point Food Distribution Center (Food Center) in the Bronx. The study concluded it was feasible to site an anaerobic digestion facility at the Food Center but raised additional questions regarding the best path forward. Since then, and with the enactment of the Commercial Organics Rules, the Food Center has been diverting food scraps for recovery via a private vendor. Processing and reuse occur offsite in the current model.

NYCDEP, as part of ongoing capital improvements related to the City’s wastewater treatment infrastructure, broke ground in the Reporting Period on a project to upgrade the anaerobic digesters at the nearby Hunts Point wastewater resource recovery facility (WRRF). Part of the long-term vision for this upgrade is the addition of codigestion capacity for food waste and a beneficial use of biogas project, similar to the successful program operating at NYCDEP’s Newtown Creek WRRF.

The potential for the Hunts Point concept initially proposed in the 2006 SWMP will be revisited as part of the Citywide Organics Study and SWMP26.

Department of Parks and Recreation – Tree Wood Salvage Project

The Department of Parks and Recreation (Parks) manages horticultural waste, leaves, and woody debris either onsite, through DSNY collection (as a serviced City Agency) or with their vendor partners. During the Reporting Period, Parks and their vendor Tri-Lox began an urban wood salvage pilot project. As part of the collaboration, they developed a training manual and data collection app for foresters to evaluate trees for salvage in the field, so the wood can be used for value added products such as furniture or construction, rather than simply chipped for mulch. They also developed specifications for the tree removal process that prioritize re-use, including directions on how to properly remove and store timber.

Compost Use

Compost produced at the many sites and facilities, ranging from community gardens to large scale operations described in this Report, is utilized throughout the city. During the Reporting Period, the compost bagging equipment at DSNY’s Staten Island Compost Facility was fully installed. Now 40-pound bags of “Big Apple Compost” can be found throughout NYC, as DSNY increased product distribution through this pathway, enabling residents and gardens to access finished compost more easily.



Figure 2: Big Apple Compost logo

4.1.4 SCHOOL DIVERSION PROGRAMS

In September 2021, DSNY resumed providing curbside composting service to 833 public schools, and another 69 private schools, that had previously received service prior to the pandemic-related suspension in March 2020. In the April 2022, DSNY announced that all schools would participate in Curbside Composting over the next two school years, with all public K-12 schools receiving organics service by the end of the 2023-2024 school year. DSNY added approximately half of schools in the Bronx in Fall 2022, with the remainder of Bronx schools added in the spring.

During the Reporting Period, DSNY continued to provide technical assistance and educational resources for schools to encourage proper recycling and organics diversion, using both in-house staff and contracted staff as part of GrowNYC’s Recycling Champions program.

Recycling collection remained steady throughout the curbside composting service changes, with mixed paper as well as metal/glass/plastic- collected as two separate streams. Additionally, recycling education is an integral part of the curbside composting education program, as mentioned above, as schools are equipped with sorting stations for all streams, as well as posters, decals and comprehensive education for both staff and students.

4.1.5 PUBLIC SPACE RECYCLING

The locations of Public Recycling bins throughout the city are available on NYC's [OpenData portal](#), which is updated annually (last updated October 2022). The City's recycling bins work the same way as the residential recycling program, with public space recycling sites situated throughout all five boroughs, including in many City parks (achieving the Public Space Recycling receptacle goal set forth in Local Law 38 of 2010). The receptacles are color-coded blue and green, and are placed, in most cases, adjacent to one another alongside a trash receptacle to discourage cross-container contamination. Recycling is required at all NYC street events, including informal block parties and street fairs.

4.1.6 CITY AGENCY RECYCLING

Under Local Law 36 of 2010, starting July 1, 2011, city agencies were required to submit plans to DSNY to increase waste reduction and recycling in all city-owned and city-managed buildings, and to prepare annual updates each year thereafter. As a direct result, there has been greater compliance by City agencies and an increase in the number of Agency plans and annual reports received by DSNY.

As the Curbside Composting program expanded during the reporting period, DSNY worked with various NYC agencies to provide access to this service. DSNY actively enrolled 28 sites operated by the NYC Fire Department (FDNY) over that time period.

Additionally, DSNY worked with Mayoral agencies on its Agency Safe Handling program, which provides guidance in proper handling of fluorescent bulbs, ballasts, batteries, mercury-containing items, and electronics. Over 775 tons of universal waste were collected through this program during the reporting period.

4.1.7 BEVERAGE CONTAINER REDEMPTION

Multiple options exist for residents to return beverage containers with deposits for redemption value in NYC as part of the statewide Returnable Beverage Container Act (aka the Bottle Bill). While the Bottle Bill does not require reporting to municipalities of material diverted through this program, some of the companies providing these services voluntarily report this information to DSNY. The amount voluntarily reported to DSNY during the Reporting Period is summarized in Table 9 below. DSNY does not include this tonnage in the citywide diversion rate as the data set is incomplete; we do acknowledge that this material represents a significant quantity of material that is recovered from the waste stream for recycling.

Table 10: Container Redemption Tonnage

	FY 2021	FY 2022
Total Tonnage (Voluntary Reports)	71,760	69,470

4.1.8 SPECIAL WASTE AND ELECTRONIC RECYCLING

Special Waste

DSNY’s Special Waste Programs target the safe disposal of harmful products generated by residents and DSNY managed institutions, including solvents, automotive materials, flammables, and electronics (SAFE materials) as well as other potentially harmful household products, which have increased in the quantity recovered from the prior reporting period.

During 2021 and 2022, DSNY held ten SAFE events--two per year in each of the five boroughs--attracting approximately 34,000 residents dropping off harmful products and pharmaceuticals, in addition to electronics (described below).

Table 11: SAFE Events, CY 2021 & CY 2022

Event Series	Bronx	Brooklyn	Manhattan	Queens	Staten Island
Spring 2021	Orchard Beach	Prospect Park	Columbia University	Astoria Park	Midland Beach
Fall 2021	Orchard Beach	Floyd Bennett Field	Union Square	Cunningham Park	Midland Beach
Spring 2022	Orchard Beach	Brooklyn Cruise Terminal	Columbia University	Astoria Park	Midland Beach
Fall 2022	Orchard Beach	Floyd Bennet Field	Union Square	Cunningham Park	Midland Beach

Table 12: Special Waste Tonnages by Program and Year

Program	Participants/Material	2021	2022
Events - SAFE Borough	Attendees (count/not tonnage)	14,167	20,527
Events - SAFE Borough	Electronics	288	378
Events - SAFE Borough	HHW	333	257
Events - SAFE Borough	Pharmaceuticals/Sharps	2.7	4.1
Drop-Offs - Special Waste Sites	Electronics	231	251
Drop-Offs - Special Waste Sites	HHW	151	245
Agency Safe Handling Contract (ASH)	Electronics	183	310
Agency Safe Handling Contract	HHW	26	37
Curbside Collection - E-waste	Electronics	129	200
Pickups - ecycleNYC (residential buildings)	Electronics	885	599
Pickups - ecycleNYC (DSNY Garages)	Electronics	39.9	19.5
Events - E-waste pop-up	Electronics	0	8.6
Subtotals by Material			
	Electronics	1,755.9	1,765.5
	HHW	510	539
	Pharmaceuticals/Sharps	2.7	4.1

Notes:

SAFE events restarted fall 2021

Special waste sites reopened May 2021

DSNY also continued to operate Special Waste Dropoff Sites for use by residents in each borough in 2021 and 2022. These facilities are typically open one day per week to accept both special waste (latex paint, used oil, fluorescent tubes and bulbs, batteries, mercury-containing thermostats) and

electronic waste from city residents for subsequent off-site recycling, energy recovery or disposal.

During the Reporting Period, DSNY expanded its curbside e-waste collection program on Staten Island to also include batteries and textiles, and residents now can schedule a pick-up for any of the mentioned waste types. This program collected 204 tons in total during the Reporting Period.

In May 2022, the State of New York implemented the paint product stewardship program, operated by PaintCare. DSNY has worked closely with this paint stewardship program to ensure that New York City households, businesses, and government agencies have convenient drop off locations for their unwanted paint to be recycled. The program now offers 50 drop-off locations have in NYC, with additional locations being added. From inception through the end of the Reporting Period the following quantities were collected in NYC: large volume pickup (latex) 69,642 pounds, large volume pickup (oil based) 38,094 pounds, retail and reuse stores 91,079 pounds- for a grand total of 198,815 pounds or nearly 100 tons.

Electronic Waste

During the Reporting Period, DSNY also worked to expand the range of convenient alternatives for New Yorkers to recycle computers, printers, televisions, cell phones, and other electronic/audiovisual equipment, in accordance with the NY State Electronic Equipment Recycling and Reuse Act of 2010. As of the end of CY 2022, nearly 932,737 households in almost 29,271 buildings were enrolled in this program. DSNY has collected over 1,735 tons of e-waste through the program for the fiscal years corresponding to the Reporting Period and over 9,877 tons since the launch of the program in 2013.

DSNY's electronics recycling partner is Electronic Recyclers International (ERI), which is certified with e-stewards and R2/RIOS (Recycling Industry Operating Standards), ensuring that all materials are handled in an environmentally responsible manner and not landfilled or exported illegally.

Through our partnership with electronics recycling vendor ERI, DSNY is also able to coordinate e-waste collection events with local elected officials and community organizations. The collection service has further helped DSNY to provide electronic waste disposal service to residents without convenient access to Special Waste Drop-Off Sites, SAFE Disposal Events, or in-building electronics recycling services.

Rechargeable Battery Stewardship and Fire Prevention

New York City experienced multiple fires, both in homes and at solid waste transfer and recycling facilities, caused by lithium-ion batteries during the Reporting Period. These power sources are of particular focus for the Mayor and City Council. The Mayor's office has established a multi-agency task force, including FDNY, Department of Environmental Protection's Division of Emergency Response and Technical Assistance (DEP DERTA), New York City Emergency Management (NYCEM), and DSNY, which has established the Rechargeable Battery Incident Standard Operating Procedure. Incidents involving rechargeable batteries are complex and require specialized resources to resolve. DSNY maintains its commitment to the successful e-waste and household hazardous waste programs it operates and encourages all residents to properly use and dispose of rechargeable batteries.

4.1.9 OTHER DIVERSION PROGRAMS

Local Law 38 of 2010 required DSNY to establish a citywide textile reuse and recycling program on City-owned or City-managed property throughout the City, prior to January 1, 2011.

DSNY offers a citywide textile collection program, refashionNYC, that is available to residential apartment buildings with 10 or more units and other non-residential buildings such as office buildings, commercial businesses, schools, and institutions. All participating buildings receive convenient in-building textile collection bin and on-call pickup service. This program is operated through a partnership with New York City non-profit Housing Works and other non-profits. Textile items that are suitable for resale get resold in area thrift stores and the rest get sent to textile merchants for salvage (to make fillings for mattresses, car seats, carpet padding, insulation, etc.).

Since the program launched in 2011, refashionNYC has collected over 15,000 tons of textile waste. By the end of the Reporting Period, there were 2,215 buildings participating in refashionNYC, covering around 204,990 households. From these participants, 1,644 tons were collected in 2021 and 1,777 tons in 2022. In 2022, DSNY added 10 of its garages to the program collecting 3,375 pounds of material, and is evaluating the effectiveness of this new type of location for collection.

Materials Reuse

DSNY has continued to support efforts to divert unwanted goods from landfills through reuse. The donateNYC program provides a singular platform to make donating and reusing goods easier for all New Yorkers. Residents can use their location to find places to give or find second-hand goods by searching the donateNYC Directory. Businesses and nonprofits can use the donateNYC Exchange to donate or receive gently used and surplus commercial goods, and the donateNYC Food Portal to donate excess edible food. In 2021 donateNYC facilitated 1,086 tons of goods through the Exchange and Food Portal, 95.7% or 952 tons of which was food and beverages. 36 tons were durable goods. In 2022 donateNYC facilitated 42 tons of durable goods and 6 tons of food through the online Exchange and Food Portal. In CY21, DSNY was managing the GetFood program as part of the City's pandemic response which contributed to the high number of tons of food donated.

DSNY also continued its longstanding donateNYC Partnership program, which encourages the growth and development of the nonprofit reuse sector in NYC by providing a support network for local organizations that accept and distribute second-hand and surplus donated goods. donateNYC partners include over 70 thrift stores, social service providers, and creative arts programs that together diverted approximately 67,617 tons of goods for reuse over the Reporting Period, 80.80% of which was food and beverages.

With support from DSNY, GrowNYC relaunched the Stop 'N' Swap program in the fall of 2021. At these free events servicing every Community Board District, New Yorkers can bring clean, portable, reusable goods they no longer need and exchange them for other items at the swap. Between 2021-2022 there were 67 events across NYC, attended by nearly 10,000 people that swapped 55 tons of material.

Table 13: GrowNYC Stop ‘N’ Swap

Year	Events	Tonnage	Attendees
2021	13	11.3	1,957
2022	54	44.3	7,729
Total	67	55.6	9,686

4.1.10 OUTREACH AND COMMUNICATIONS

DSNY staff continued to enhance its existing web-based resources for residents and building management. All public education materials are available as downloadable pdf files for instant access. Most materials are also available in Spanish and Chinese, and select materials are available in up to fourteen additional languages. DSNY staff continues to provide information, decals, and brochures through 311 requests and the DSNY online order form. DSNY continues to expand its outreach through its social media accounts on Facebook, Twitter, and Instagram—both organically and through paid advertising.

In 2021 and 2022, DSNY produced and mailed a wide range of notifications to various audiences, such as schools, commercial businesses, new recipients of curbside composting collection, and residents living near our SAFE Disposal Events. In addition to these notifications, DSNY launched a paid media campaign (in multiple languages placed in local and ethnic media) and sent a city-wide mailer to residents providing a comprehensive guide on proper disposal for all material types.

To promote recycling diversion, DSNY recycling outreach staff also continued to assist the City’s landlords, building managers, co-op boards, condo associations, and building superintendents requesting DSNY education and assistance to improve their buildings’ recycling rates. Outreach staff is a constant presence in the five boroughs, attending various tenant, co-op, and condo association meetings, as well as providing hands-on outreach assistance to individual superintendents and building management where needed.

Furthermore, DSNY leveraged strategic partnerships with a wide array of nonprofit agencies, including GrowNYC, NYCCP partners, and others, to supplement field outreach staff and boost

the presence of DSNY messaging among the public. Included among these are the NYC Summer Internship Program, which provides City government internships that allow students to make important contributions to the City while participating in a challenging and rewarding work experience.

In 2022, DSNY relaunched the *Zero Waste Building Maintenance Training Program*, (ZWBMT) after the program was suspended in March 2020 because of the COVID-19 pandemic. The program was originally designed to help building maintenance staff in districts with lower diversion rates run best-in-class apartment building recycling programs through a combination of classroom instruction, field trips, and practical activities. The free program included 2 virtual training sessions and an optional in-person tour of Sims Municipal Recycling Center. Students who successfully completed the program by meeting the course requirements received a Zero Waste Building Maintenance Training Certificate. In 2022, the program trained eight cohorts with 37 attendees who successfully graduated from the program and learned how to improve recycling set-ups, teach residents how to recycle, and how to avoid fines.

After attending the training course, participants must complete a site visit with DSNY staff at their building. During the site visit, DSNY staff provides personalized suggestions to improve the building's waste management setup and provides — free of charge—decals, posters, and other materials to help every tenant in the building properly manage waste. DSNY staff ensures the building is in compliance with the rules and regulations for residential waste storage and setout for collection. Participants in the Zero Waste Building Maintenance Training program are also fast tracked for enrollment in refashionNYC and ecycleNYC.

Participants who successfully attend the training course and complete the site visit receive a ZWBMT graduation certificate signed by the DSNY Commissioner. DSNY regularly holds graduation ceremonies, which allow participants the opportunity to interact and share feedback on how the program improved their buildings. DSNY provides regular updates to program graduates with helpful information on changes to the City's waste management programs or special recycling collection events, so they can keep their buildings well informed.

4.1.11 RECYCLING AT THE NEW YORK CITY HOUSING AUTHORITY

In calendar years 2021 and 2022, DSNY conducted several outreach and education efforts (detailed below) to boost recycling participation throughout New York City Housing Authority (NYCHA) developments.

During the reporting period, DSNY supported NYCHA’s new Recycle First program, established to improve setouts of materials to increase collection of recyclable materials. 10 site visits and 4 trainings were conducted. DSNY’s Smart Compost pilot prioritized placement of a bin near NYCHA properties to facilitate NYCHA resident access to food waste recycling programs. DSNY conducted 11 tabling events to promote the pilot as well as 5 site visits to assess the program. DSNY staff also participated in several Family Day events over the two summers to promote recycling and proper waste disposal.

DSNY initiated a new pilot program of converting trash compactors into cardboard-only compactors at 3 NYCHA developments. The three developments – Marcy, Morris, and Queensbridge – reported more than 250 tons of cardboard collected during the reporting period. This pilot provides unique recycling data that is not otherwise available to NYCHA and will expand in the coming years through NYCHA’s waste yard redesigns. Six additional cardboard compactors are planned to be installed by 2025; two each in Manhattan and the Bronx and one each in Queens and Brooklyn. NYCHA also reported that 2,785 mattresses & box springs (approx. 147 tons) were collected from Aug - Dec 2021 and 8,953 mattresses & box springs (approx. 485 tons) were collected in 2022 as part of a NYCHA pilot program. The materials recovery rate (portion of collected mattresses that were recycled) was about 80% for both years.

In 2021 NYCHA released a Sustainability Agenda including a capital plan outlining significant investment in waste and recycling infrastructure as part of Goal 4: Facilities and Resources Management. A copy of Goal 4 is included as Attachment III.

Full details of NYCHA’s Sustainability Agenda are available at: [NYCHA - Sustainability Agenda](#). Progress on the Sustainability Agenda is updated annually – see the 2023 Progress Report [here](#).

4.1.12 COMMERCIAL RECYCLING

During the Reporting Period, the commercial organics rules adopted in the previous reporting period were fully implemented as the warning period ended July 2022. The “Third Designation” of covered generators are now required to separate their organic waste for diversion. This cohort includes:

- Food service establishments having 7,000 to 14,999 square feet
- Chain food service establishments of 2 to 99 NYC locations w/combined floor area of 8,000 square feet or more
- Food service establishments in hotels having 100 to 149 guest rooms
- Food service establishments w/combined floor area of 8,000 square feet or more in the same building or location
- Retail food stores having 10,000 to 24,999 square feet
- Chain retail food stores of 3 or more NYC locations w/combined floor area of 10,000 square feet or more
- Food preparation locations having 6,000 square feet or more
- Catering establishments hosting on-site events to be attended by more than 100 people
Temporary public events to be attended by more than 500 people

Further, DSNY Commercial Facilities Engagement and Operations staff hosts off-site group trainings; provides sample signs, labels, and electronic copies of notices in multiple languages; produces the DSNY Business Rules and Regulations Guidebook; and hosts workshops with the NYC Department of Small Business Services, Chambers of Commerce, Business Improvements Districts, and other organizations to educate businesses in all five boroughs. A summary of existing Commercial Recycling Rules is provided in Attachment IV.

4.1.13 WEST 59TH STREET MTS AND ADDITIONAL MANHATTAN CAPACITY

The West 59th Street MTS is a permitted facility that is operated by DSNY seven days per week for the receipt of mixed paper recyclables collected by DSNY. Pursuant to a contract with DSNY,

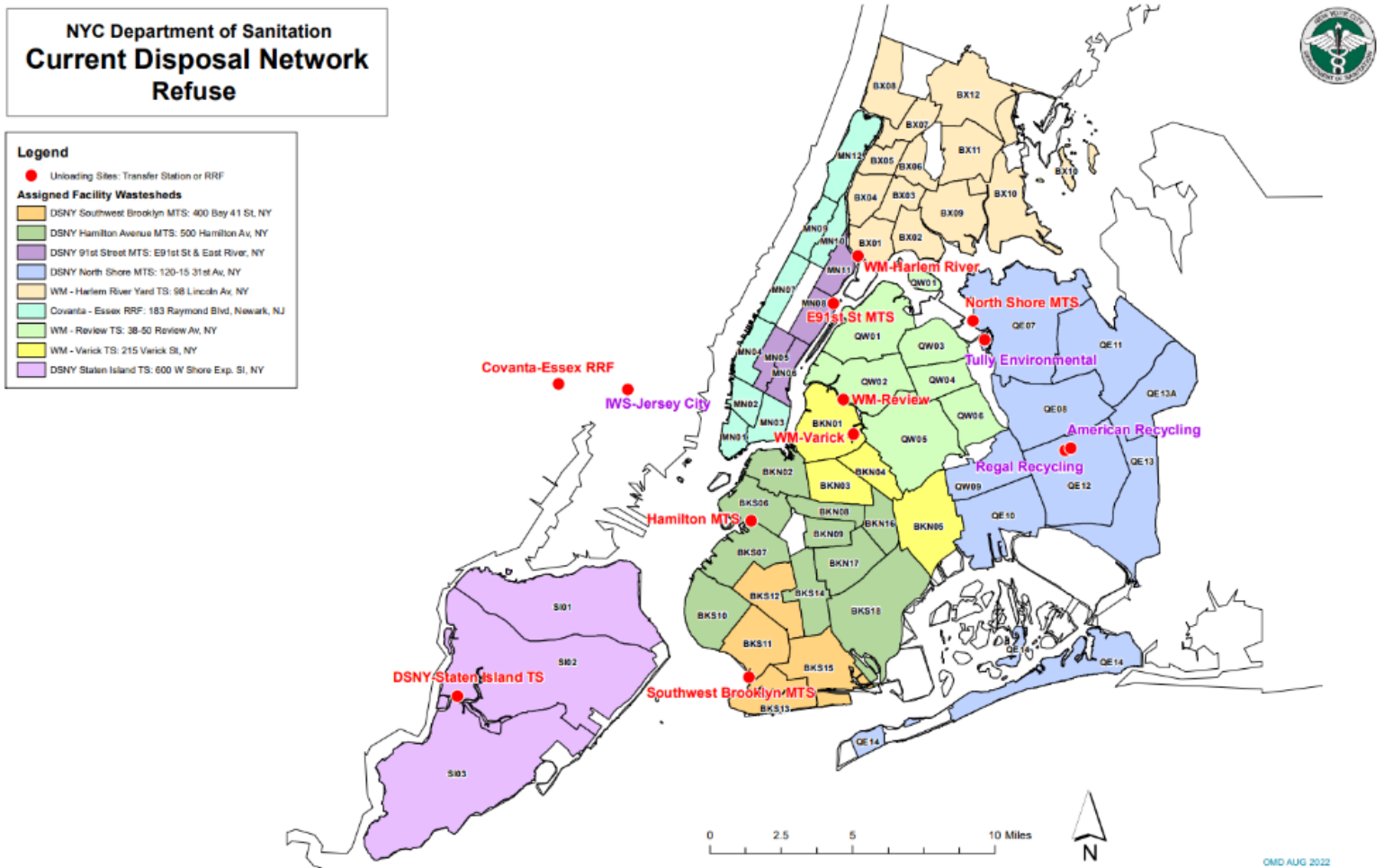
paper is barged by Pratt Paper (formerly Visy Paper) from the MTS to its paper mill located in Staten Island. A refurbishment of the MTS, including in-water work, began in 2016 and was completed during the Reporting Period. Part of the scope of work was to fortify the structural integrity of the facility and ensure that it can support a future use over the next several decades.

There has been no movement on the draft Memorandum of Understanding (MOU) between the City and the State regarding the Gansevoort Peninsula facilities, which were contemplated as additional export capacity for Manhattan generated recyclables. As a result, DSNY removed allocated funding for this project from its capital budget. An evaluation of recycling transfer and processing capacity will be completed as part of SWMP26.

4.2 RESIDENTIAL WASTE DISPOSAL: LONG-TERM EXPORT IMPLEMENTATION

One of the SWMP's primary objectives was construction of the Marine Transfer Stations in support of the waste transfer and export program. DSNY successfully completed this ambitious undertaking. A summary of each MTS and supportive export network is included in this Section. See Attachments V and VI for detailed information on tonnage and disposal locations during the Reporting Period and Attachment VII for details on MTS permitting and construction history. Figure 3 provides a graphical representation of the DSNY residential waste sheds and transfer to export locations.

Figure 3: Current Disposal Network: Refuse Map



4.2.1 HAMILTON AVENUE CONVERTED MTS, HAMILTON AVENUE AT GOWANUS CANAL, (GOWANUS) BROOKLYN

Project Overview: The Hamilton Avenue Converted MTS replaced the former MTS at the same location and serves the same waste shed (Brooklyn Collection Districts 2, 6 - 10, 14, 16 – 18). The MTS is a City-owned facility operated by DSNY at which DSNY accepts waste and loads and lids containers. DSNY awarded a 20-year service contract for the maintenance and operation of the cranes on the facility barge pier and the receipt of loaded containers for transport to an intermodal facility for trans-loading to rail transport and disposal at an out-of-City disposal facility to Waste Management of New York, LLC. The MTS, which opened in September 2017 and began serving the whole waste shed in September 2018, currently accepts an average of 1,428 tons per day of DSNY-managed waste from those communities. The facility operates 24 hours per day, six days a week pursuant to NYSDEC-issued environmental permits.

The MTS is an enclosed processing building (with ramps) constructed along the Gowanus Canal (the former overwater MTS was demolished). It is a three-level facility that facilitates the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers that are placed by an outside gantry crane system onto a barge for transport to an intermodal container facility. The MTS processing building and ramp design allows collection vehicles to move quickly through the facility without on-street queuing.

4.2.2 SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41ST STREET, (GRAVESEND) BROOKLYN

Project Overview: The Southwest Brooklyn Converted MTS was constructed on the site of the demolished Southwest Brooklyn Incinerator to serve the same waste shed as the former MTS (Brooklyn Collection Districts 11 – 13 and 15). The MTS is a City-owned facility operated by DSNY at which DSNY accepts waste and loads and lids containers. DSNY awarded a 20-year service contract for the maintenance and operation of the cranes on the facility barge pier and the receipt of loaded containers for transport to an intermodal facility for trans-loading to rail transport and disposal at an out-of-City disposal facility to Waste Management of New York, LLC. The MTS, which began operation on October 8, 2018, currently accepts an average of 886 tons per day

of DSNY-managed waste from those communities. The facility operates 24 hours per day, six days a week pursuant to NYSDEC-issued environmental permits.

The MTS, including a fully enclosed processing building and ramp structures, was constructed on land on the edge of Gravesend Bay. It is a three-level facility that facilitates the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers to be placed by an outside gantry crane system onto a barge for transport directly to an intermodal container facility. The MTS processing building and ramp design allows collection vehicles to move quickly through the facility without on-street queuing.

4.2.3 EAST 91ST STREET CONVERTED MTS AND THE EAST RIVER, MANHATTAN

Project Overview: The East 91st Street Converted MTS replaced the preexisting MTS on the site and serves the same waste shed as the former MTS (Manhattan Districts 5, 6, 8 and 11). The MTS is a City-owned facility operated by DSNY at which DSNY accepts waste and loads and lids containers. DSNY awarded a long-term service contract to Covanta Sustainable Solutions for the maintenance and operation of the cranes on the facility barge pier and the receipt of loaded containers for transport to and disposal at Covanta resource recovery facilities. The MTS, which began operation on March 25, 2019, currently accepts an average of 492 tons per day of DSNY-managed waste from those communities. The facility operates 24 hours per day, six days a week pursuant to NYSDEC-issued environmental permits.

The MTS has an over-water processing building, barge pier, and includes ramp structures that entirely replace the preexisting MTS structure in the East River at the terminus of East 91st Street on Manhattan's east side. The MTS is a three-level facility designed to facilitate the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers that are placed by an outside gantry crane system onto barges for transport directly to a disposal site or to an intermodal facility where the containers are placed onto rail cars for transport to a disposal site. The MTS processing building and ramp design allows collection vehicles to move quickly through the facility without on-street queuing.

4.2.4 NORTH SHORE CONVERTED MTS, 31ST AVENUE AND 122ND STREET, (FLUSHING) QUEENS

Project Overview: The North Shore Converted MTS replaced the former MTS on the site and serves the same waste shed (Queens Collection Districts 7 -14). The MTS is a City-owned facility operated by DSNY at which DSNY accepts waste and loads and lids the containers. DSNY awarded a long-term service contract to Covanta Sustainable Solutions for the maintenance and operation of the cranes on the facility barge pier and the receipt of loaded containers for transport to and disposal at Covanta resource recovery facilities. The MTS, which began operations in March 2015, currently accepts an average of 1,671 tons per day of DSNY-managed waste from those communities. The facility operates 24 hours per day, six days a week pursuant to NYSDEC-issued environmental permits.

The MTS has an over-water processing building with an over-water barge pier and ramp structures that replaced the demolished former MTS structure in Flushing Bay. It is a three-level facility that facilitates the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers placed by an outside gantry crane system onto barges for transport to an intermodal facility where the containers are placed onto rail cars or larger barges for transport to a disposal site. The MTS processing building and ramp design allows collection vehicles to move quickly through the facility without on-street queuing.

DSNY contracts for the services of a wildlife biologist for the implementation of an approved integrated wildlife hazard (bird) management program for the MTS because it is located across Flushing Bay from LaGuardia Airport.

4.2.5 BRONX LONG TERM EXPORT PROCUREMENT

Pursuant to a procurement issued in December 2003, Waste Management of New York, LLC. (WM) was awarded a 20-year Service Contract, with two five-year renewals, to containerize transport by rail and dispose of an average of 2,014 tons per day of DSNY-managed waste (municipal solid waste, or MSW) from the Bronx, the waste shed historically handled by DSNY's now demolished South Bronx Marine Transfer Station that ceased operations in 1997. The Service Contract requires WM to accept, manage, transport, and dispose of Bronx long-term Service

Contract Waste (Contract Waste), delivered by the City to WM's Harlem River Yard Transfer Station located at 98 Lincoln Avenue, Bronx. The Service Contract fee formula is made up of several fixed and variable components that are escalated based on various factors. The fixed components are payable regardless of the number of tons of MSW delivered. The variable components are paid based on the number of tons of MSW delivered. DSNY must also pay for certain costs incurred by WM for uncontrollable circumstances, for disposal of unacceptable waste, and for acceptance of deliveries on Sundays and holidays. Service under the Service Contract began in July 2007. The facility is a rail-only facility; trucking of waste containers would only be permitted in an emergency defined by the facility's permit.

4.2.6 BROOKLYN LONG-TERM EXPORT PROCUREMENT

Pursuant to a procurement issued in December 2003, WM was awarded a 20-year Service Contract, with two five-year renewals, to containerize, transport by rail, and dispose of an average of 1,088 tons per day of DSNY-managed waste from Brooklyn Collection Districts 1, 3, 4 and 5, the Brooklyn waste shed historically handled by the former Greenpoint Marine Transfer Station which ceased operations in March of 2001. The Service Contract requires WM to accept, manage, transport, and dispose of Brooklyn long-term Contract Waste, delivered by the City to WM's Varick Transfer Station located at 215 Varick Street, Brooklyn, New York 11237. The Service Contract fee formula is made up of several fixed and variable components that are escalated based on various factors. The fixed components are payable regardless of the number of tons of MSW delivered. The variable components are paid based on the number of tons of MSW delivered. DSNY must also pay for certain costs incurred by WM for uncontrollable circumstances, for disposal of unacceptable waste, and for acceptance of deliveries on Sundays and holidays. WM must manage, operate, and maintain the Varick Transfer Station.

Full rail service began for Contract Waste in March 2009; as of October 2011, any commercial waste accepted at the facility is required to be transported from the MTS by rail.

4.2.7 QUEENS LONG-TERM EXPORT PROCUREMENT

In November 2013, DSNY awarded WM a 20-year Service Contract for the use of Review Avenue Transfer Station (Review Avenue TS or TS), located at 38 - 22 Review Avenue in Maspeth,

Queens, to containerize, export by rail, and dispose of the approximately 975 tons per day generated by Queens Collection Districts 1 - 6 and includes the Queens waste shed formerly served by the Greenpoint MTS. The Service Contract has similar terms to the terms of the 20-year long-term rail export contracts entered into by DSNY with WM for the use of Harlem River Yard Transfer Station for Bronx DSNY-managed waste and Varick Transfer Station for a portion of Brooklyn's DSNY-managed waste.

In May 2009, WM applied for a Part 360 permit modification to increase capacity at the facility and revised its application in December 2011 to reflect new dray and railyard plans in response to community concerns about its plans to dray containers approximately 1.5 miles (round trip) to the Maspeth Railyard through the Rust Avenue intersection expressed in an Environmental Justice Meeting held by WM in June 2009. The permit modification was issued by NYSDEC in June 2012.

In September 2013, WM applied to further modify its Part 360 permit to allow for on-site rail (to eliminate the proposed dray of containers to and from the facility and Blissville Yard, a 100-meter round-trip on Railroad Avenue), and enlarge the existing processing building. The application, supported by a SWMP Final Environmental Impact Statement (FEIS) Technical Memorandum, resulted in a NYSDEC-issued permit modification in 2014. Service began at the facility in July 2015.

4.2.8 INTERGOVERNMENTAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY

DSNY entered a 20-year Government-to-Government Agreement with the Port Authority of New York and New Jersey (PANYNJ) for the use of its Essex County Resource Recovery Facility located in Newark, NJ for up to 1800 tons per operating day of DSNY-managed waste generated in Manhattan Collection Districts 1 – 4, 7, 9, 10, and 12 (districts historically served by the W. 59th Street and W. 135th Street MTSs). The operator of the facility is Covanta Essex County. Service began under the Agreement in October 2012. Pursuant to the Agreement, DSNY currently delivers an average of 1,199 tons per day of DSNY-managed waste in collection vehicles to the mass-burn facility, six days per week. The facility recovers ferrous metal from the waste, generates

electricity from the heat recovered from combustion of the waste, and sends the ash residue to a permitted ashfill.

4.2.9 STATEN ISLAND TRANSFER STATION

The Staten Island Transfer Station (SITS), a truck-to-container-to-rail facility operated by DSNY's Bureau of Solid Waste Management, began operations in November 2006 and entered full-scale rail operations in April 2007. Allied Waste Systems, Inc. (now owned by Republic Services, Inc.) operates the SITS railyard and provides rail transport and disposal of all of Staten Island's DSNY-managed waste pursuant to a 20-year Service Contract. The SITS NYSDEC Part 360 solid waste facility permit was issued in March 2002 and renewed in 2007, 2012 and 2017. DSNY submitted a timely and complete application for renewal in 2022; the issuance of a renewal permit is pending. The SITS accepts only Staten Island DSNY-managed waste - an average of approximately 702 tons per day. See Attachments V and VI for waste accepted and disposal locations in the Reporting Period.

4.2.10 MTS TRANSPORT AND DISPOSAL CONTRACTS

As part of the SWMP MTS Conversion Program, DSNY negotiated two 20-year Service Contracts (with two five-year renewals) with vendors selected for discussions through a Request for Proposals procurement. The RFP solicited vendors to operate/maintain the gantry cranes and accept loaded containers at the four proposed Converted MTSs and transfer those containers by barge for disposal to an intermodal facility onto rail cars or larger barges for disposal at an out-of-City disposal facility. A contract award to Covanta 4Recovery LP (now Covanta Sustainable Solutions) was made in July 2013 for the North Shore and E. 91st Street MTSs. Negotiation of the second award under the procurement for the two Brooklyn MTSs was terminated in November 2014 with the issuance of a new 20-year contract procurement – a Request for Proposals to Transport and Dispose of Containerized Waste from Hamilton Avenue and Southwest Brooklyn Marine Transfer Stations. The new RFP sought vendor services for Hamilton Avenue MTS within one year of the issuance of a contract notice to proceed and sought optional proposals from vendors to recover additional recyclables, including organics, from the MSW accepted. A long-term service

contract with WM was registered in 2017; service began at the Hamilton Avenue MTS in September 2017 and at the Southwest Brooklyn MTS in October 2018.

As part of the WM Service Contract for the Hamilton Avenue and Southwest Brooklyn MTSs, DSNY has retained the option (by May 2024), to issue a notice to proceed to WM to (i) divert DSNY designated recyclables; (ii) construct and operate a 200 ton-per-day pilot mixed waste processing facility (which would use organics extraction equipment); and (iii) arrange for the processing of the recovered organics fraction at participating local wastewater treatment plants (the Optional Proposal). The Optional Proposal would create energy from the organic fraction of the waste and potentially result in other products for beneficial use for the remainder of the contract term. During the Reporting Period, DSNY learned that the initially proposed location for the Optional Proposal (a transfer station in NJ) may no longer be viable, however if WM is able to identify a viable alternative that is allowable under the contract, the option remains. Currently DSNY is focused on source-separation as the diversion method for organics.

4.2.11 USE OF CONVERTED MTS TO CONTAINERIZE COMMERCIAL WASTE

The four Converted MTSs are permitted accept commercial waste between the hours of 8 PM and 8 AM, the hours when DSNY collections are limited and when commercial carters typically collect. Commercial waste trucks' deliveries are limited pursuant to the FEIS for the SWMP to specific numbers in each hour of the delivery period to avoid noise impacts during the quiet nighttime hours. Commercial waste maximum acceptance per day for the MTSs is as follows: North Shore – 1,000 tons per day (tpd); E. 91st Street -- 780 tpd; Southwest Brooklyn -- 718 tpd; and Hamilton Avenue -- 494 tpd.

As detailed in Section 4.3, DSNY included the option to use the MTSs for commercial waste in the Commercial Waste Zones RFP.

4.3 COMMERCIAL WASTE PROGRAMS

In New York City, DSNY collects waste and recyclables from residential buildings, City Agencies, and public Institutions. Private carting companies, licensed by the Business Integrity Commission (BIC), collect waste, construction and demolition waste (C&D), and recyclables from commercial

establishments, office buildings, and other businesses. For the purposes of this Report, industrial wastes are included in commercial waste totals. During the Reporting Period, DSNY advanced the SWMP Commercial Waste Milestones, as follows:

4.3.1 COMMERCIAL WASTE ZONES PROCUREMENT

In November 2019, the New York City Council passed, and former Mayor de Blasio signed Local Law 199 of 2019 (LL199), which requires DSNY to establish Commercial Waste Zones (CWZ), with up to three carters authorized to provide commercial waste collection service in each zone and five additional carters authorized to provide citywide containerized collection service. This would reduce commercial collection truck traffic, leading to cleaner air, less traffic congestion, safer streets, and quieter nights in neighborhoods across the City. In November 2020, DSNY issued an RFP to contract private carters to serve the 20 zones established pursuant to LL 199. In June 2021, DSNY received proposals from 50 carters, and in November 2021, the Department issued the second part (Part 2) of the RFP to collect more detailed pricing and technical proposals, along with updated financial and compliance data. DSNY received submissions from 34 carters to Part 2 of the RFP.

As required by LL 199, carters provided extensive proposals detailing customer service, zero waste, health and safety, emergency operations, waste management, air pollution reduction, subcontracting, outreach, and financial and compliance information. After an initial review of the RFP responses, the Department issued a request for best and final offers, a best practice in procurements to ensure the highest quality service for the best price. These final offers were received in 2022. This detailed information is being reviewed by an evaluation committee to ensure fairness in awarding contracts in accordance with the City's procurement rules and procedures. After an initial review of the RFP responses, the Department issued a request for best and final offers, a best practice in procurements to ensure the highest quality service for the best price. These final offers were received in 2022, and final proposal review began.

4.3.2 CWZ PROGRAM IMPLEMENTATION TIMELINE

The impact of COVID-19 on the city's businesses dramatically affected the private carting industry. As a result, DSNY delayed the issuance of the RFP for CWZ until fall 2020, preceded

by applicable rulemakings and additional stakeholder engagement, but remained firmly committed to implementing the program and fully realizing its benefits for all New Yorkers. The delay allowed the business community and the carting industry to begin to recover and stabilize before embarking on this transformative effort that will require bold, forward-looking commitments from DSNY partners in the private sector.

Following the award of contracts through the RFP process, DSNY anticipates that the first pilot zone will be implemented with a four-month transition period in the second half of 2024, preceded by a two-month outreach period. During the transition period each business in that zone will be asked to transition their commercial waste carting to one of the three authorized carters for that zone. DSNY is working collaboratively with BIC throughout this process.

4.3.3 DSNY RESOURCES FOR IMPLEMENTING THE CWZ PROGRAM

To effectively implement this program, the Department increased staffing in the Bureau of Commercial Waste from 13 to 17 people since April 2022. An additional 10 Sanitation police officers graduated in February 2023 who will be dedicated to commercial waste enforcement, more than doubling staffing dedicated to Commercial Waste Zones. The Department estimates that each of the 20 CWZ contain approximately 5,000 businesses. Outreach to these businesses is paramount to achieving the goals of the program, and so the Department has budgeted \$2.7 million to conduct it effectively.

4.3.4 DSNY COMMERCIAL WASTE ZONES RULEMAKING

In accordance with the requirements of Section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of DSNY by sections 753 of the New York City Charter and Title 16-B of the New York City Administrative Code, the Department adopted four subchapters of rules establishing requirements for carters participating in the CWZ program (16 RNYC §20-01 to §20-56). These rules are related to customer service requirements, operations and delivery of service requirements, and safety requirements and are detailed below. In any instance of overlapping requirements with BIC, these rules will not apply to commercial waste carters until the time of CWZ implementation. Full text of these rules is included in Attachment VIII.

Subchapter A: Definitions §20-01

Auditors must be registered with BIC as a trade waste broker.

Subchapter B: Customer Service Requirements §20-20 to §20-29

Each carter awardee must include in its Zero Waste Plan a specific plan for how it will provide or reimburse customers for at least one commercial waste generation audit. Once conducted, these audits will allow carters and customers to see how much of each waste type the customer is creating, broken down by waste stream: refuse, designated recyclable materials, and source separated organic waste. These rules also require carters do not overcharge customers for their collection and ensure customers and carters enter into a written service agreement to solidify standards of service. These rules also include customer service-related standards for labelling containers and equipment, fees, maximum rates billing, and payment, pick up frequency and changes to scheduled pick-ups, customer service plans and written service agreements. Finally, these rules establish how often carters are to inform customers and the Department of relevant information.

Subchapter C: Operations; Delivery of Service §20-30 to §20-44

These rules set forth extensive standards for delivery service and operations for carters and customers. Operations and delivery of service standards set out in these rules include recycling and organics requirements (detailed in Section 4.1.3), reporting of disposal methods and locations, labeling and maintenance of equipment, and operations standards while collecting and disposing of materials. These rules are extensive and ensure uniform standards of service delivery and safe operations.

Subchapter D: Safety Requirements §20-50 to §20-56

To address the past dangerous practices of some carters in New York City, these rules will require several safety requirements including by January 1, 2026, all commercial waste vehicles must be equipped with back-up cameras and auxiliary lighting in the rear and sides and once a CWZ is active, all commercial waste vehicles must be equipped with a telematics system that allows real

time transmission to DSNY of the vehicle's location and routing information. Additionally, these rules require carters maintain and submit records of vehicle operators and workers, inspection and certifications of repairs, and daily inspection reports.

4.3.5 IMPACT OF CWZ ON DIVERSION

The CWZ program is expected to greatly increase the commercial waste diversion rate, as it will require, for the first time, all authorized carters provide recycling service alongside refuse service. Additionally, carters must provide organics collection to every customer that is required to separate organic waste, as well as for customers who choose to do so voluntarily. Furthermore, carters are required to charge customers a lower rate for the collection of organics and recyclables than refuse. Greater enforcement tools through contractual mechanisms and in-field enforcement will give DSNY the ability to ensure carters are abiding by these new rules. Part of the submitted proposals focus on carters explaining their processes for adhering to rules regarding diversion and Zero Waste, ensuring responsible carters are granted contracts. These requirements are included in DSNY's rules described in Section 4.2.14.

More detailed information on legislation relating to the management of Commercial Waste in the Planning Unit, including the rules listed above, can be found in Section 8 and Attachment X.

4.3.6 COMMERCIAL USE OF MARINE TRANSFER STATIONS

The City's 2006 Solid Waste Management Plan anticipated that City-owned MTSs could be used for commercial waste, where surplus capacity exists. Now that the MTSs have reached full operation, only two currently have available capacity: East 91st Street and Southwest Brooklyn. To accept commercial waste, DSNY and its vendors would need to add additional staff. The City contracts utilizing barge and rail export and substantial built-in redundancy that are used to manage the tonnage delivered to the MTSs are not cheap, potentially affecting their ability to compete financially with private transfer stations in the metro area. Additionally, some carters operate their own transfer stations, providing cost saving vertical integration. The option for proposers to express interest in the use of MTSs was a component of the CWZ RFP. Interest will be influenced by the above factors as well as truck routing. As proposals are evaluated, demand for commercial use of City MTSs will be clearer.

4.3.7 TRANSFER STATION CAPACITY REDUCTION

To address transfer station capacity in the Community Districts Bronx 1 and 2, Brooklyn 1 and Queens 12, the City Council enacted Local Law 152 of 2018. This law reduced the maximum amount of waste that private transfer stations in the four overburdened Community Districts can manage. It also prevents new transfer stations from opening in any community district that has more than 10% of the City's total capacity.

Specifically, Local Law 152 of 2018 carries out an important policy goal of the SWMP by requiring DSNY to reduce the daily permitted capacity of transfer stations in certain community districts that are overburdened with putrescible transfer stations and construction and demolition debris transfer stations and their associated truck traffic. The law was designed to ensure that the targeted cuts would still leave the City with adequate capacity to manage its commercial and residential waste.

The City conducted a detailed environmental review of the proposed transfer station cuts mandated by LL 152/2018, which found that the cuts would not have a significant adverse impact on the City's management of solid waste or on the solid waste transfer station industry in the City and region. See Environmental Assessment Statement CEQR No. 18OOM004Y, available [online](#). The City has successfully defended the law against a legal challenge from certain transfer station operators.

4.3.8 CONSTRUCTION AND DEMOLITION WASTE

Construction and Demolition waste is accepted at various private transfer stations in NYC. See Section 6.7 for tonnage information. Per existing Planning Unit Rules, businesses exclusively engaged in an activity that generates construction and demolition waste during the ordinary course of business must source separate these materials for recovery. See Attachment IV for more information on commercial waste recycling requirements.

Regulation of Fill Material

Fill material consisting of earth, dirt, rock, concrete gravel, sand, and stone is primarily managed by a network of twenty-two (22) fill material transfer stations in the City. All 22 facilities are permitted and regulated by DSNY's Permit and Inspection Unit (PIU). PIU staff are trained to look for unauthorized materials and take enforcement action when necessary.

DSNY fill material transfer station inspections are performed routinely to ensure facilities operate within the standards outlined in Title 16 of the Rules of the City of New York (Rules) and in the regulations governing fill material and fill material transfer stations in Sections 16-130 and 16-131 of the Administrative Code of the City of New York (Administrative Code), including the requirement that only clean materials are received for subsequent transfer to other locations. Fill material is considered "clean" if free of visible contaminants such as wood, plastic, asphalt, and other general debris. PIU inspections are performed by a staff of 17 officers and 5 supervising lieutenants who conduct random inspections 24 hours per day and 7 days per week. Title 16 of the Administrative Code and Title 16 of the Rules can be accessed [online](#).

During an inspection, DSNY Inspectors perform visual inspections of material to determine compliance with standards set forth in the Rules and the Administrative Code. Contaminants observed in fill material beyond what is reasonably considered incidental will place the facility in violation for the receipt of unacceptable fill material. DSNY does not require testing of fill material unless an inspector observes material with unusual visual characteristics or odors that warrant further testing.

DSNY's regulatory jurisdiction over fill material also includes the placement of fill material for the purpose of land alteration and improvement. DSNY permits are issued in conjunction with the grading of properties using fill material with routine inspections conducted to ensure only clean materials are used for such purpose. This process has led to the effective management of fill materials within the City from the processing of materials to their final disposition.

SECTION 5 – DSNY RESOURCES

This section demonstrates that DSNY has available adequate capital and expense funds and staffing levels to continue to advance SWMP goals and projects.

5.1 BUDGET HIGHLIGHTS

The City’s budgets provide adequate expense and capital funding for recycling, composting, disposal of solid waste and Fresh Kills Landfill closure construction, as well as the continued implementation of the MTS Conversion Program. The budgeted expense funding for SWMP implementation is set forth in Table 13. Capital Budget information for the Reporting Period and the proposed look-head FY 2024 and 2025 Capital Budget information on SWMP programs is provided in Table 14 and 15, respectively. Note the increasing in capital spending on Recycling is for split-body trucks, as part of the expansion of the organics collection program.

Table 14: Expense Budget Funding⁴

Programs	FY 2023	FY 2024	Grand Total
Metal, Glass & Plastic Processing	\$26,032,842	\$27,632,842	\$53,665,684
Composting	\$8,156,446	\$7,050,325	\$15,206,771
Public Education & Outreach (including Organics)	\$19,391,838	\$13,928,700	\$33,320,538
Organics Program: brown bins, FSDOs, SMART Bins, GrowNYC, Printing, Postage, Contracts	\$14,949,334	\$1,707,292	\$16,656,626
Household Hazard Waste Program	\$2,605,502	\$2,605,502	\$5,211,004
Export Contractual Cost ⁵	\$462,816,359	\$478,001,503	\$940,817,862
Staten Island Transfer Station	\$767,869	\$767,869	\$1,535,738
Long Term Marine Transfer Station	\$3,573,284	\$3,573,284	\$7,146,568
Fresh Kills Closure Cost	\$12,740,000	\$12,250,000	\$24,990,000
Long Term Planning (Legal & Engineering)	\$756,303	\$756,303	\$1,512,606
Total	\$551,789,777	\$548,273,620	\$1,100,063,397

⁴ Information based on January Budget FY 2024, excludes labor

⁵ Includes all export contracts – long-term and interim

Table 15: Adopted Capital Budget

Reporting Period
SWMP - Related Projects
\$ in 000's (as of January Plan 2023)

Item Description	FY 2022	FY 2023
Staten Island Transfer Station	\$0	\$550
Composting ⁶	\$1,099	\$4,083
Long-Term Export ⁷	\$459	\$19,561
Recycling ⁸	\$464	\$37,358
Totals	\$2,022	\$61,552

Table 16: Preliminary Capital Budget

as of *January Plan 2024*
SWMP - Related Projects
\$ in 000's

Item Description	FY 2024	FY 2025
Staten Island Transfer Station	\$0	\$499
Long-Term Export	\$8,468	\$13,793
Recycling	\$12,301	\$62,602
Totals	\$20,769	\$76,894

Staffing Levels

Staffing was adequate during the Reporting Period and remains adequate to implement the SWMP projects.

Table 17: SWMP Staffing

Programs	FY 2023	FY 2024
Recycling	50	50
Waste Management Engineering	13	13

⁶ Investments in SICF, Rikers Island and Soundview Facilities

⁷ Includes MTS equipment

⁸ Includes trucks for co-collection of source-separated organics and recycling

Export Unit	62	62
Staten Island Transfer Station	29	29
Marine Transfer Stations	283	283
Long Term Export Unit	10	10
Total	447	447

5.2 Enforcement

The Covid-19 Pandemic resulted in the suspension or reduction of some of DSNY’s enforcement activities through 2021 and part of 2022. Full enforcement resumed in July of 2022. A summary of Violations and Private Transfer Station inspections by Fiscal Year is listed in Table 16, as reported in the Mayor’s Management Report⁹.

Table 18: DSNY Enforcement Activity 2021-2022

Indicators	FY 2021	FY 2022	FY 2023 - partial (July-October 2022)
Recycling summonses issued*	35,590	32,015	10,653
Violations Issued; Sanitation regulations	42,694	46,329	20,314
Private transfer station inspections performed	4,064	4,116	1,296

* Includes both residential and commercial.

Over the Reporting Period, DSNY maintained a staff of 134 Enforcement Agents and 129 Sanitation Police Officers and superior ranks, including the specialized Environmental Police and Permit and Inspection units. For additional information on Commercial Waste Enforcement, see Section 4.3.4

As summarized in prior biennial reports, there are many Local Laws related to recycling. New legislation passed and regulations promulgated regarding solid waste and recycling by the Planning Unit during the Reporting Period are summarized in Section 8 and included in their entirety as Attachments X.

⁹ [Mayor's Management Report \(MMR\) - Mayor's Office of Operation \(nyc.gov\)](#)

SECTION 6 – SOLID WASTE AND RECYCLABLES DATA

6.1 DATA SOURCES

Sources for the data collected to provide the information in this Compliance Report are operations managed directly by DSNY, and voluntary reports of other solid waste operations in the city made to DSNY. Financial information is from the City’s Adopted Capital Budget and DSNY’s Expense Budget. Recycling Diversion Reports derive information on recycling diversion from DSNY scale and vendor invoice data and, for the commercial sector including fill and C&D, from quarterly reports submitted by private transfer stations operating in the city. Attachments V and VI provide the sum of all DSNY-managed disposal tonnage exported for the period based on scale data. Data on commercial waste disposed is also derived from the quarterly reports submitted by private transfer stations. Reported data from non-DSNY managed and non-commercial sources has been provided by the Agency or operation that generated it; for example, biosolids data was provided by the NYCDEP. DSNY does not audit or validate the source data on anything other than DSNY-managed waste. Other than other Agency or DSNY managed waste as reported herein, DSNY does not have data on solid waste generated in NYC that is directly exported (i.e., that does not pass through a private transfer station in the city). This data gap will be considered as part of SWMP26.

6.2 MUNICIPAL SOLID WASTE COLLECTED BY DSNY

The lists of destinations for DSNY managed MSW during the Reporting Period are appended hereto as Attachment V (CY 2021) and Attachment VI (CY 2022), respectively. During the Reporting Period, an average of 3.2 million tons per year was disposed in facilities located in New York, New Jersey, Pennsylvania, Virginia, South Carolina, and Ohio. The Attachments contain specific disposal facility information.

6.3 RECYCLABLES COLLECTED BY DSNY

MGPC and Paper collected by DSNY during the Reporting Period was delivered to SIMS Municipal Recycling and Pratt Paper. Covanta recovers metals after the incineration of DSNY delivered waste. A proportionate tonnage from the three Covanta facilities utilized in the Reporting Period is also considered DSNY recycling. DSNY also recycles metal and tires from its fleet and

operations. Table 20 provides a summary of the tonnage of these recyclables during the Reporting Period, by year.

Table 19: DSNY Collected Recycling by Material Type, CY 2021 & CY 2022

Material Type	2021 tons	2022 tons
MGPC	326,260	297,588
Paper	335,020	309,452
Covanta recovered metals	28,254	25,819
Bulk Metal*	2,601	2,106
Tires**	501	513
Rims**	15	23
<i>total tons</i>	<i>692,651</i>	<i>635,501</i>

*Bulk Metal is from DSNY and Agency operations, not residential collections.

**DSNY also recycles tires and rims, collected both from DSNY vehicles and equipment but also through the derelict vehicle recycling program.

The list of destinations for these recyclables are provided in Attachment XI. Bulk Metal and Tire and Rim quantities/destination details are provided in Attachment XIII.

6.4 ORGANICS COLLECTED BY DSNY

DSNY operates multiple organics diversion programs as detailed in Section 4.1.3 and this Section 6.4. Table 21 provides a summary of the tonnage of organics collected or received during the Reporting Period, by year.

Table 20: Collected Organics Received by Program/Facility, CY 2021 & CY 2022

Program/Facility	2021 tons	2022 tons
DSNY Compost Facilities	31,119	34,160
Compost Project Partners	2,962	1,946
DSNY large -scale processing vendors	2,701	20,330
Total	36,782	56,436

The list of destinations for organics received by DSNY large-scale vendors is appended hereto as Attachment XII. The remainder of the organics were processed at the facilities described in the following sub-Sections or in Section 4.1.3.

Organics recovered in small-scale compost sites, such as community gardens and backyards, are not included in these totals.

6.4.1 STATEN ISLAND, RIKERS ISLAND AND SOUNDVIEW COMPOST FACILITIES

The Staten Island Compost Facility (SICF) Rikers Island and Soundview Compost Facilities are DSNY owned windrow composting facilities operated under contract with Denali. SICF is authorized to accept up to 105,000 cubic yards of yard trimmings and tree debris per year that includes a mulch processing facility authorized to accept up to 70,000 cubic yards of tree debris per year. SICF is also currently authorized to accept up to 30 tons per week (tpw) of source separated organics (food scraps or SSO). Construction is nearly complete on an upgrade of this facility to incorporate the Gore® Cover System technology for improved operations; this investment will increase the SSO limit to 600 tpw. Most of the material received at the facility is from private landscapers, although many of them service NYC residents. Manure is also received from the NYPD mounted command.

The Rikers Island Facility processes food scraps from the NYC Department of Corrections activities on the island. All compost produced is used on the island.

The Soundview Facility processes leaves and other woody debris, mostly collected from residents of the Bronx. Table 22 summarizes the tonnage processed by these facilities in the Reporting Period. This is a sub-level of detail to the totals in the first row of Table 21, with the addition of some commercial landscape waste.

Table 21: Organics Received by DSNY Facility

Facility	Material Category	Tons in 2021	Tons in 2022
Staten Island Compost Facility	Leaves	9,264	11,715
	Grass Clippings	10,431	9,581
	Brush	7,428	7,686
	Food Waste	409	1,129
	Manure	548	463
	Wood Debris/X-mas Trees	248	241
	Total	28,327	30,815
Rikers Island	Food Waste	2,145	2,181
	Woodchips	387	465
	Total	2,532	2,646
Soundview	Leaves	567	975
	Wood Debris/X-mas Trees	79	189
	Total	2,667	3,186

The Staten Island and Soundview facilities file annual reports with NYSDEC per the requirements of Part 360.

6.5 BIOSOLIDS

During the Reporting Period, the New York City Department of Environmental Protection (DEP), successfully registered three beneficial use contracts as outlined in the interim biosolids management plan, on track towards the goal of zero landfilling of biosolids by 2030. See Attachment XIV for an overview of this strategy. Two of the contracts secured composting capacity and the third thermal drying. As a result of this, as well as one small volume contract for Class B land application at a dedicated dewatering facility, DEP achieved over 43% beneficial use in FY 2022.

DEP’s Office of Energy and Resource Recovery Programs is nearing completion of the Agency’s Energy and Carbon Neutrality Plan “the ECN Plan”, which continues to incorporate codigestion and biogas to grid as key strategies. The codigestion program at the Newtown Creek Wastewater Resource Recovery Facility (WRRF) in Brooklyn continues and received an average of 150 tons per day of source separated organics slurry in FY 2022. The program is hopeful to surpass pre-pandemic volume as DSNY continues to expand the residential organics collection program. Detailed information on DEP’s biosolids management is provided in the Tables that follow. Of note, biosolids production has yet to return to pre-pandemic levels. This could be a result of many factors, including capital and process improvements DEP has put in place at multiple WRRFs.

Table 22: Current NYCDEP Biosolids Management Contract Coverage

DEP Contract Tracking Number	Number of Dewatering Location Served	Maximum Allowable Daily Tonnage As Per Contract (Wet Tons/day)	Daily Tonnage Received from WRRFs (Average Range of Wet Tons/Day)	Contract End Date
1515-BIO	1	160	30	7/31/2023
1534-BIO (1,2,3)	6	925	200-325	9/8/2023
1564-BIO	2	350	200-225	9/22/2031
1566-BIO	2	350	250-350	11/30/2026
1567-BIO	3	150	150-175	7/17/2031
1563-DWOH	1	400	120-130	5/31/2023

Table 23: NYC Biosolids Tonnage- All WRRFs Combined

End Sites- FY 2021		End Uses- FY 2021		
Location of Treatment or Disposal Location By State	% of Total Wet Tons Produced Delivered*	Disposition	FY 21 Wet Tons	% of Total
Pennsylvania	44.0	Landfill	277,629	59.80
New York	8.0	Composting	94,298	20.30
Ohio	33.1	Alkaline Stabilization (Mine or Agricultural use)	63,349	13.70
Virginia	0.2	Thermal Drying	28,807	6.20
New Jersey	14.7	Total	464,083	100

End Sites- FY 2022		End Uses- FY 2022		
Location of Treatment or Disposal Location By State	% of Total Wet Tons Produced Delivered*	Disposition	FY 22 Wet Tons	% of Total
Pennsylvania	52.2	Landfill	256,200	56.70
New York	7.1	Composting	117,666	26.00
Ohio	27.5	Alkaline Stabilization (Mine or Agricultural use)	46,256	10.20
Virginia	0.0	Thermal Drying	31,928	7.10
New Jersey	13.3	Total	452,050	100

*This is a running average for FY 2021 and FY 2022; does not match EPA 503 annual reporting.

6.6 FRESH KILLS LANDFILL CLOSURE

All landfill closure and post-closure activities at the Fresh Kills Landfill are performed under a 1990 Order on Consent, as amended (“Consent Order”), with the New York State Department of Environmental Conservation (NYSDEC) (DEC Case # D2-9001-89-03).

6.6.1 COMPLETION OF CLOSURE CONSTRUCTION

The seventh and final phase of closure construction and placement of final cover at Section 1/9, approximately 65 acres, was completed on November 30, 2021.

- A Construction Certification Report (CCR) was submitted to NYSDEC on March 31, 2022. An addendum was submitted on April 25, 2022.
- NYSDEC certified the final closure on May 4, 2022, with clarifying correspondence dated May 10, 2022.

In all:

Table 24: Completion of Closure Construction

Section 1/9— Limits of final cover	Completed through 2021 (Periphery and Phases 1-7)	Remaining area to cover
445 acres	445 acres	0 acres

Note: the total acreage of new final cover on the mound is 438 acres. The balance is final cover in the periphery area, which includes the areas under the roadways and completed clay cap, labeled Phase A, Phase B, and Phase C in the below figure illustrating the sequence of closure construction and placement of final cover throughout Section 1/9. See Figure 4.

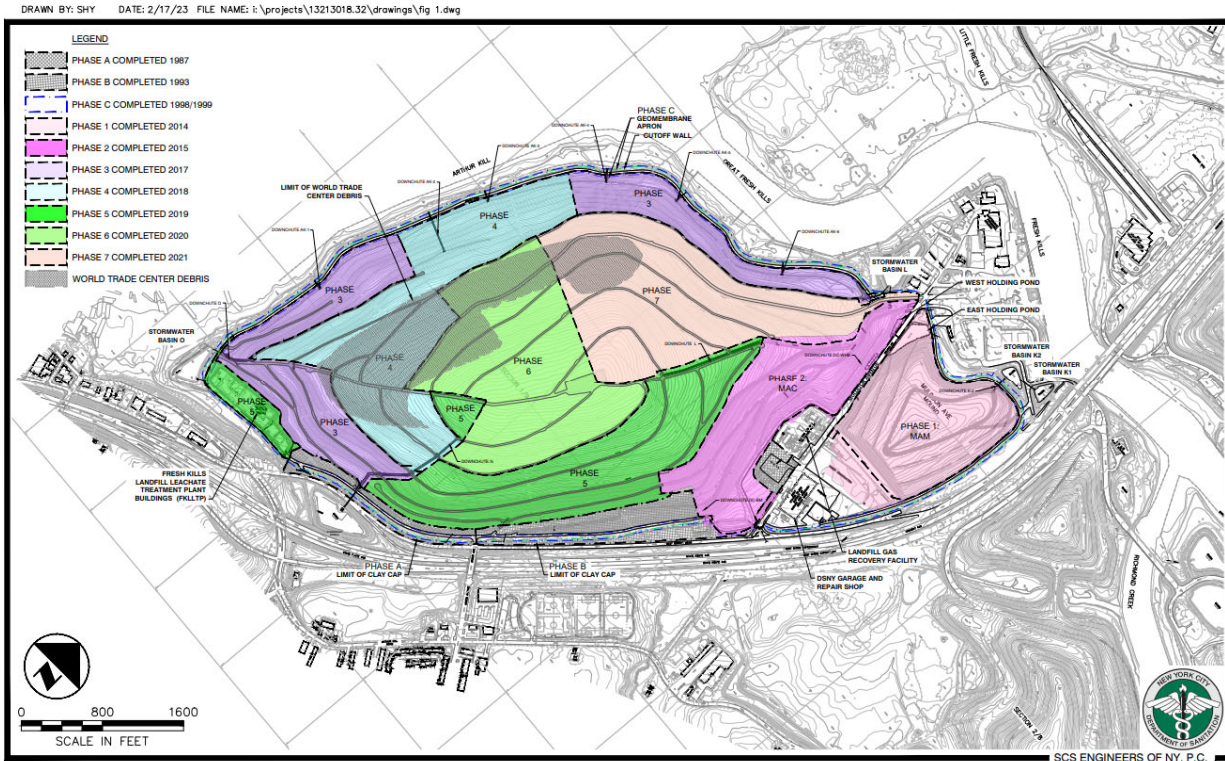


Figure 4: Fresh Kills Section 1/9 Closure Construction Completion Map

With the Phase 7 CCR, all Fresh Kills Landfill closure activities and closure progress reporting were completed in accordance with the Consent Order and subsequent modifications¹⁰. To mark this landmark achievement and create a cohesive record of closure activities for the entire landfill, summary reports recapping the final cover designs, construction, and construction certifications were prepared for Sections 2/8, 3/4, and 6/7 and submitted to NYSDEC by the end of 2022. Each report includes information on the operational period for the landfill section, the areal extent, volume of waste, special waste cells, and composite drawings correlating the final construction phases with the construction certification reports which contain typical final cover details and references to design, engineering, construction certification and as-built drawing documents.

¹⁰ Modification #7, Appendix 15, Subject 9

6.6.2 POST-CLOSURE

Overview

The environmental management systems at the closed sections continue to operate subject to federal and state solid waste regulations, including the requirements of the Consent Order for post-closure monitoring and maintenance operations. These requirements apply to the operation and maintenance of the landfill gas control, leachate control, final cover, and stormwater control systems and require monitoring of the performance of these systems for changes in the quality of groundwater and surface water and landfill gas emissions controls.

Leachate Management

Landfill leachate is a wastewater created when rain percolates through garbage. The regulatory concern is that contaminants picked up in the leachate could impair the quality of surface and groundwater; therefore, its release into the surface and ground waters must be controlled. The leachate management system consists of a perimeter leachate collection system around the circumference of the landfill, collection wells, monitoring wells, and pipes that convey the leachate to a dedicated treatment facility at the base of Section 1/9, constructed in 1994 with a design capacity of 1.3 million gallons per day based on estimated discharges at that time.

While active collection and treatment of leachate has continued at Sections 6/7 and 1/9,¹¹ the graph below (Figure 5) illustrates the dramatic decline in leachate flows due to the installation of final cover at each of the landfill mounds over time. The quantities managed at the treatment plant have dropped from approximately one million gallons per day (gpd) at the start of operations to an average of below 386,000gpd during FY 2013 (July 1, 2012-June 30, 2013), following the final capping of Section 6/7. During this reporting period, the quantities fell to an average of below 165,000 gpd. The declines over the last ten years can also be attributed to the

¹¹ SPDES permit #2-6499-00029/00037

termination of leachate collection at Sections 2/8 and 3/4 in mid-2016, and the completion of final cover construction at Section 1/9 in late 2021.

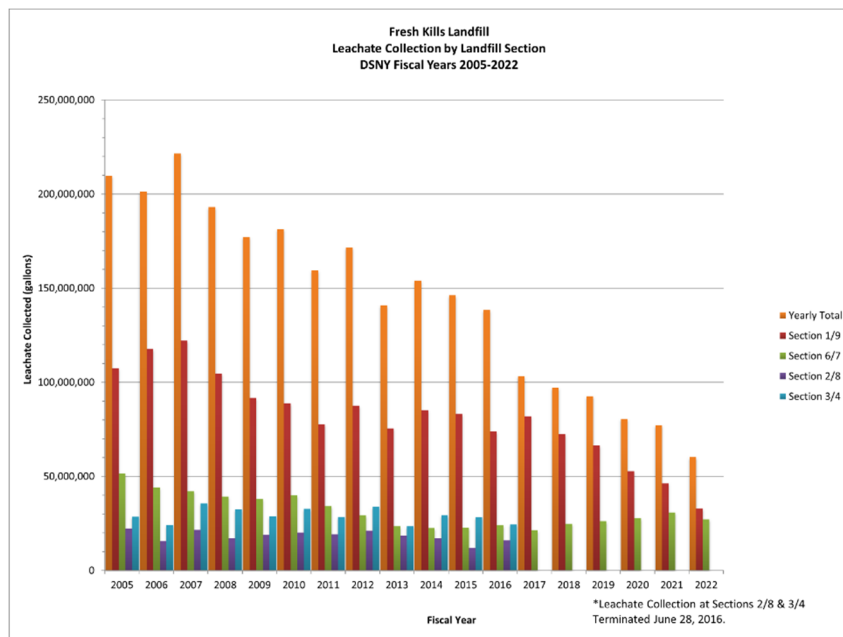


Figure 5: Fresh Kills Landfill: Leachate Collection by Landfill Section, DSNY FY 2005-2022

Landfill Gas Management

Landfill gas (LFG) is generated as garbage decomposes. Typically, the peak of LFG generation occurs one to two years after a landfill stops receiving municipal solid waste and then decreases over time.

The chart below (Figure 6) indicates how significant the annual decline has been since the cessation of landfilling operations. With such a decline in LFG production, the purification plant ceased operation in December 2020, as previously reported. Since then, annual quantities of gas generated at the landfill have further decreased. Measured in million standard cubic feet (mscf):

- FY 2020: 1,126,305
- FY 2021: 872,859
- FY 2022: 473,802

This remaining gas is actively managed through collection and flaring in accordance with the applicable Title V facility permit¹²: the collection wells are connected by pipeline to the flare station at Section 2/8, which has the capacity to handle the full volume. The Department also performs monitoring and reporting for all four landfill units.

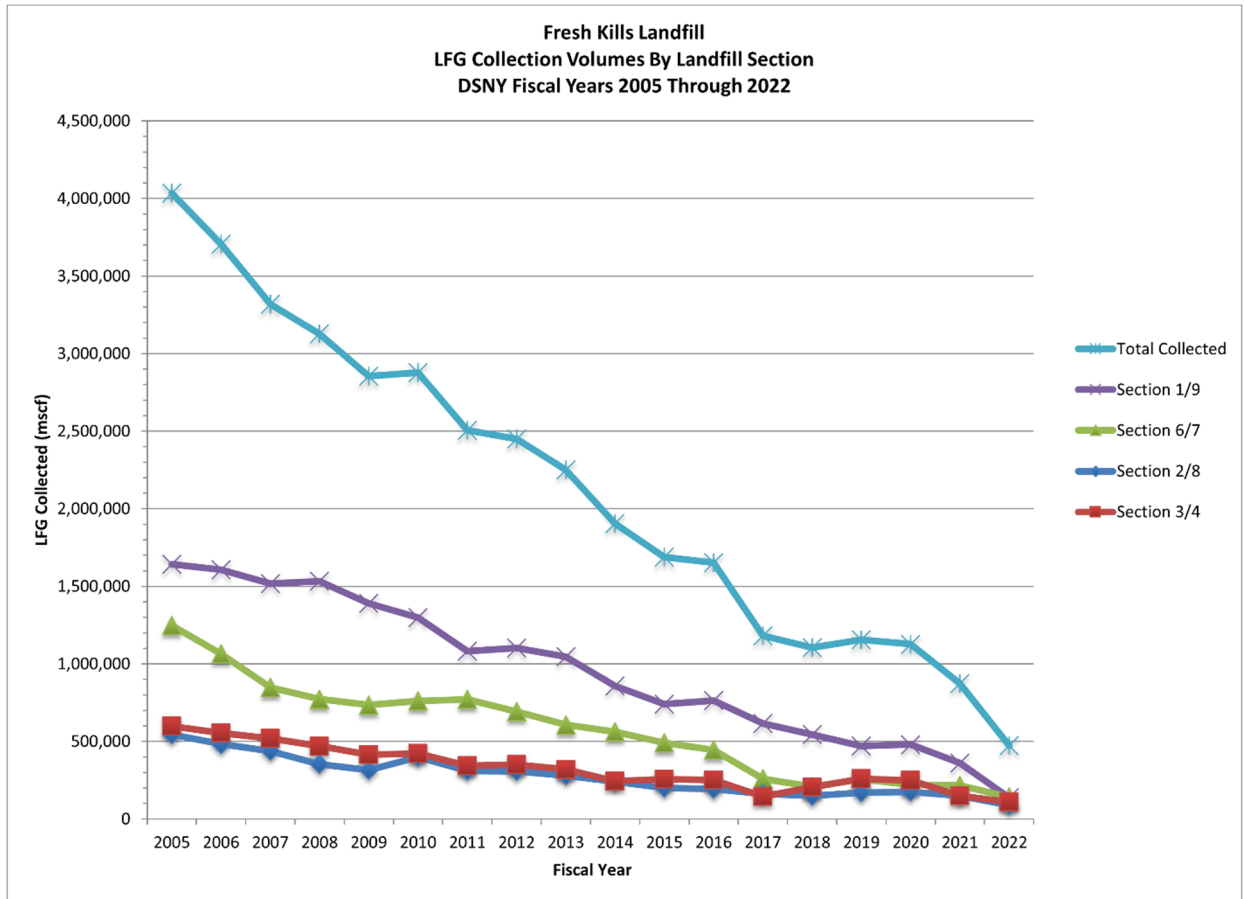


Figure 6: Fresh Kills Landfill: LFG Collection Volumes by Landfill Section, DSNY FY05-22

During this reporting period

- Volume D of the Fresh Kills Landfill post-closure maintenance, monitoring, and operations manual, which addresses LFG management, was updated to reflect the current management program.
- Towards the end of FY 2021 (July 1, 2020-June 30, 2021), the Department received

¹² Title V facility permit 2-6499-00029/00151

approval from NYSDEC to transition the Flare Station operation to an intermittent basis. The Flare is now operated only approximately 35 hours per week. (0730-1430hrs, M-F).

6.6.3 CHANGE OF LANDFILL END USE - PARK DEVELOPMENT

The City's Department of Parks and Recreation (Parks) has proposed multi-phased plans for Fresh Kills Park which are at varying stages of development. Because any change of land use modifies the landfill post-closure care plans, whether classified as a major or minor modification, a proposed action cannot interfere with DSNY's infrastructure or ability to execute its post-closure obligations under the Fresh Kills Consent Order, Part 360 or Part 363 regulations. Proposed changes in land use also require an appropriate level of environmental review and technical analysis. All such analyses and reports must be approved by NYSDEC. Parks is in the process of conducting the requisite investigations, technical analyses, and environmental reviews for their proposed "landfill to landscape" redevelopment.

6.7 2021 COMMERCIAL WASTE QUANTITIES FOR THE REPORTING PERIOD

This subsection provides a count of private transfer stations operating in the City that process putrescible waste (MSW), recycling (metal, glass, plastic, and paper), source-separated organics, non-putrescible waste (C&D), and fill (concrete, brick, asphalt, rock, and soils – "Fill") material in the city (as defined by DSNY Rules at 16 RCNY Chapter 4) and a summary of the tonnage¹³ received by type. Some putrescible transfer stations extract recycling from incoming loads, that tonnage has been added to the recycling totals. For details on the quantities of material that the facilities accepted during the Reporting Period, see Attachment XV for CY 2021 and Attachment XVI for CY 2022. These reports have been simplified from prior reporting periods' format to remove information related to DSNY tonnage delivered (documented elsewhere in this Report) and transfer of material between transfer stations.

¹³ DSNY calculates annual tonnage using a daily average tonnage times 312 operating days per year. This may result in totals different than reported to NYSDEC from Private Transfer Facilities on their Annual Reports.

Table 25: Commercial Waste Received at Private Transfer Stations

Material Type	Count of Transfer Stations (2021/2022)	2021 <i>calculated tonnage</i>	2022 <i>calculated tonnage</i>
Commercial MSW (Putrescible)	13	1,550,269	1,583,069
Commercial C&D (Non-Putrescible)	21	2,098,682	2,090,796
Commercial Fill	22/19	3,022,429	3,197,315

Table 26: Commercial Waste Recycled from Private Transfer Station Receipts

Material Type	Count of Transfer Stations	2021 <i>calculated tonnage</i>	2022 <i>calculated tonnage</i>
Commercial Recycling (Recycling Transfer Stations + recycling from MSW Transfer Stations)	29	611,231	563,298
Commercial Organics	2	34,073	70,012

Commercial C&D (Non-Putrescible)	21	768,125	869,056
Commercial Fill ¹⁴	22/19	3,267,527	3,494,042

6.8 NON-DSNY CITY AGENCY RECYCLING

6.8.1 DEPARTMENT OF TRANSPORTATION

Asphalt millings are generated from the repaving and repair of roadways. Asphalt millings can be ground up and high-quality material can be returned to the road as reclaimed asphalt pavement (RAP). The New York City Department of Transportation (DOT) uses RAP throughout NYC. DOT also produces recycled concrete aggregate (RCA) from crushing and screening of concrete debris at its yard in Sunset Park, Brooklyn. DOT makes both materials available free of charge to private industry and community developments via the [RCA Bank](#) and [Asphalt Millings Bank](#).

During the Reporting Period, DOT trialed an innovation in pavement, incorporating recycled plastic as a component of road repairs as part of a [pilot project on Staten Island](#). Roughly 10,400 pounds of plastic waste, the equivalent of 214,000 water bottles, was incorporated into the pavement mix. DOT is monitoring the project area to see how well the recycled plastic asphalt holds up throughout multiple seasons and weather conditions, as part of evaluating its use on a wider scale.

DOT is also testing various low carbon concrete mixtures, including incorporating RCA as an aggregate and glass pozzolan made from ground-recycled glass as a cement replacement.

During FY 2021 and FY 2022, the following quantities of RAP and RCA were reused in DOT operations or via the RCA and Asphalt Banks:

¹⁴ Fill recycling tons are higher than received due to onsite inventory reduction during the reporting period

Table 27: RAP and RCA Reuse, FY 2021 & FY 2022

Material	FY 2021 Tons	FY 2022 Tons
RAP	383,983	365,317
RCA	19,437	16,262

6.8.2 CLEAN SOIL BANK

The [Mayor’s Office of Environmental Remediation](#) operates a soil stockpile and exchange program. The NYC Clean Soil Bank (CSB) recovers clean, native soil from deep excavations at construction sites and redirects it to the City’s Forbell Street stockpile in Brooklyn (which opened in 2020), to NYC construction sites, both public and private, and to community and school gardens. During the Reporting Period over 120,000 tons of clean soil were transferred between NYC-based construction projects or retrieved from the stockpile. The CSB is also piloting a topsoil manufacturing operation, blending compost (some from DSNY’s SICF) with the clean soil creating a value-added product.



Figure 7: NYC Clean Soil Bank logo

6.8.3 NYCDEP WATER QUALITY PROGRAMS

NYCDEP operates many programs to reduce the conveyance of litter and other pollution into NYC waterways as part of their water quality programs. A summary of these efforts including the catch basin inspection, floatables monitoring, stormwater management, green infrastructure, and harbor protectors programs is available in Attachment XIX.

6.9 DREDGE

With the closure of the Fresh Kills Landfill and DSNY’s discontinuance of acceptance of this material at that facility, DSNY is not engaged in the management of dredge in the Planning Unit as it was historically. DSNY performs dredging (via contractors) as part of ongoing infrastructure operations (e.g., MTSs), and those projects are completed in compliance with all state and federal

requirements. What follows is a summary of information publicly available on the US Army Corps of Engineer's [website](#).

USACE New York District Dredging Projects

United States Army Corps of Engineers (USACE) New York District conducted dredging on four projects during the Reporting Period. Dredging for the Arthur Kill waterway was completed in September 2021 and resulted in 210,000 cubic yards of dredge material being removed and beneficially used at state-approved upland sites. Buttermilk Channel, Jones Inlet, and Long Island Intracoastal Waterway were all dredged in 2022 and relocated 888,000 cubic yards of material to beneficial uses along the Atlantic Ocean shoreline and in the case of Buttermilk Channel, the Historic Remediation Site (HAR) in the Atlantic Ocean.

New York Harbor and New Jersey Drift Collection

USACE New York District is responsible for the management of the New York Harbor and New Jersey Drift Collection. USACE manages the removal and contracts for the disposal of drift and floatables (floating debris that has washed into the waterways) in the New York and New Jersey Harbor Estuary from the New Jersey Atlantic Highlands to the Tappan Zee Bridge, including adjacent tributary waters, and Long Island Sound.

Multiple drift collection vessels work daily (one vessel works on each weekend day) to collect the floating drift which poses a threat to vessels in navigation. 328,000 cubic feet of drift and floatables were collected in FY 2022, avoiding approximately \$34,000,000 in damage to cargo vessels, tankers, barges, passenger commuter ferries, cruise ships, and recreational vessels. The annual federal cost for this program was \$12,591,000 for FY 2022.

USACE produced a [Dredged Material Management Plan](#) for the Port of New York and New Jersey in September 1999. This plan identified management options needed to the need the dredging requirements of the Port through the year 2065.

6.10 TONNAGE PROJECTIONS

Per NYSDEC’s request in response to DSNY’s prior biennial update, and as outlined in 6 NYCRR § 366-5.1(b)(4) and required under § 366-2.7, revised Tonnage Projections for the remainder of the Planning Period (through 2026) are covered in this Section. Summary projections by generator type and waste stream are provided below. The base year used was 2019 to avoid impacts due to the COVID-19 pandemic. 2019 and 2022 actuals are included for comparison in the Tables that follow. “Residential” is used to describe all DSNY managed collections (includes schools and other Agencies/Institutions) and to distinguish it from commercial waste. Additional detail on the methodology, projections by recycling material type, and assumptions is included in Attachment XVII.

6.10.1 RESIDENTIAL MSW, RECYCLING, AND ORGANICS

The amount of DSNY-managed residential waste for export and disposal that was projected in the SWMP for the year 2020¹⁵ (10,819 tpd) is only slightly higher than the actual amount that DSNY managed during the Reporting Period. The amount of waste managed by DSNY has remained fairly consistent over the second half of the Planning Period, ranging from an average of 10,592 tons per day (tpd) in 2016, 10,728 tpd in 2019 to 10,669 tpd in 2022. The quantity of recyclables (MGPC, paper, and organics) diverted during the Reporting Period averaged 2,026 tpd in 2022, less than the 3,843 tpd that was projected in the SWMP for 2020.

The MSW projections are close to actuals (typically $\pm < 3\%$). As for the lower recycling tonnage, DSNY attributes this to a stagnant capture rate, coupled with the increased use of digital communications (rather than print), light-weighting of product packaging, and complexity of materials used for packaging and consumer products, resulting in confusion regarding what is recyclable. NYC is not alone in this, as curbside recycling rates have remained relatively stagnant nationwide over the last decade. Looking forward, using 2019 tonnage as a baseline, the composition from DSNY’s 2017 Waste Characterization Study, and NYSDEC’s tonnage projection tool, DSNY projects the following tonnage for MSW and Recycling over the remainder of the planning period (2023-2026), summarized in Table 29. The future projections for MSW are

¹⁵ The SWMP provided projections in 5-year increments, i.e., 2020 and 2025. 2020 is used for reference

reduced by the tonnage expected to be diverted through the organics program expansion as outlined in the following Section. Aside from Organics, no additional diversion programs are planned for these waste streams for the remainder of the planning period that would affect the projections.

Organics Projection Assumptions

DSNY operates multiple organics diversion programs as detailed in Sections and 4.1.3 and 6.4. Although the official announcement of the residential organics program expansion occurred after the Reporting Period, DSNY developed organics projections for the remainder of the Planning Period based on the planned rollout of citywide composting as follows:

- Queens resuming service on March 27, 2023
- Brooklyn on October 2, 2023
- Bronx and Staten Island on March 25, 2024
- Manhattan on October 7, 2024

The projections also include the rollout of organics collection to schools citywide, as provided in Section 4.1.4. The totals below include each borough starting at a 7% capture rate (of the divertible organics stream), increasing 2%/year for the remainder of the Planning Period. Schools are anticipated at a 50% capture rate, increasing 5%/year.

The residential and school organics collected on Staten Island, estimated to be approximately 5,000 tons/year to start, will be delivered to the SICF. The tonnage received at that facility is expected to increase proportionally.

Tonnage at the Rikers Island compost facility is expected to remain flat or decline, as the city advances efforts to reduce the incarcerated population on the island. Tonnage at the Soundview compost facility is also expected to decline over the remainder of the planning period as the facility is collocated with an NYCDEP sewer line that will be undergoing major repairs and will affect available capacity at that location.

Table 28: Annual Residential Tonnage – Baseline (2019), 2022, and Projections

Waste Stream	2019	2020 (2006 projection)	2022	2023	2024	2025	2026
MSW	3,229,239	3,463,554	3,200,639	3,278,616	3,252,090	3,270,418	3,280,815
MGPC Recycling	304,468	398,530	297,579	312,161	313,824	317,197	318,886
Paper Recycling	327,640	702,500	309,443	332,693	334,465	338,059	339,860
Organics Recycling	38,995	59,500	49,140	85,245	129,688	147,703	155,511

DSNY expects Bulk Metal and Tire and Rim recycling to remain flat over the remainder of the planning period at approximately 2,500 and 500 tons per year, respectively. These totals are lower than projected in 2006 for FY 2020 at 5,500 and 1,600 tons per year, respectively – possibly due to less use of metal in Agency discarded materials and increased tire recycling or disposal through commercial establishments rather than through DSNY collections.

6.10.2 BIOSOLIDS

NYCDEP prepared the following projections of biosolids tonnage through the remainder of the planning period:

Table 29: City-Wide Biosolids Projections

Year	Total Wet Tons
2019 (actual)	518,719
2023	458,312
2024	464,604
2025	470,982
2026	477,448

The projections are based on a calculated growth factor (the average between the ratio of total wet tons in 2021 vs 2020 and 2022 vs 2021). Data prior to 2020 was excluded from the growth factor calculation as the annual tonnage production prior to the pandemic was significantly higher than the last three years post-pandemic. 2019 is shown as an example. Tonnages are expected to continue to decrease, per capita, due to improvement to solids separation and stabilization processes and multiple WRRFs over the next 10 to 20 years, offsetting the increases expected from population growth. Tonnages are not expected to return to pre-pandemic levels.

6.10.3 COMMERCIAL AND C&D

Commercial tonnage is more difficult to predict as its generation is more heavily influenced by macroeconomic trends, business decisions, and the private carting industry’s ability to direct collected waste outside of NYC. Projections from 2006 are included in the table below, however the methodology used to create them differs from the one used for the updated projections. The new methodology is outlined in Attachment XVII. The SWMP provided no projections for commercial waste recycling tonnage but did provide an estimated 27% recycling rate for commercial MSW. For C&D, the 2006 SWMP provided ranges for the projections. For the purposes of comparison, the *average estimate* is included in the summary table that follows, as actual volumes have been closer to those totals. The 60% split for Fill quantities was selected, as that is where recent totals have been trending. C&D/Fill projections are flat through the remainder of the Planning Period as an analysis of future construction activity was out of scope for this Report.

Table 30: Commercial & C&D Annual Tonnage¹⁶ – Baseline (2019), 2022 and Projections

Waste Stream	2019 <i>(calculated tonnage)</i>	2020 <i>(2006 projection)</i>	2022 <i>(calculated tonnage)</i>	2023	2024	2025	2026
Commercial MSW (Putrescible)	2,124,408	3,698,000	1,519,305	1,987,599	1,998,451	2,020,465	2,031,493
Commercial Recycling (paper + MGP)	134,160	998,460	63,764	517,316	520,072	525,661	528,460
Commercial Organics	31,939	<i>N/A</i>	40,000	50,000	50,000	50,000	50,000
Commercial C&D (Non-Putrescible, estimate 38% recycled)	2,531,256	3,079,000	2,090,796	2,333,470	2,333,470	2,333,470	2,333,470
Commercial Fill (estimate ~100% recycled)	3,716,544	4,619,000	3,197,315	3,451,133	3,451,133	3,451,133	3,451,133

Notes: Assumes 50,000 tons/year organics diverted as commercial organics rules are fully enforced. Projected recycling tonnage includes bulk metal and textiles for covered establishments.

¹⁶ These commercial tonnage estimates have been developed as part of preparations for SWMP26 and the Current Conditions Assessment. The calculations are different than those DSNY used in Section 6 from private transfer station voluntary reports; the data should not be expected to match.

SECTION 7: SUPPORTING INITIATIVES

7.1 FLEET AND EQUIPMENT INITIATIVES

DSNY's fleet continues to be among the cleanest and "greenest" heavy duty fleets in the world, with a continued and accelerated focus on electrification pursuant to Executive Order 90, signed in December 2021. The number of Battery Electric Vehicles (BEV) and Plug-in Hybrid Electric vehicles (PHEV) in the DSNY fleet has increased during the Reporting Period. DSNY is also analyzing the conversion of a district garage to accommodate an entire fleet of BEVs. In the near-term, DSNY is focused on the electrification of non-plowing vehicles (many collection trucks double as plows) as it will take some time to develop battery technology conducive to snow-plowing operations. The following summarizes recent DSNY efforts to make its fleet more efficient, safe, and sustainable:

- **Light-duty fleet** - DSNY's owns/operates 494 HEVs, 237 PHEVs, 137 BEVs.
- **EV Chargers** - DSNY owns/operates 52 DC Fast Charger, 107 Level-2 EV chargers and 18 new Solar Car Ports for a total of 256 charging ports. DSNY will continue to expand its inventory of EV chargers to accommodate the growing number of BEVs in its fleet.
- **Reduced Fuel Usage** - Based on FY 2022 data, DSNY's diesel fleet used approximately 9.1 million gallons of diesel fuel - a 13% reduction when compared to FY 2005. In FY 2020, DSNY used 452,551 gallons of unleaded fuel - a 61% reduction when compared to FY 2005.
- **Biodiesel** - Since 2008, DSNY's fleet has used over 46 million gallons of B20 Biodiesel.
- **Hybrid Electric Street Sweeper** - DSNY operates the world's first HEV street sweeper and currently owns/operates 33 HEV street sweepers.
- **Plug-in Hybrid Electric Street Sweeper** - To augment its fleet of HEV street sweepers, In CY 2023, DSNY will put into service the world's first fleet of PHEV street sweepers. These new PHEV street sweepers will have the ability to operate in an all-electric mode for approximate 30 miles before switching to diesel.

- **BEV Collection Truck** - DSNY was among the first fleet in the US to pilot an all-electric BEV collection truck. As a pre-production unit, this first Mack BEV LR was not designed to plow snow. However, due to the mutual interest in collecting data, Mack and DSNY agreed to upfit the truck with a snowplow hitch to give it the ability to plow snow. DSNY was able to plow snow utilizing the Mack BEV LR on the only two days of snow activity during the pilot period. This preliminary data revealed that the truck lasted no more than two hours on a full charge for plowing snow. Based on these results, Mack developed and advanced the technology in its BEV LR collection trucks. DSNY will use federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds to help pay for the incremental cost of seven Mack BEV LR units specifically designed to plow snow. As a dual purpose (refuse collection and snow plowing) vehicle, it is paramount for a DSNY BEV refuse collection truck to have the ability to plow snow. The next phase of testing (R&D) will allow DSNY to assess the Mack BEV LRs for refuse collection and snow plowing as well as expand the testing across various operational challenges (terrain, length of routes, tonnage, commodity type, traffic, etc.). DSNY expects delivery of the Mack BEV LRs in CY 2023.

A detailed report on DSNY’s green fleet, equipment innovations, and associated environmental improvements is provided in Attachment XVIII.

7.2 SANITATION FOUNDATION

The Sanitation Foundation is the official non-profit partner of DSNY. During the Reporting Period the Foundation released a digital learning resource called “Follow Your Waste.” A visual journey from curbside pickup to disposition, this interactive educational game is available on their website: [Follow Your Waste — Sanitation Foundation](#) and is an informative resource for residents and educators.

SECTION 8: PLANNING UNIT POLICY AND LEGISLATIVE ACTIVITY

During the Reporting Period, various new and/or revised material source separation and/or solid waste management-related Laws, Ordinances, Regulations, Resolutions, Rules, and Executive

Orders (Collectively “Legislation”) were enacted or revised. Detailed summaries are provided in Attachment IX “Summary of Legislative Actions, 2021-2022”. The full text of each item is provided in Attachment X. Listed below is a summary by type.

8.1 LOCAL LAWS

- Local Law 57 of 2021 requiring City Agencies to reduce food waste by developing food waste prevention plans.
- Local Law 64 of 2021 restricting providing single-use plastic beverage straws, beverage stirrers, and beverage splash sticks.
- Local Law 65 of 2021 requiring Department of Education schools to develop plans for reducing food waste.
- Local Law 72 of 2021 creating an interagency task force to study the City’s existing system of removing abandoned vehicles from public streets.
- Local Law 80 of 2021 providing civil penalty relief from certain violations, including sanitation violations.
- Local Law 81 of 2021 establishing a temporary program to resolve outstanding judgements imposed by the Environmental Control Board.
- Local Law 84 of 2021 in relation to trade waste industry unions, requiring the New York City Trade Waste Commission to register and regulate labor unions and organizations dealing with trade waste.
- Local Law 112 of 2021 establishing a task force to recommend legislation for environmentally preferable purchasing, use, and disposal of textiles.
- Local Law 110 of 2022 allowing for the designation of rat mitigation zones by the Department of Health and Mental Hygiene.
- Local Law 111 of 2022 requiring buildings with a high concentration of repeated rodent infestation to utilize trash receptacles designed to minimize rodent infestation.

8.2 EXECUTIVE ORDERS

- Mayor de Blasio’s Executive Order 90 accelerating the electrification of the City’s vehicle fleet.
- Mayor Adams’ Executive Order 2 tasking City agencies with reviewing provisions of laws or rules they most often enforce and finding ways to allow for curing for first time offenders.
- Mayor Adams’ Executive Order 23 requiring City capital agencies to adopt green construction and operation practices.

8.3 AMENDMENTS AND ADDITIONS TO CITY RULES

- Title 16, §1-01 defining terms pertaining to recycling, collection of waste, and the Department’s activities.
- Title 16, §1-02 - §1-02.1 outlining what waste the Department collects and how waste is to be placed in receptacles for pick-up.
- Title 16, §1-02.2 outlining which buildings are responsible for creating and abiding by waste management plans.
- Title 16, §1-02.3 describing what buildings are eligible to participate in and how to apply to the Department’s multiunit building collection program.
- Title 16, §1-09 - §1-10 requiring City agencies to source-separate recyclable materials to be recycled by the Department. Requiring commercial carters to recycle separated materials.
- Title 16, §19-101 - §19-106 outlining the penalty schedules for various Sanitation Department violations.
- Title 16, §20-01 defining relevant terms for the establishment of Commercial Waste Zones.
- Title 16, Chapter 1, §20-20 - §20-44 outlining the requirements of commercial carters pertaining to customer service, operations, and delivery of service for Commercial Waste Zone contracts.
- Title 16, Chapter 1, §20-50 - §20-56 detailing worker safety requirements to protect employees of commercial waste carters serving Commercial Waste Zone contracts.

- Title 16, Chapter 1, §21-01 - §21-04 explaining the ways members of the public may submit Petitions for Rulemaking to the Department.

Attachment I: 2006 SWMP Milestone Review

2006 SWMP Milestone Review

A. Recycling and Waste Reduction

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
PROPOSED ACTION – RECYCLING FACILITIES AND SERVICES				
MATERIALS PROCESSING FACILITY, 30TH STREET PIER AT SBMT				
City and SHN execute 20-year agreement		2007	§ 2.3.1 + 2.4.3	Completed
SHN’s South Brooklyn processing facility to begin receiving paper in addition to MGP (MGP acceptance began in 2011)	2013	2011	§ 2.3.1 + 2.4.3	Completed CY2013
MANHATTAN “ACCEPTANCE FACILITY” RECYCLABLES TRANSFER STATION				
Finalize site selection and complete design and permitting	2014	2008	§ 2.3.2 + 3.3.4	On hold, reevaluate in 2026 SWMP
Complete construction and begin facility operation	2017	2011	§ 2.3.2 + 3.3.4	On hold, reevaluate in 2026 SWMP
NEW INITIATIVES – RECYCLING				
Propose LL19 amendments to Council, including to replace mandatory tonnage diversion w/percentage goals		2007	§ 2.4.1	Completed
Reach resolution on draft legislation to revise LL19		2008	§ 2.4.1	Completed
Electronics recycling Citywide events and mailings		Ongoing	§ 2.4.5	Completed; preempted by State EPR e-waste law enactment
Develop electronics recycling legislative initiative		2007	§ 2.4.5	Completed
Issue Citywide Waste Characterization Study and Final Report	2017	2007	§ 2.4.2	Completed; updated in 2017
Conduct public education market research		Ongoing	§ 2.4.7.1	Completed
Submit Council on the Environment Outreach and Education Office work plan and budget		2007	§ 2.4.0	Completed

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
Report on Council on the Environment Outreach and Education Office w/recommendations		2007	§ 2.4.0	Completed
Increase recycling diversion rate		Ongoing	§ 2.4.1	Residential diversion rate declined from 18% in FY18 to 17.6% in FY21 and 17% in FY22 ¹
Promote restoration of recycling services		Ongoing	Attachment VI, § 1.4.2	Completed ²
Begin recycling re-education of City Agencies and institutions		2007	§ 2.4.0	Continuously ongoing
SHN to Test Feasibility of separating, marketing and recycling plastics 3-7 and if feasible, DSNY to require source separation and educate public	2013	2009-10	§ 2.4,3.1	Completed. Rigid plastics added FY 2013
DSNY/BIC to report on completed study on efficacy of current laws and feasibility of increasing commercial recycling and report and discuss cost-effective ways to improve diversion		2010	§ 2.4.7.5	Completed Report issued August 2016
2010 review of SWMP recycling initiatives		2010-11	§ 2.5.1	Completed
Issue various new public education materials		Ongoing	§ 2.4.7.4	See Sections 4.1.11 and 7.2 of the Report
Conduct public recycling pilot		2007	§ 2.4.9	Completed
NEW INITIATIVES – WASTE REDUCTION				
Develop, launch and promote Stuff Exchange Website		2007-8	§ 2.4.4.1	Completed
Pilot spring yard waste collection on SI and report		2007-8	§ 2.4.2.2	Completed

¹ Based on City Council “Local Law 40” diversion report. Includes DSNY collected curbside and containerized which captures schools, litter baskets, public space recycling and dedicated service at Agencies and Institutions.

² Status changed from previous biennial update status of “Ongoing” to “Complete” as full service was restored in 2004. Outreach and education remain ongoing.

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
Market Wa\$teMatch to add focus on hospitality, healthcare, and property management industries		2010-12	§ 2.4.4.2	Completed
Launch new Citywide publication/campaign to promote junk mail reduction		2007-8	§ 2.4.4.3	Completed
Resume yard waste collection (where permitted composting facilities are available)	2013	2005	Attachment VI, § 1.7.2	Completed Resumed Fall 2016
Resume compost education and give-back programs in cooperation with the City's Botanical Gardens		2005	Attachment VI, § 1.7.5	Completed
Seek regulation revision to require residents to set out leaves in paper bags, educate public and retailers		2007	§ 2.4.8	Completed
Issue electronic newsletter		Ongoing	§ 2.4.7.2	Completed
NYCDEP to issue RFP to study the feasibility of a food waste disposal pilot		2008	§ 5.4	Completed
NYCDEP to complete food waste disposal feasibility study		2009	§ 5.4	Completed
Issue new HHW reduction publication		2007	§ 2.4.7.4	Completed on-line
Issue RFP for HHW collection days and report to Council on proposal selection		2007-8	§ 2.4.6	Completed
Commence HHW collection contract		2009	§ 2.4.6	Completed
Establish Composting/New Technology Facility Task Force		2008	§ 2.4.8.4	Completed
Resolve feasibility issues regarding development of on-site food composting facility at Hunt's Point Food Center	2014	2007	§ 2.4.8.2	NYCDEP is investing in the Hunts Point WRRF, including a possible future codigestion project. See Section 4.1.3 of the Report
DSNY to support legislation to require composting of landscaping organic waste/subsidize and promote bins		N/A	§ 2.4.8.3	Completed

B. Residential Waste

Facilities & Long-Term Contracts for Transport and Disposal (Export)

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
PROPOSED ACTION – LONG-TERM EXPORT FACILITIES AND SERVICES				
DSNY HAMILTON AVENUE CONVERTED MTS, HAMILTON AVENUE AT GOWANUS CANAL, BROOKLYN				
Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Completed February 2017
Complete design and permitting	2008	2007	See § 3.2	Completed June 2008
Complete construction/begin facility operation.	2014	2010	See § 3.2	Completed; facility operation began September 2017.
DSNY SW BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41ST STREET, BROOKLYN				
Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Completed February 2017
Complete design and permitting	2012	2007	See § 3.2	Completed November 2013
Complete construction and begin facility operation.	2017	2010	See § 3.2	Completed; facility operation began October 2018.
DSNY EAST 91ST STREET CONVERTED MTS, MANHATTAN				
Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Completed July 2013
Complete design and permitting	2012	2007	See § 3.2	Completed July 2012
Complete construction and begin facility operation	2016	2010	See § 3.2	Completed March 2019
DSNY NORTH SHORE CONVERTED MTS, 31ST AVENUE AND 122ND STREET, QUEENS				

Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Completed July 2013
Complete design and permitting	2010	2007	See § 3.2	Completed January 2010
Complete construction and begin facility operation	2014	2010	See § 3.2	Completed March 2015
BRONX LONG-TERM EXPORT PROCUREMENT				
Complete contract negotiations and award contract	2008	2007	See § 3.2	Completed July 2007
Complete design permitting and construction, if required, ¹¹ and begin facility operation	2008	2007	See § 3.2	Completed July 2007
BROOKLYN LONG-TERM EXPORT PROCUREMENT				
Complete contract negotiations and award contract	2008	2007	See § 3.2	Completed February 2008
Complete design, environmental review, permitting and construction and begin facility operation		2009	See § 3.2	Completed March 2009
QUEENS LONG TERM-EXPORT PROCUREMENT				
Complete contract negotiations and award contract	2013	2007	See § 3.2	Completed November 2013
Complete design, environmental review, permitting and construction and begin facility operation	2013	2009	See § 3.2	Completed July 2015
INTERMUNICIPAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY				
Complete contract negotiations, award contract and commence service	2012	2007	See § 3.2	Completed October 2012
STATEN ISLAND TRANSFER STATION				
Complete facility construction		2007	See § 3.1 +	Completed 2006

			Table 3.2-1	
Begin facility operations and implement long term service agreement for container rail transport and disposal		2007	See § 3.1 + Table 3.2-1	Completed November 2006
CONVERTED MTS REPORTING/PERMITTING				
Report to Council on RFP process/permit approvals for MTSs		2008	See § 3.7	Completed
Report to Council if any of the MTS agreements are not finalized by 2010 and recommend (as appropriate) proposed SWMP modification on handling residential solid waste	2012	2010-11	See § 3.7	Completed FY 2012
ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING				
Issue Phase 2 Alternative Technology Evaluation		2007	See § 5.2	Completed
Evaluate development of a pilot project to establish the basis for commercial application	2012	2007	See § 5.2	Completed; RFP Issued March 2012 and Cancelled in FY 2014

¹¹ Only one of the two private waste transfer stations in the Bronx requires permit modifications and construction.

c. Commercial Waste

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Current Status
ASSESS FEASIBILITY OF USING WEST 59TH STREET MTS FOR PROCESSING COMMERCIAL WASTE				
Issue an RFP to solicit private vendors		2007	See § 4.3 + 3.6	Completed
Report on West 59 th Street RFP process progress and required approvals		2008	§ 4.3 + 3.6	Completed
Report and recommend (as appropriate) SWMP modifications on commercial waste to Council if the City does not have an executed agreement for use of West 59 th Street MTS	2012	2009	See § 4.3 + 3.6	Revised SWMP Compliance Report dated February 2012 submitted to Council in March 2012
USE OF CONVERTED MTSs TO CONTAINERIZE COMMERCIAL WASTE				
Assess alternative implementation methods	2013	2009	See § 4.3	Pending
Implement selected method	2014	2010	See § 4.3	Pending
Report on use of MTSs for transport and disposal of commercial waste	2015	2010	See § 4.3	Submitted April 2019 Report to Council
Report to Council on status of commercial recycling and propose SWMP modifications if for 3 years in a row, any MTS receives less than 50% of commercial capacity analyzed in FEIS	Post 2017	Post 2010	See § 4.3	Submitted April 2019 Report to Council
FUTURE MANHATTAN CAPACITY				
Investigate potential alternative Manhattan solid waste transfer station locations and report to Council annually on efforts to identify alternative locations		2008	See § 3.6	Completed 2008

TRANSFER STATION CAPACITY REDUCTION				
Commence negotiations with transfer station operators to seek transfer station putrescible and C&D capacity (permitted and used) reductions in select CDs	2007	2006	See § 4.4	See Local Law 152 of 2018
Reach agreement on transfer station capacity reductions by April 2007; if not work with Council to draft legislation to accomplish reductions	2014	2007	See § 4.4	See Local Law 152 of 2018
MTS host district specific and Bronx capacity reductions to occur	2014	2010	See § 4.4	See Local Law 152 of 2018
TRUCK TRAFFIC ANALYSIS				
DSNY and NYCDOT to conduct a traffic study to assess the feasibility of redirecting transfer station truck routes to minimize potential impacts to residential areas	2009	2008	See § 4.4	Completed; study for Brooklyn communities issued in 2008
NYCDEP FOOD WASTE DISPOSAL STUDY				
With support from DSNY and NYCEDC, issue RFP to solicit consultant to conduct study to understand the costs and benefits of the use of commercial food waste disposals in defined areas of the City		2008	See § 5.4	Completed; RFP issued in 2007
Consultant to complete study		2009	See § 5.4	Completed; report issued in 2008

**Attachment II: Fresh Kills Landfill Closure
Press Release**

Information on coronavirus (<http://www.nyc.gov/coronavirus>)

(<https://www1.nyc.gov>) | Keeping NYC clean, safe, and healthy since 1881

< [Press Releases \(/assets/dsny/site/resources/press-releases\)](/assets/dsny/site/resources/press-releases)

NYC Sanitation, NYC Parks and NYS Department of Environmental Conservation Announce Final Certification of Fresh Kills Landfill Closure

Tuesday, May 24th, 2022

FOR IMMEDIATE RELEASE

NYC Sanitation, NYC Parks and NYS Department of Environmental Conservation Announce Final Certification of Fresh Kills Landfill Closure

Certification is key step in decades-long process of converting Fresh Kills from landfill to park

NYC Department of Sanitation Commissioner Jessica S. Tisch, Parks Commissioner Susan M. Donoghue and New York State Department of Environmental Conservation (DEC) Commissioner Basil Seggos today announced the final certification of the closure of the Fresh Kills landfill, closing the chapter on what was once the world's largest solid waste management site. The Commissioners made the announcement standing atop the former landfill nearly 20 years after the it received its final piece of debris from Ground Zero and months ahead of the opening of North Park, the first major phase of what will become a 2,200-acre park. Since 1986, the Department of Sanitation has invested \$980 million to safely and responsibly close Fresh Kills landfill.

“There is no better cure for New York City’s recovery than our parks and open spaces. By transforming Fresh Kills landfill into a park, we are supporting that recovery and providing New Yorkers with access to clean, new green spaces,” said **New York City Mayor Eric Adams**. “This certification is a major milestone in delivering environmental justice and equity for the people of Staten Island, and the collaboration of DEC, DSNY, and Parks will benefit all New Yorkers.”

“For decades Fresh Kills was an environmental and health nightmare for the people of Staten Island, leaving one borough to bear the burden of handling New York City’s entire residential waste stream,” said **Deputy Mayor for Operations Meera Joshi**. “We must remember the lessons of Fresh Kills as we celebrate its transformation into a vast wildlife ecosystem and acres of splendid open space for all to enjoy. Thank you to Parks, Sanitation, and NYS DEC for your efforts to make this historic announcement possible.”

“Contained within this space is a massive science experiment, an infrastructure challenge, a wildlife refuge and a piece of history,” said **NYC Sanitation Commissioner Jessica S. Tisch**. “To us, this space looks like a rural countryside and bird habitat, but Staten Islanders who lived here decades ago know all too well the effects of waste and refuse. As we continue the transition from the world’s largest landfill to the city’s largest park to open in more than a century, let us recommit our City to our sustainability efforts to reducing the waste we send to landfills anywhere in the country.”

DEC Commissioner Seggos said, “The State Department of Environmental Conservation’s official certification closing all sections of the Fresh Kills Landfill clears a path for a brand new beginning, decades in the making. Working closely with our partners at NYC Sanitation and NYC Parks, we’ve reached a milestone in the transformation of this landfill into a sprawling park, rich with abundant natural resources and a new asset to the communities on Staten Island living in its shadow. We look forward to continuing to work together on this project and enhancing ongoing efforts to reduce, reuse, and recycle for the benefit of all New Yorkers.”

“The closure of the Fresh Kills Landfill is an unprecedented land reclamation project, and the NYC Department of Sanitation has gone above and beyond to complete this innovative work while partnering with us to advance the site's transformation into Freshkills Park,” said **NYC Parks Commissioner Sue Donoghue**. “Thanks to their efforts, along with the New York State Department of Environmental Conservation, the site has become a unique new landscape that’s seen a resurgence of wildlife – including more than 200 species of birds. We look forward to opening phase one of North Park this year as we continue to work with our partners to transform this former environmental blight into a sustainable urban oasis.”

“New York City continues to make steady and important progress in correcting the environmental mistakes of the past and there is no better sign of this than the important milestone marked today in the reimagining of the former Fresh Kills Landfill,” said **New York City Department of Environmental Protection Commissioner Rohit T. Aggarwala**. “Much like the Pelham, Penn and Fountain Landfills which have become parks, Fresh Kills has been responsibly closed and has been graded and planted with prairie grass and native plants to create a diverse ecosystem of coastal meadows, wetlands, and woodlands that has attracted a variety of birds and other local wildlife.”

“More than two decades later, I can still remember the awful stench of the landfill,” said **Congresswoman Nicole Malliotakis**. “It was the top quality of life issue for Staten Island for so many years and this final stage in its closure is something to be celebrated.”

“150 million tons of garbage spread over 4 massive mounds that rise as tall as 225 feet. The travesty that became Fresh Kills Landfill is etched in the minds of all who lived in Staten Island throughout the second half of the twentieth century. Once a blight upon our community, the landfill is methodically being returned to nature. Now, 20 years after it received the final barge of household garbage, final certification for the closure has been achieved. It took leadership, foresight, and determination to ensure that this day finally arrived. I am grateful to have been part of the team with Mayor Bloomberg and the entire Staten Island delegation to see this to completion,” said **New York State Senator Andrew Lanza**.

“One of the accomplishments I am most proud of during my time as a Councilman for Staten Island is the 20 Year Solid Waste Management plan that I authored and passed in 2006. After four years of multiple hearings and numerous negotiations, we passed a national model for environmental collection, cost effective containerization, and multi-modal shipment of the City’s residential waste. Thus, we relieved the pressures that existed at that time to re-open Fresh Kills. We took hundreds of thousands of long-haul tractor trailers off the City’s roads. We shut down environmentally discriminatory waste transfer stations across the City. We also laid out a map for waste reduction including expanded recycling, electronic and composting collection, and milestones to achieve zero waste. The people of Staten Island are all too familiar with the horrors of living in the shadow of ‘the dump,’ which is why I am extremely proud to have sponsored and shepherded through the Council the law that made the landfill ‘parkland forever,’ ensuring a better, more renewable, and greener future for our borough. As District Attorney, I wholeheartedly believe cleaner streets equal safer and healthier communities, so as we approach this important milestone in the closure of Fresh Kills, let us use this as an opportunity to renew and double our efforts to keep all of Staten Island’s beautiful public spaces clean for generations to come, and to never again allow the borough of parks to become a dumping ground for the City’s trash. This is truly a just day for Staten Island!” said **Richmond County District Attorney Michael McMahon**.

“This official announcement of the West Mound closing follows a 22-year odyssey to close this landfill once and for all. What stood as a vivid reminder to all Staten Islanders of an environmental disaster, is now a distant memory. In 1996, we set out to say enough is enough and Staten Island would no longer be New York City’s dumping ground. Some thought it was a pipe dream, some thought it was show boating, but we knew we were doing the right thing. Our work to close the landfill was the right thing to do for the next generation, and the generations to come. Now that the closure has been certified, we can move forward in witnessing a transformation of the West Mound becoming a park for all to enjoy. There were many, such as Guy Molinari, Rudy Giuliani, George Pataki, Jim Molinaro, Mike Bloomberg, among others, who did not stop until we got the job done. We did what was best for Staten Island. I also want to thank Commissioner Tisch, Commissioner Donoghue and Commissioner Seggos for recognizing this milestone closure for Freshkills.” **said Staten Island Borough President Vito J. Fossella.**

“I grew up seeing the growth of this landfill from my bedroom window. As the pile grew higher, the problems it brought to Staten Island grew deeper. It is comforting to know that future generations will see this property in a different light,” said **City Councilmember Joseph Borrelli.**

“Although it has been years since Fresh Kills operated as a landfill, it is nice to finally close that chapter in Staten Island history. The DEC certification confirms we are one step closer in making Fresh Kills Park a reality in the near future,” said **City Councilmember David Carr.**

“Embedded at Fresh Kills are the stories of generations of New Yorkers past. Rubble and fragments from the World Trade Center attacks have found their final resting place among its layers. As we recognize Fresh Kills’ past service to our city, I’m excited to celebrate its rebirth as what will grow to be a 2,200-acre public park, serving families for future generations to come,” said **City Councilmember and Chair of the Committee on Parks and Recreation Shekar Krishnan.**

“Today’s Fresh Kills landfill closure certification represents a key milestone in the City’s ongoing path toward sustainability. With the upcoming renewal of the City’s Solid Waste Management Plan, and the innovative Zero Waste legislation package that has major support in the Council, NYC is poised to close the book on landfills for good. I’m excited to work with the administration to build on this milestone and accelerate the work of achieving the City’s environmental justice, waste equity, and Zero Waste goals,” said **Council Member and Chair of the Committee on Sanitation and Solid Waste Sandy Nurse.**

From 1948 through 2001, the 2,200-acre landfill received the bulk of New York City’s trash, becoming by 1991 New York City’s only operating landfill receiving residential refuse. During this time, more than 150 million tons of solid waste were shipped to Fresh Kills, forming four massive mounds as high as 225-feet tall and still settling as some of this solid waste turns to gas. On March 22, 2001, Fresh Kills received its final barge of residential trash.

After the World Trade Center attack of September 11, 2001, the state consent order closing the landfill was amended, and the Department of Sanitation – working with the NYPD, FBI, and others – sifted and processed 1.2 million tons of debris from the World Trade Center site at Fresh Kills through July 15, 2002. These materials are now between two layers of clean soil within a clearly marked 48-acre section of Fresh Kills.

After the closure of the Fresh Kills landfill, almost all of New York City's waste was exported by long-haul truck from privately-operated transfer stations. Because of zoning and siting restrictions, these stations were, and still are today, predominately located in three neighborhoods in North Brooklyn, Southeast Queens, and the South Bronx. In 2006, the City adopted its comprehensive Solid Waste Management Plan, a fair, five-borough plan to sustainably manage New York City's waste and shift to rail and barge-based export. As a result of more than \$1 billion in investment in new waste management infrastructure, this vision has been made a reality, resulting in a reduction of 60 million miles per year of truck traffic, including more than 5 million miles in the New York City area, and the elimination of 34,000 tons of greenhouse gas emissions annually.

Since 1986, the 2,200-acre landfill has been closed in sections, with each covered with a landfill cap made of different layers of soil, geotextiles, and a geomembrane. These layers stabilize landfilled waste, separate the waste from the environment and park visitors and prevent the release of landfill gas to the atmosphere. Along with the landfill cap, a collection of swales, down chutes, and retention ponds collect and manage stormwater to prevent erosion to the cap caused by rain water. The landfill also has leachate and landfill gas collection and treatment systems to ensure the safe handling of these byproducts of the decomposing waste. The Department of Sanitation spends approximately \$15 million per year to maintain the former landfill and associated infrastructure.

The NYC Department of Sanitation completed the closure construction of the Fresh Kills Landfill on December 23, 2021, and the state Department of Environmental Conservation certified this work on May 4, 2022. NYC Sanitation will continue its post-closure monitoring and maintenance as the site continues its years-long transition to a park.

In the years since the closure of Fresh Kills landfill, DSNY has taken significant steps to reduce the amount of waste sent to landfill nationwide. By increasing the diversion rate – the amount of material sent to be recycled – and transitioning to high-end Waste-to-Energy facilities, New York City is limiting its use of landfills and moving closer to its zero-waste goals. There is no such place as “away” for items “thrown away,” and everything ends up somewhere. As such, all New Yorkers have both a legal and moral obligation to properly separate their waste.

Freshkills Park is the largest landfill-to-park project in the world. NYC Parks is working with the NYC Department of Sanitation and New York State Department of Environmental Conservation to build the future 2,200-acre park in phases, starting with projects adjacent to surrounding communities. Schmul Park, Owl Hollow Soccer Fields, and The New Springville Greenway are all open to the public. Phase one of North Park is expected to open this year—this milestone 21-acre project will be the first section of the park to open inside the landfill boundary, featuring pathways, a seven-acre seed farm, a waterfront overlook deck, a bird observation tower, and more. While most of the site remains closed to the public, NYC Parks and the Freshkills Park Alliance provide early access for learning and exploration opportunities, including environmental research and art projects, kayaking tours, education programming, and events.

Press Release

#22-26

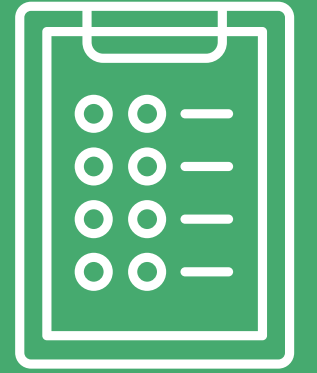
Contact

pressoffice@dshny.nyc.gov

Attachment III: NYCHA Sustainability Plan: Goal 4

FACILITIES AND RESOURCES MANAGEMENT

GOAL 4 Ensure efficient building operations and resource management



NYCHA seeks to integrate sustainable practice into all aspects of NYCHA's work. That includes building a culture of sustainability amongst NYCHA staff. It is important to ensure that staff have the resources and knowledge to properly maintain capital investments and reduce the impact on the environment. NYCHA will empower front-line staff through training and workforce development programs to build pride in the workplace, to ensure the longevity of investments, and efficient resource management as environmental stewards. Important aspects of this work include waste and water management which impact frontline staff and resident quality of life.

STRATEGIES

- Ensure proper maintenance and longevity of investments
- Re-envision waste management and recycling at NYCHA
- Design for circularity and recycle construction and demolition waste in Capital Projects
- Improve water management in buildings

STRATEGY 12

Ensure proper maintenance and longevity of investments

NYCHA's approximately 6,000 Operations staff maintain campus buildings, grounds, and equipment. As new investments require staff training, NYCHA will continue to revise procedures and offer training opportunities for NYCHA Property Management staff and other front-line personnel. Recognition programs and other internal workforce development efforts will help encourage best practices and pride in the workplace.



Residents using the recycling bins at Morris Houses.

RESIDENT IMPACT



TIMEFRAME

Short-term

BY THE NUMBERS

Approximately 6,000 out of the 11,569 NYCHA workers (over 50%) are employed to maintain the grounds for developments

Implementation

Enroll staff in training programs

New York City's Department of Citywide Administrative Services (DCAS) Division of Energy Management (DEM) offers a robust portfolio of training programs as part of the Energy Management Institute, which provides courses such as Building Operator Certification, trades-specific energy management classes, and Load Management training. NYCHA will continue to encourage and enroll staff in DCAS training programs.

NYCHA will also enroll staff in NYSERDA's Energy Efficiency and Clean Technology Training program. The training program focuses on operations and maintenance of existing systems, system being piloted in our developments currently, and future technologies to come to reduce our carbon emissions. To ensure heating personnel are properly trained, training outcomes are now tracked as part of NYCHA's reporting to HUD. NYCHA has also trained staff on using new waste management equipment such as cardboard balers, which also generate reports on usage to ensure investments are being used as intended to track metrics over time for improved management.

Continue sustainability-focused recognition programs for staff

NYCHA will create an annual sustainability-focused recognition program for staff to encourage environmental stewardship and recognize when staff go above and beyond to improve the quality of life for residents. In 2020 NYCHA issued "Recycling Champion" awards to the Caretakers and Property Management staff at 12 developments who participated in a recycling program as part of their duties throughout the pandemic response. NYCHA will make the award program part of an annual cycle.



Staff participate in Smoke-Free NYCHA campaign.

STRATEGY 13

Re-envision waste management and recycling at NYCHA

NYCHA released the [NYCHA 2.0 Waste Management Plan](#) (Waste Management Plan) in April 2019, outlining a holistic approach to improving waste management infrastructure, procedures, and resident participation in waste and recycling programs. Implementation of the Waste Management Plan is underway, starting with replacing aging waste equipment at 57 developments within the Mayor's Neighborhood Rat Reduction zones. A total of \$47M was allocated for this work, and all projects will be completed by the end of 2021. Based on this critical initial investment, NYCHA has identified a queue of work across the portfolio and secured the approval of \$563.5M in City Capital Action Plan funds. With this funding and through other efforts, NYCHA will transform its waste management processes. Steps include re-envisioning waste infrastructure, increasing NYCHA's capacity for recycling, incorporating innovation, and other steps to improve infrastructure, management and oversight.



Marcy Houses caretakers modeling new recycling stations.

RESIDENT IMPACT



TIMEFRAME

Long-term

BY THE NUMBERS

Released the NYCHA 2.0 Waste Management Plan in April 2019

Secured \$47M through Mayor's Neighborhood Rat Reduction zones, 57 developments are replacing aging waste equipment

Secured \$563.5M in City Agreement funds to further overhaul NYCHA's waste infrastructure

Implementation

Increase capacity for effective waste management

NYCHA is working to increase the capacity for effective waste handling and to improve recycling rates. In 2020, NYCHA formed the Department for Waste Management and Pest Control (WMPC) to increase accountability and expand waste management and recycling oversight. The new department will provide better and more coordinated resources to developments and improve NYCHA's waste-handling capacity. The WMPC team is leading efforts to leverage NYCHA's assets and improve waste and bulk handling. To reduce uncontainerized waste, the WMPC team is purchasing and managing rear-loading compactor trucks and negotiating enhanced bulk waste removal procedures. Two trucks have already been purchased, and staff are being trained by Sanitation Department (DSNY).

Develop tools for accountability to assure cleanliness of grounds and buildings

In order to assess the effectiveness of NYCHA's efforts to improve waste management and overall cleanliness, NYCHA is implementing a waste management scorecard. With this improved accountability, NYCHA can ensure that improvements to litter reduction, waste removal, and overall cleanliness are occurring. NYCHA will also add a recycling scorecard to track staff and resident recycling participation rates and assess where more education and training around recycling is needed. Existing recycling infrastructure inspections will be updated to reflect industry best practices and lessons learned from pilots.

In addition to physical inspections, NYCHA is also working to get real-time data on waste management equipment usage by integrating trash compactors to building management systems (BMS) and adding remote-monitoring software to individual machines like cardboard balers. All new compactor equipment is compatible with BMS, and NYCHA is integrating the first seven developments with BMS targeted for completion by the end of 2022.

These data sources will feed planning tools like NYCHA's waste calculator, based on the model developed for the [Zero Waste Design Guidelines](#) for New York City. NYCHA's calculator estimates waste storage needs at developments broken down by material type and projected levels of resident participation. The calculator helps NYCHA staff plan for infrastructure upgrades that are appropriate for the different waste streams and site conditions at individual developments.

Re-envision waste infrastructure

Over two-thirds of NYCHA waste is recyclable or compostable. To meet its sustainability goals, NYCHA must manage an increasing volume of recyclables. To help accomplish this, NYCHA will make recycling more convenient for residents by installing new convenient outdoor recycling centers at all campuses. NYCHA will install these new recycling centers, which total \$20.4M, as funding allows.

NYCHA currently has one recycling center for every three buildings. NYCHA buildings were not designed to accommodate space for recycling inside; however, new outdoor recycling centers can be sized to provide adequate capacity for the developments' population and be co-located with trash cans to reduce contamination. The first new recycling centers will be installed at Marcy Houses and Morris Houses. These infrastructure enhancements will be paired with wayfinding signage and clear communications for residents to help get household trash, recyclables, and bulk waste to their proper destination.

With funding from the City Capital Action Plan, NYCHA will completely overhaul the centralized waste yards at 107 developments by 2028, including installing bulk crushers at each of these sites. The new facilities will allow staff to manage waste and recycling more efficiently by including adequate storage and equipment for the separate streams of paper/cardboard and metal, glass, and plastic collected by DSNY. Facilities will be designed to accommodate organics collection as programs become available. New bulk crushers will reduce truck trips by 75% in comparison to existing open

containers. The reorganized facilities will address cleanliness, noise, odors, and improve quality of life and aesthetics in alignment with the Connected Communities Guidebook.

Invest in innovative approaches to waste management

Until the 1970s, incinerators at the bottom of trash chutes did most of the work of moving trash off NYCHA developments. When NYCHA stopped burning its trash, caretakers were tasked with moving trash by hand. A single garbage bag gets handled about eight times between individual buildings and the exterior compactor.

NYCHA is using innovation to make transporting waste safer and healthier. NYCHA is procuring a design-build team to retrofit Polo Grounds Towers and neighboring Rangel Houses with a pneumatic waste collection system. A pneumatic collection system uses a powerful vacuum to move trash from individual buildings through underground pipes to a central collection facility. The same pipe network can be used

to collect separate recycling streams by switching containers. This technology is now being required in new housing complexes in cities such as Hong Kong and Singapore. NYCHA’s system is on track to be the first residential system in the USA since 1975.

The system will improve working conditions and free up caretaker time to address other needs around the development. NYCHA is engaging stakeholders to ensure that the system is designed, from the beginning, to meet the needs of residents and staff. Once it is built, NYCHA will ensure successful adoption of the system by contracting with local community organizations like Green City Force to support recycling and facilitate a new organics collection program. As the Polo Grounds Towers project moves forward, NYCHA is assessing the cost and scalability of retrofitting campuses with pneumatic collection, including opportunities to coordinate installation with other major renovation projects.

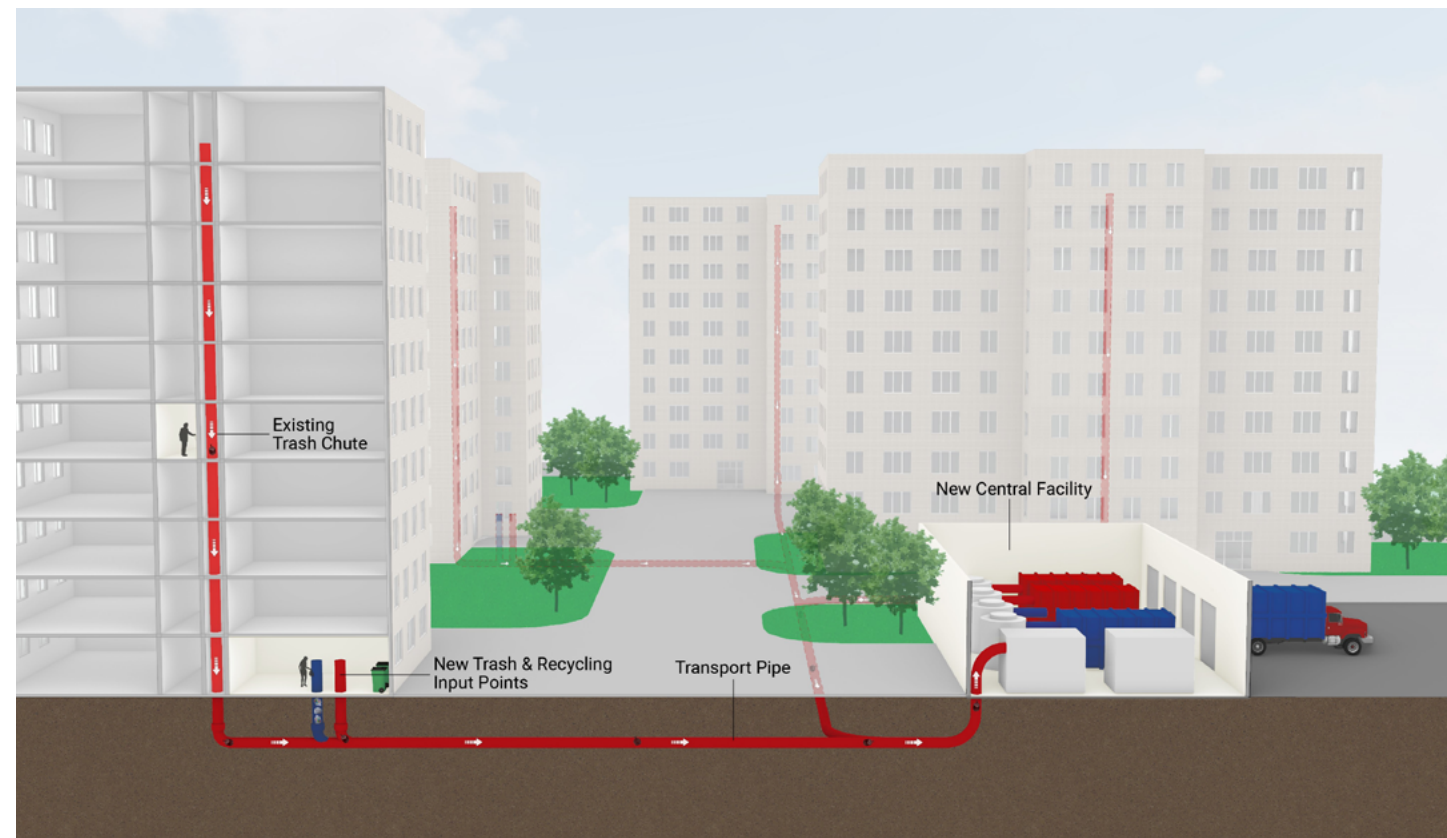


Diagram of pneumatic waste collection system.

CASE STUDY

Neighborhood Rat Reduction program

In 2017, the Mayor’s Office launched a Neighborhood Rat Reduction initiative (NRR) to reduce the city’s rat population by 70% in the most infested areas—Grand Concourse, Chinatown/East Village/Lower East Side, and Bushwick/Bedford-Stuyvesant—by minimizing food sources and habitats. Methods for doing so include cementing dirt basements in public housing, buying better waste containers, increasing trash pickup, and enforcement of rat-related violations.

NYCHA received funding under the Mayor’s NRR initiative and contributed additional resources to replace 223 interior and 43 exterior compactors and install five bulk crushers at 36 developments in NRR zones, totaling over \$47M in investments. Since the initiative launched, waste management infrastructure has been updated, and targeted extermination work is continuing at regularly scheduled intervals. These developments have seen a 61% decrease in rat burrow counts. The program has since expanded to now include

112 developments in neighborhoods identified for targeted pest mitigation strategies. NYCHA considers NRR zones to hold prioritization weight in the capital plan.



New bulk crusher at Bushwick Houses.

Establish a Zero Waste NYCHA program

In 2019, NYCHA formed a working group with DSNY’s Bureau of Recycling Services to improve recycling collection procedures and confirm curbside set out locations at 12 developments. This successful initiative, called the Recycling Reset program, brought together the right stakeholders and resources to lead to improved recycling rates at participating NYCHA developments. Building on the success of the Recycling Reset program, NYCHA will kick off a Zero Waste NYCHA program to bring together its investments, operational changes and educational programming to create meaningful improvements in recycling for all waste streams. The Zero Waste NYCHA program will establish metrics like cardboard recycling rates and other means to measure and communicate progress on recycling between the waste characterization studies that DSNY conducts

every ten years. Updated resources will be available online for residents and staff. NYCHA will expand to 30 additional developments by the end of 2022, and to all of NYCHA’s campus developments by 2026.

CASE STUDY Recycling Reset program

Since recycling is required by Local Law 19 of 1989 and is a critical activity for environmental stewardship, NYCHA tested a recycling “reset” initiative at 12 developments located in the NRR zones. The sites included Baruch, Baruch Addition, Bushwick, Hylan, Butler, Marcy, Morris I and II, Riis I and II, Webster, and Morrisania. NYCHA partnered with DSNY and their contracted partner, GrowNYC, to help facilitate the program. NYCHA revamped staffing procedures in coordination with DSNY and updated equipment and infrastructure needed to properly sort recyclable material. Once that work was done, the “recycling reset” program officially started in December 2019, led by NYCHA’s new Waste Management and Pest Control Department.

Once the program was launched, staff reported weekly bag counts of the recyclables. Since December 2019, developments went from setting out six bags of recyclables a week to over 250 bags a week. A key component of the reset’s success was providing information and training to staff and adapting procedures to make managing recycling more practical. The reset also highlighted the importance of adequate recycling infrastructure and education.

“Partnering with NYCHA to increase the amount of recyclables collected at the pilot sites has allowed us to divert a significant amount of material from landfills, helped us work towards making our communities cleaner and healthier, and has also shown that despite the many challenges impacting recycling at large public housing developments, successful recycling is not only possible, but worth the effort.”

Kevin O’Sullivan
Deputy Director of Agencies, Institutions and Businesses
DSNY’s Bureau of Recycling and Sustainability



DSNY Supervisor of Citywide Containerization dedicating hydraulic compactor to cardboard collection.

CASE STUDY So Much Cardboard! Cardboard Recycling program

With the increase of mail order delivery services such as Amazon and increased shipping needs due to the COVID-19 pandemic, NYCHA developments have reported exponential growth in discarded cardboard. As an initial pilot, nine cardboard balers were installed in 2018. After receiving staff feedback, NYCHA expanded the program and enlarged the baler size to accommodate the growth of cardboard and the need for more efficient compaction for staff. In 2020, NYCHA entered into a contract with Premier Compaction Systems for new cardboard baler installations with a larger model to improve staff’s experience with the baler and minimize time spent making bales. With the cardboard balers bundling cardboard for DSNY recycling pick up, cardboard is now being diverted from landfills, and the neat bales reduce the unsightliness of overflowing bulk containers.

In addition to installing balers, NYCHA has found success with converting 30-yard hydraulic compactors from trash compaction to dedicated cardboard collection. Morris and Marcy each have a converted compactor that serves as a shared collection and storage method with neighboring developments. These two cardboard compactor test locations collected 137.7 tons of cardboard over 22 months.

NYCHA has begun conversations to roll out cardboard compactors at 27 additional sites. By 2023, NYCHA will complete the installation of an additional 46 cardboard balers, and by 2028 all remaining possible developments NYCHA-wide will have cardboard compactors or cardboard balers as part of the waste yard redesigns. Compactors and balers have data tracking capabilities, allowing NYCHA to aim for cardboard diversion rates of 80% at sites with equipment by 2026.

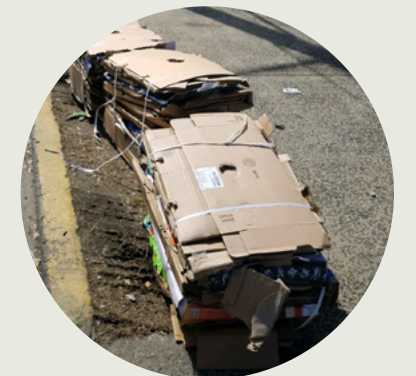
Before balers, loose cardboard would accumulate haphazardly throughout the waste yard.



After receiving balers, NYCHA staff are able to collect loose cardboard and put into balers to compact.



The result is nicely bundled cardboard that takes up less space and is set out for DSNY collection.



STRATEGY 14

Design for circularity and recycle construction and demolition waste in Capital Projects

As capital work advances to repair and improve living conditions for residents, NYCHA will generate an immense amount of construction and demolition (C&D) waste. C&D waste includes building materials, concrete, fill, and soil. Plans to minimize and recycle C&D waste must happen early on in a capital project to provide the most benefit at the lowest cost. NYCHA is seeking opportunities to reduce C&D waste and design for circularity through the life of the building and beyond, starting with construction. As NYCHA starts major rehabilitation or renovation projects, circularity and C&D waste will be considered for inclusion as part of project performance.

RESIDENT IMPACT



TIMEFRAME

Short-term

BY THE NUMBERS

In 2001-2010, NYCHA's capital investments totaled \$2.2B, compared to the last decade where NYCHA has managed \$6.6B in capital work—triple the amount.

C&D Waste

According to the U.S. Environmental Protection Agency (EPA), Construction and Demolition (C&D) materials consist of the debris generated during the construction, renovation and demolition of buildings, roads, and bridges.

Implementation

Implement tree reuse program

In construction projects where the removal of healthy trees is required, the wood could potentially be salvaged for reuse and simultaneously meet two sustainability goals: reducing waste and storing carbon sequestered by the trees while they were living. Both removed trees and C&D waste could be repurposed or recycled, if properly planned. NYCHA is exploring potential ways to identify opportunities to reuse tree wood, including best practices on salvage methods, tree tracking, storage, or salvage contracts.

Flood resiliency work at Red Hook Houses required many trees to be removed, highlighting the need for these reuse opportunities. NYCHA reached out to sawmills and wood reuse organizations. CityBench, a salvage wood mill in New Haven, harvested and milled some of the trees for reuse. On other Sandy Recovery projects, contractors are putting into practice

sustainable strategies. This includes using removed trees to create mulch for construction areas and donate mulch to community composting sites. There are additional opportunities for tree reuse when trees need to be removed due to health and safety issues or storm damage. Tropical Storm Isaias, for example, required the removal of at least 369 storm-damaged trees in the summer of 2020. NYCHA will continue to investigate opportunities to sell or donate trees and reuse them as part of garden beds and mulch. To facilitate this work, NYCHA will incorporate tree reuse into pre-construction planning in parallel with C&D waste management plans. In addition, the trees that were removed in Red Hook will be replaced as part of a resilient landscape design that will provide flood protection to residents.



Conceptual rendering from 2016 for Red Hook Landscapes. The new landscape will include spaces that are designed to be activated with temporary and pop-up events such as farmers markets. Disclaimer: the installed designs may be different at time of installation.



Conceptual rendering from 2016 for Red Hook Landscapes. The new landscape will include spaces that are designed to be activated with temporary and pop-up events such as farmers markets. Disclaimer: the installed designs may be different at time of installation.

Construction and demolition waste requirements for Capital Projects

NYCHA Division I specifications and the Enterprise Green Communities Criteria include construction and demolition waste plans, but oversight of C&D waste diversion remains a challenge. These specifications will be revised to require that projects meet a C&D waste diversion rate of at least 75% by weight. C&D waste diversion will be planned for and enforced through contract language for architecture and engineering firms and contractors, forms for data collection, and procedures for reporting on C&D waste during construction. NYCHA will also investigate C&D waste tracking through project management tools and incentivizing certified recycling facility usage.

NYCHA will continue to participate in an inter-agency Urban Resource Recovery working group to continue to learn from sister agencies and to implement new procedures based on successful demonstrations, lessons learned from other NYC projects, and shared resources that are available to agencies doing capital projects like the Clean Soil Bank. NYCHA will identify opportunities to incorporate curriculum for deconstruction, salvage, and reuse into training for green jobs for NYCHA residents.

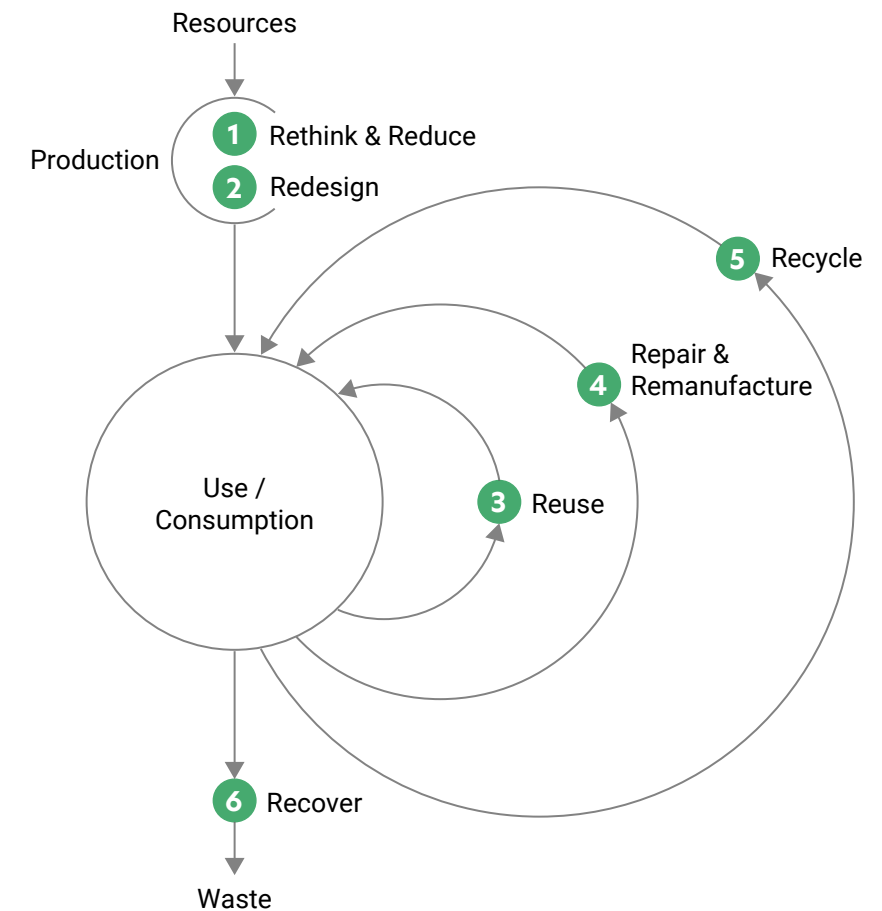
Design for circularity

NYCHA will raise awareness of circular economy principles among staff and identify opportunities to minimize waste during projects and throughout the life of the building. These principles need to be designed for and applied early in the capital project design process. NYCHA will update design guidelines and procedures to design for deconstruction and future circularity, including building materials, planning for minimizing potential C&D waste, and reusing or salvaging existing materials onsite.

NYCHA will also look for circularity opportunities in operational work. Matching equipment across sites or improving soils and gardens with compost generated on-site from residents' food scraps are examples of operational circularity that NYCHA will look to standardize.

Circular Economy
 The circular economy is defined by the Ellen MacArthur Foundation as the decoupling of economic activity from the consumption of finite resources by designing waste and pollution out of the system, keeping products and materials in use, and regenerating natural systems.

Different approaches to the circular economy



Attachment IV:
NYC Commercial Waste Recycling Rules and Information

Attachment IV. NYC Commercial Waste Recycling Rules and Information
The following must be recycled by Commercial Establishments in NYC

Paper
<p>Keep separate from: Metal, glass, plastic; yard waste; textiles; construction and demolition debris; solid waste; organic waste; electronic and e-waste. May be commingled with: Metal, glass, and plastic <i>if</i> materials are collected by a private carter or recycler who applies single stream collection and recycling. Set-out and collection: Tied and bundled securely, placed out separately for collection in transparent or translucent bags, or labeled bins.</p>
Metal, Glass, Plastic
<p>Keep separate from: Paper; yard waste; textiles; construction and demolition debris; solid waste; organic waste; textiles; yard waste; electronics and e-waste. May be commingled with: Metal; glass; plastic. Paper <i>if</i> materials are collected by private carters or recyclers who apply single stream collection and recycling. Set-out and collection: Collection in transparent or translucent bags or labeled bins. Bulk metal and bulk plastic items that do not fit in transparent or translucent bags or labeled bins may be placed out separately. Banned/Restricted products: Polystyrene foam food containers and packaging peanuts; Plastic carryout bags (with exceptions); Single-use plastic straws, splash sticks, and stirrers</p>
Organics
<p>Establishments affected: See Notes. Additional information on commercial organics recycling is here. Keep separate from: Paper; metal, glass, plastic; textiles; solid waste; textiles; construction and demolition debris; electronics and e-waste. May be commingled with: Yard waste – dependent on service or collection. Set-out, collection, or management options: Businesses have the option to arrange for collection by a private carter, transport organic waste themselves, or process the material on-site. Suitable processing methods include in-vessel composting and aerobic/anaerobic digestion. Food waste grinders or food waste liquefiers (with exceptions) are not permitted.</p>
Yard Waste
<p>Establishments affected: Those whose solid waste during any monthly period is comprised of at least 10% yard waste. Keep separate from: paper; metal, glass, plastic; textiles; solid waste; construction and demolition debris; electronics and e-waste. Set-out, collection, or management: Placed out separately for collection. Commercial landscapers are required to dispose of yard waste at permitted composting facilities.</p>
Textiles
<p>Establishments affected: Those whose solid waste during any monthly period is comprised of at least 10% textiles. Keep separate from: Paper; metal, glass, plastic; yard waste; solid waste; organic waste; construction and demolition debris; electronics and e-waste. Set-out and collection: Placed out separately for collection.</p>
Electronics and E-Waste
<p>Establishments affected: Businesses with 50 or more full-time employees or nonprofits with 75 or more full-time employees. Exception: Small businesses with fewer than 50 full-time employees and nonprofits with fewer than 75 employees may be eligible for free and convenient electronics recycling provided by manufacturers. Keep separate from: Paper; metal, glass, plastic; yard waste; textiles; solid waste; organic waste; C&D waste. Set-out, collection, or management options: Businesses are encouraged to donate unwanted, but functional electronics. Check donateNYC for options. When donation is not an option, businesses are required to contract with an electronic waste recycler.</p>
Construction and Demolition Debris
<p>Establishments affected: Those exclusively engaged in an activity that generates construction and demolition waste during the ordinary course of business. Keep separate from: Paper; metal, glass, plastic; yard waste; textiles; solid waste; organic waste. Set-out, collection and management options: Placed out separately for collection or disposed of at construction and demolition debris handling and recovery facilities.</p>

Table 2. Description of Recyclable Material Categories

Paper	High grade office paper, newspaper, magazines, catalogs, phone books, mixed paper, and corrugated cardboard
Metal, Glass, Plastic	Metal cans, metal items, aluminum foil, aluminum foil products, metal components of bulk waste, bulk metal, containers made of glass, beverage cartons, rigid plastics, and bulk plastic
Organics	Food scraps, plant trimmings, food soiled paper, certified compostable products
Yard Waste	Trees, leaves, grass clippings, garden debris, and vegetative residue that is recognizable as part of a plant or vegetable, small or chipped branches, and similar material
Textiles	Fabrics, sheets, linens, clothing, rope. Material may be natural or synthetic.
Electronics and E-Waste¹	Pursuant to State law: desktop computer towers, monitors, laptops, tablets, keyboards, mice, pointing devices, printers, document scanners, cables, cords, servers, TVs, VCRs, DVD players, DVRs, cable boxes, cable/satellite receivers, antennas, digital converter boxes, e-readers, portable music devices/digital music layers, digital cameras, and cell phones
Construction and Demolition Debris (C&D)	C&D debris for the purposes of this recycling requirement excludes plaster, wall coverings, drywall, roofing shingles, wood and lumber, and glass windowpanes. These may be recycled but are not a requirement. Check with a BIC licensed C&D carter for available options.

General Notes

- The recycling requirements summarized in **Table 1** are effective as of August 1, 2016, unless otherwise indicated under material-specific notes.² This listing is current as of March 2023.
- Professional establishments doing business in residential buildings may qualify for DSNY collection if the business meets one of the following criteria:
 - 1) be authorized by law to engage in an occupation in part of the home in addition to its residential use;
 - 2) be a licensed NYS lawyer or chiropractor or licensed NYS physician or dentist authorized to engage in an individual or group medical practice in a basement or on the first or second floor in the residential portion of the building; or
 - 3) be in a residential portion of residential building that has been used for occupational purposes since December 15, 1961.
- A merchant who disposes of a negligible amount of garbage or recyclable materials (less than 20 gallons over seven consecutive days) can share private carter service with one or more other merchants. Merchants sharing private carter services must be offered a written

¹ Any materials that have special collection requirements (including hazardous waste) pursuant to applicable local, state, or federal law must be disposed of accordingly, and must not be commingled with solid waste, designated recyclable materials or organic waste.

² [New York City Department of Sanitation: Notice of Adoption of Final Rules Governing Recycling Requirements for Entities that Receive Private Carter Collection.](#)

documentation by the private carter and given a free decal. For merchants sharing private carter service, the private carter should agree on a point of collection which should be at one of the merchants' establishments, and within walking distance of the other merchant(s) establishment(s). Under no circumstances can a merchant dispose of any garbage or recyclable materials in a DSNY litter basket or join with another establishment that is eligible that receives our collection service.

Organics Notes

Establishments subject to the recycling requirements:

- Food Service Establishments having at least 7,000 square feet (sf)
- Chain Food Service Establishments of at least 2 NYC locations with combined floor area 8,000 sf or more
- Food Service Establishments in Hotels having at least 100 guest rooms
- Food Service Establishments with combined floor area 8,000 sf or more in the same building or location
- Retail food Stores having at least 10,000 sf
- Chain retail food stores of 3 or more NYC locations with combined floor area 10,000 sf or more
- Food preparation locations having 6,000 square feet or more
- Catering establishments hosting on-site events to be attended by more than 100 people
- Temporary Public Events to be attended by more than 500 people
- Arenas and stadiums with a seating capacity of at least 15,000 people
- Food manufacturers that occupy a floor area of at least 25,000 sf
- Food wholesalers that occupy a floor area of at least 20,000 sf

Businesses choosing to use compostable products should first confirm that they meet their carter's or processor's specifications. Compostable plastics may be problematic as they can be indistinguishable from other plastics that must be recycled. Businesses should prioritize items that are reusable, if possible.

Recyclable organics do not include organic waste food that is donated to a third party, food that is sold to farmers for feedstock, and meat by-products that are sold to a rendering company.

New York State Department of Environmental Protection (DEP) prohibits food waste liquefiers except for devices approved for use prior to 9/25/2021. (Information on food waste liquefiers is available [here](#)).

Plastic – Single-Use Polystyrene Foam Food Containers

- Stores, food service establishments, and mobile food commissaries may no longer offer, sell, or possess single-use polystyrene foam food containers, including but not limited to clamshells, cups, plates, bowls, trays, and coolers. Manufacturers, distributors, and stores may not sell loose foam packaging, such as polystyrene packing peanuts as of January 2019. (Information on polystyrene restrictions is available [here](#)).

Plastic – Carryout Bags

- Plastic carryout bags, other than exempt bags, may not be distributed by anyone required to collect New York State sales tax as of March 2020.
- Exempt bags include those used for the following purposes:
 - Contain or wrap uncooked animal products, seafood, produce, or grains, or other unwrapped or non-prepackaged food, flowers, plants, and other items for human or environmental health and safety.
 - Bulk items, including candy, small hardware items, live insects, or other aquatic items.
 - Sliced or prepared to order food.
 - Newspaper for delivery.
 - Prepackaged plastic bags for consumer purposes, such as trash bags and food storage bags.
 - Garment bags.
 - Carry out or delivery of prepared food by food service establishments.
 - Pharmacy provided bags for prescription drugs.

(Information on plastic bag restriction is available [here](#)).

Plastic – Single-Use Plastic Straws, Splash Sticks, and Stirrers

- Distribution of single-use plastic straws, splash sticks, and stirrers by New York City food service establishments have been restricted as of November 2021. Single-use plastic straws may be provided to customers upon request.

(Information on plastic food service restrictions is available [here](#)).

Attachment V: Residential Waste Disposal for CY 2021

Residential Waste Disposal for CY 2021

Facility Name/Address	Facility Ownership	Facility Transport Vendor	Contract Type	Average Tons/Day	Delivered Tons/Per Year	Tons/Day by Disposal Site	Disposal Sites*	State	Truck Or RR
DSNY STATEN ISLAND TRANSFER STATION 600 W. Service Rd Staten Island, NY	NYC	Republic Services	Long-term	782	235,387.93	782	Lee County LF	SC	RR
WASTE MANAGEMENT HARLEM RIVER YARD TRANSFER STATION 98 Lincoln Ave Bronx, NY	Private	Waste Management of New York, LLC	Long-term	2,060	620,004.61	2060	Atlantic Waste Disposal LF	VA	RR
WASTE MANAGEMENT VARICK TRANSFER STATION 215 Varick St Brooklyn, NY	Private	Waste Management of New York, LLC	Interim	1,164	329,189.63	162	Atlantic Waste Disposal LF	VA	RR
						985	High Acres LF	NY	RR
						2	Westchester Resco, Peekskill*	NY	T
WASTE MANAGEMENT REVIEW AVE TRANSFER STATION 38-50 Review Ave Queens, NY	Private	Waste Management of New York, LLC	Long-Term	1,017	333,294.40	162	Atlantic Waste Disposal LF	VA	RR
						943	High Acres LF	NY	RR
WASTE MANAGEMENT A-1 COMPACTION TRANSFER STATION 325 Yonkers Ave Yonkers, NY	Private	Waste Management of New York, LLC	Long-Term	6	1,748.82	1	Westchester Resco, Peekskill*	NY	T
						5	Fairless Hills LF	PA	T
TULLY ENVIRONMENTAL TRANSFER STATION 127-30 34th Ave Corona, NY	Private	Tully Environmental	Interim	133	39,983.30	11	Commonwealth Envir System LF	PA	T
						57	Seneca Meadows LF	NY	T
						64	Keystone LF	PA	T
						0	Tunnel Hill Reclamation LF	OH	T/RR
REGAL RECYCLING TRANSFER STATION 172-06 Douglas Ave Jamaica, NY	Private	Regal Recycling	Interim	32	9,692.21	0	Covanta - Hempstead*	NY	T
AMERICAN RECYCLING TRANSFER STATION 172-33 Douglas Ave Jamaica, NY	Private	American Recycling	Interim	42	12,548.95	42	Seneca Meadows LF	NY	T
WASTE MANAGEMENT JULIA STREET TRANSFER STATION 864 Julia St Elizabeth, NJ	Private	Waste Management of New York, LLC	Interim	14	4,249.52	10	Grows North LF	PA	T
						4	Fairless Hills LF	PA	T
	Private		Interim	34	10,318.94	5	Cumberland County LF	PA	T

Facility Name/Address	Facility Ownership	Facility Transport Vendor	Contract Type	Average Tons/Day	Delivered Tons/Per Year	Tons/Day by Disposal Site	Disposal Sites*	State	Truck Or RR
INTERSTATE WASTE SERVICES TRANSFER STATION 375 US 1 Truck Rt Jersey City, NJ		Interstate Waste Services				9	Fairless Hills LF	PA	T
						20	Kearney/Apex LF	OH	T/RR
DSNY NORTH SHORE MARINE TRANSFER STATION 120-15 31st Ave College Point, NY	NYC	Covanta Sustainable Solutions, LLC	Long-Term	1,757	528,962.73	608	Covanta - Delaware Valley - Chester*	PA	RR
						1,137	Covanta - Niagara*	NY	RR
DSNY HAMILTON AVENUE MARINE TRANSFER STATION 500 Hamilton Ave Brooklyn, NY	NYC	Waste Management of New York, LLC	Long-Term	1,491	448,654.99	1,491	Amelia/Maplewood	VA	RR
						0	Atlantic Waste Disposal LF	VA	RR
DSNY EAST 91st ST MARINE TRANSFER STATION East 91st St, East River Drive New York, NY	NYC	Covanta Sustainable Solutions, LLC	Long-Term	487	146,315.01	128	Covanta - Delaware Valley - Chester*	PA	RR
						356	Covanta - Niagara*	NY	RR
DSNY SW BROOKLYN MARINE TRANSFER STATION Bay 41st Street/25th Ave Brooklyn, NY	NYC	Waste Management of New York, LLC	Long-Term	911	274,099.29	911	Amelia/Maplewood	VA	RR
						0	Atlantic Waste Disposal LF	VA	RR
PANYNJ COVANTA ENERGY-ESSEX* 183 Raymond Blvd Newark, NJ	Private	Covanta Sustainable Solutions, LLC	Long-Term	1,276	384,167.70	1,276	NA - Waste to Energy Plant*	NJ	N/A
TOTALS					3,378,618.03	11,231	Percent Per Year for Waste to Energy: 31.1%		

Notes:

* Denotes waste to energy.

All other facilities: Long-haul trucks assumed to haul an average of 22 tons top-loaded with no backhauling.

7,343 In City Rail (**65%**)

229 Delivered to truck-based facilities (**2%**)

9,765 Delivered or drayed to rail, incl NJ (**86.4%**)

Notes:

Rail transport from Harlem River Yard averages 90 tons/car; from WM/Julia 85 tons/car and WM/Varick Ave 77 tons/car.

Long-haul trucks to waste-to-energy resource recovery facilities are included (except DSNY direct haul to Covanta-Essex & Covanta-Hempstead)

Numbers may not add due to rounding.

Barges from North Shore MTS transport containers to Global Container Terminal in Staten Island (GCT) to be loaded on rail. Avg 80 tons/car.

There were 605 barge trips one-way from North Shore MTS 21 nautical miles to GCT each with 48 containers, plus return of empty containers by barge.

Barges from East 91st St MTS transport containers to GCT to be loaded on rail. Avg 80 tons/car.

There were 170 barge trips one-way from East 91st St MTS 21 nautical miles to GCT each with 48 containers, plus return of empty containers by barge.

Barges from Hamilton Avenue MTS transport containers to Transflo Intermodal in NJ to be loaded on rail. Avg 80 tons/car.

There were 547 barge trips one-way from Hamilton Avenue MTS 10.5 nautical miles to Transflo Intermodal in NJ each with 48 containers, plus return of empty containers by barge.

Barges from SW Brooklyn MTS transport containers to Transflo Intermodal to be loaded on rail. Avg 80 tons/car.

There were 334 barge trips one-way from SW Brooklyn MTS 11 nautical miles to Transflo Intermodal in NJ each with 48 containers, plus return of empty containers by barge.

Final Disposal Locations

Covanta/ Chester	10 Highland Street	Chester, Pa. 19013
Covanta/ Hempstead	600 Merchants Concourse	Westbury, N.Y. 11590
Covanta/ Niagara	100 Energy Boulevard	Niagara Falls, N.Y. 14304
Apex/Kearney Environmental	11 Country Road 78, PO Box 157	Amsterdam, Ohio,43903
Atlantic Waste Disposal	3474 Atlantic Lane	Waverly, Va. 23890
Commonwealth	99 Commonwealth Road	Hegins, Pa. 17938
Fairless Hills Landfill	1000 New Ford Mill Road	Morrisville, PA 19067
Grows North	1121 Bordentown Road	Morrisville, PA 19067
High Acres	425 Perinton Parkway	Fairport, NY 14450
Keystone Sanitary Landfill	P.O. Box 249 Dunham Drive	Dunmore, Pa. 18512
Lee County	1301 Sumpter Highway	Bishopville, SC 29010
Maplewood Landfill/ Amelia	20221 Maplewood Road	Jetersville, VA 23083
Seneca Meadows Inc	1786 Salomon Road	Waterloo, N.Y. 13165
Tunnel Hill Reclamation	2500 Township Road 205	New Lexington, Ohio 43764
Westchester Resco	One Charles Point Avenue	Peeksville, NY 10566

Attachment VI: Residential Waste Disposal for CY 2022

Residential Waste Disposal for CY 2022

Facility Name/Address	Facility Ownership	Facility Transport Vendor	Contract Type	Average Tons/Day	Delivered Tons/Per Year	Tons/Day by Disposal Site	Disposal Sites*	State	Truck Or RR
DSNY STATEN ISLAND TRANSFER STATION 600 W. Service Rd Staten Island, NY	NYC	Republic Services	Long-term	702	210,601.85	702	Lee County LF	SC	RR
WASTE MANAGEMENT HARLEM RIVER YARD TRANSFER STATION 98 Lincoln Ave Bronx, NY	Private	Waste Management of New York, LLC	Long-term	2,014	604,303.19	2,014	Atlantic Waste Disposal LF	VA	RR
WASTE MANAGEMENT VARICK TRANSFER STATION 215 Varick St Brooklyn, NY	Private	Waste Management of New York, LLC	Interim	1,088	326,421.28	82	Amelia/Maplewood	VA	RR
						19	Atlantic Waste Disposal LF	VA	RR
						843	High Acres LF	NY	RR
						144	Fairless Hills	PA	T
WASTE MANAGEMENT REVIEW AVE TRANSFER STATION 38-50 Review Ave Queens, NY	Private	Waste Management of New York, LLC	Long-Term	975	292,427.21	24	Atlantic Waste Disposal LF	VA	RR
						868	High Acres LF	NY	RR
						83	Amelia/Maplewood	VA	RR
WASTE MANAGEMENT A-1 COMPACTION TRANSFER STATION 325 Yonkers Ave Yonkers, NY	Private	Waste Management of New York, LLC	Long-Term	0	0	-	-	-	-
TULLY ENVIRONMENTAL TRANSFER STATION 127-30 34th Ave Corona, NY	Private	Tully Environmental	Interim	170	50,919.41	12	Commonwealth Envir System LF	PA	T
						99	Seneca Meadows LF	NY	T
						58	Keystone LF	PA	T
REGAL RECYCLING TRANSFER STATION 172-06 Douglas Ave Jamaica, NY	Private	Regal Recycling	Interim	30	4,084.46	14	Tullytown	PA	T
AMERICAN RECYCLING TRANSFER STATION 172-33 Douglas Ave Jamaica, NY	Private	American Recycling	Interim	30	8,901.79	30	Seneca Meadows LF	NY	T

Facility Name/Address	Facility Ownership	Facility Transport Vendor	Contract Type	Average Tons/Day	Delivered Tons/Per Year	Tons/Day by Disposal Site	Disposal Sites*	State	Truck Or RR
WASTE MANAGEMENT JULIA STREET TRANSFER STATION 864 Julia St Elizabeth, NJ	Private	Waste Management of New York , LLC	Interim	0	0	-	-	-	-
INTERSTATE WASTE SERVICES TRANSFER STATION 375 US 1 Truck Rt Jersey City, NJ	Private	Interstate Waste Services	Interim	0	0	-	-	-	-
DSNY NORTH SHORE MARINE TRANSFER STATION 120-15 31st Ave College Point, NY	NYC	Covanta Sustainable Solutions, LLC	Long-Term	1,671	501,220.28	535	Covanta - Delaware Valley - Chester*	PA	RR
						1,107	Covanta - Niagara*	NY	RR
						29	Lee County	SC	RR
DSNY HAMILTON AVENUE MARINE TRANSFER STATION 500 Hamilton Ave Brooklyn, NY	NYC	Waste Management of New York, LLC	Long-Term	1,428	428,479.26	1,428	Amelia/Maplewood	VA	RR
DSNY EAST 91st ST MARINE TRANSFER STATION East 91st St, East River Drive New York, NY	NYC	Covanta Sustainable Solutions, LLC	Long-Term	492	147,736.60	196	Covanta - Delaware Valley - Chester*	PA	RR
						291	Covanta - Niagara*	NY	RR
						5	Lee County	SC	RR
DSNY SW BROOKLYN MARINE TRANSFER STATION Bay 41st Street/25th Ave Brooklyn, NY	NYC	Waste Management of New York, LLC	Long-Term	886	265,798.38	886	Amelia/Maplewood	VA	RR
PANYNJ COVANTA ENERGY-ESSEX* 183 Raymond Blvd Newark, NJ	Private	Covanta Sustainable Solutions, LLC	Long-Term	1,199	359,745.56	1,199	NA - Waste to Energy Plant*	NJ	N/A
TOTALS					3,200,639	10,668	Percent Per Year for Waste to Energy: 31.2%		
Notes:						6,798 In City Rail (63.7%)			
* Denotes waste to energy.						357 Delivered to truck-based facilities (3.3%)			
All other facilities: Long-haul trucks assumed to haul an average of 22 tons top-loaded with no backhauling.						9,112 Delivered or drayed to rail, incl NJ (85.4%)			

Notes:

Rail transport from Harlem River Yard averages 90 tons/car; from WM/Julia 85 tons/car and WM/Varick Ave 77 tons/car.

Long-haul trucks to waste-to-energy resource recovery facilities are included (except DSNY direct haul to Covanta-Essex & Covanta-Hempstead)

Numbers may not add due to rounding.

Barges from North Shore MTS transport containers to Global Container Terminal in Staten Island (GCT) to be loaded on rail. Avg 80 tons/car.

There were 605 barge trips one-way from North Shore MTS 21 nautical miles to GCT each with 48 containers, plus return of empty containers by barge.

Barges from East 91st St MTS transport containers to GCT to be loaded on rail. Avg 80 tons/car.

There were 170 barge trips one-way from East 91st St MTS 21 nautical miles to GCT each with 48 containers, plus return of empty containers by barge.

Barges from Hamilton Avenue MTS transport containers to Transflo Intermodal in NJ to be loaded on rail. Avg 80 tons/car.

There were 547 barge trips one-way from Hamilton Avenue MTS 10.5 nautical miles to Transflo Intermodal in NJ each with 48 containers, plus return of empty containers by barge.

Barges from SW Brooklyn MTS transport containers to Transflo Intermodal to be loaded on rail. Avg 80 tons/car.

There were 334 barge trips one-way from SW Brooklyn MTS 11 nautical miles to Transflo Intermodal in NJ each with 48 containers, plus return of empty containers by barge.

Final Disposal Locations

Covanta/ Chester	10 Highland Street	Chester, Pa. 19013
Covanta/ Niagara	100 Energy Boulevard	Niagara Falls, N.Y. 14304
Atlantic Waste Disposal	3474 Atlantic Lane	Waverly, Va. 23890
Commonwealth	99 Commonwealth Road	Hegins, Pa. 17938
Fairless Hills Landfill	1000 New Ford Mill Road	Morrisville, PA 19067
High Acres	425 Perinton Parkway	Fairport, NY 14450
Keystone Sanitary Landfill	P.O. Box 249 Dunham Drive	Dunmore, Pa. 18512
Lee County	1301 Sumpter Highway	Bishopville, SC 29010
Maplewood Landfill/ Amelia	20221 Maplewood Road	Jetersville, VA 23083
Seneca Meadows Inc	1786 Salomon Road	Waterloo, N.Y. 13165
Tullytown	200 Tullytown Road	Tullytown, PA 19007
Westchester Resco	One Charles Point Avenue	Peeksville, NY 10566

Attachment VII. MTS History

DSNY Marine Transfer Stations: Permitting and Construction History

Hamilton Avenue MTS Permitting and Construction History

Permitting: Having obtained approval for the project under the City's Uniform Land Use Review Procedures, NYSDEC issued final State permits (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters) to DSNY to operate and construct (including demolition of the existing over-water MTS and construction dredging) the MTS on June 3, 2008. The current Part 360 permit for the MTS has an effective of December 2, 2020 and an expiration date of December 1, 2025. In accordance with changes in federal law, in 2022, NYSDEC determined that the MTS emissions were de minimis and extinguished the State Air Facility Permit for the MTS.

The project required an Army Corps of Engineers (USACE) permit for in-water demolition and dredging activities and the construction of a barge fendering system; the now expired USACE nationwide permit was issued for the MTS on May 22, 2008 (renewed in 2010).

Construction: Pursuant to competitive bid procurements, DSNY awarded construction contracts in 2010. In the aftermath of Super Storm Sandy, basic flood proofing measures were incorporated into the MTS design. The MTS opened in September 2017 and began serving the whole waste shed in September 2018.

Southwest Brooklyn MTS Permitting and Construction History

Permitting: After substantial completion of final designs for the MTS and having obtained approval for the MTS under the City's Uniform Land Use Review Procedures, DSNY submitted the final permit applications for the State environmental permits (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters) needed for the construction and operation of the facility in January/February 2007. NYSDEC issued the permits in July 2012. In support of its permit application, DSNY held an Environmental Justice

Informational Meeting on the project in the Southwest Brooklyn Converted MTS community on April 16, 2007. A Notice of Complete Application and draft permits were issued for the project on August 29, 2007. The Notice established an October 1, 2007 deadline for public comments. Based on the comments received, NYSDEC referred the permit application to NYSDEC Office of Hearings and Mediation Services and assigned an Administrative Law Judge (ALJ) to oversee the permit proceedings.

The NYSDEC permit process began with a Legislative Hearing in the community on January 15, 2008 that was presided over by the ALJ. Opponents of the project seeking party status were heard at an Issues Conference held at NYSDEC Region 2 offices on January 23, 2008. Briefing opportunities were provided to NYSDEC staff, DSNY and those seeking party status. In July 2009, the ALJ issued Ruling on Issues and Party Status (Rulings) that held that there were no issues to adjudicate, the record was closed and the permit application remanded to NYSDEC staff for processing. An appeal of the Rulings was filed by Assemblyman William Colton on behalf of NY/NJ Baykeeper, Natural Resources Protective Assn., Wake Up and Smell the Garbage, Urban Divers Estuary Conservation and the No Spray Coalition (Appellants). The appeal was denied and NYSDEC issued the above-described State environmental permits in July 2012. Petitioners filed an Article 78 proceeding for the review of the NYSDEC permit decision in August 2013 and the Supreme Court, Kings County, issued an April 2013 decision denying the petition and dismissing the proceeding. An appeal of the Supreme Court decision to the Appellate Division of the Supreme Court of New York was perfected, and briefs were filed by the City and Appellants in 2014. Appellants also sought a stay of construction, which was denied. The appeal of the Supreme Court's decision to deny the petition and dismiss the Article 78 proceeding was dismissed by the Appellate Division in June 2016.

DSNY was issued a permit to construct the Southwest Brooklyn Converted MTS by the U.S. Army Corps of Engineers in November 2013. The ACOE permit governed dredging activities, the construction of a barge fendering system and a king pile wall to protect the adjacent marina and barge staging that affected littoral and non-littoral zones. The now-expired ACOE permit was modified to extend dredging until December 15, 2015 and to modify the storm water outfall and king pile wall protection design.

DSNY submitted a timely and complete Part 360 Permit renewal application to NYSDEC in January 2017 and a Part 360 permit was issued effective July 31, 2017. NYSDEC natural resources permits were modified and reissued in 2017 to reflect changes in storm water outfall and king pile wall protection designs. In accordance with changes in federal law, in 2022, NYSDEC determined that the MTS emissions were de minimis and extinguished the State Air Facility Permit for the MTS. The current Part 360 permit for the MTS has an effective date of January 19, 2023 and an expiration date of January 18, 2033.

Construction: A construction contract was awarded in 2014 and construction began in December 2014. Construction dredging for the MTS was completed in December 2015 and resulted in the issuance of an NYSDEC Notice of Violation to DSNY for failure to fully close the environmental clamshell bucket required to be used at the site to remove contaminated sediment. The violation occurred during dredging in areas where timber and other debris was being removed as part of the dredging operation. In the aftermath of Super Storm Sandy, basic flood proofing measures were incorporated into the design of the MTS. Construction was completed in September 2018 and the facility was fully operational in October 2018.

East 91st Street MTS Permitting and Construction History

Permitting: After substantial completion of final designs for the East 91st Street Converted MTS (MTS) and having obtained approval under the City's Uniform Land Use Review Procedures, DSNY submitted the final permit applications for the State environmental permits (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters) needed for the construction and operation of the facility in January and February 2007. In support of its permit application, thereafter, DSNY held an Environmental Justice Informational Meeting on the project in the MTS community on April 19, 2007. A Notice of Complete Application and draft permits were issued for the project on May 30, 2007. The Notice established a July 2, 2007 deadline for public comments. Based on the comments received, NYSDEC referred the permit application to NYSDEC Office of Hearings and Mediation Services and assigned an Administrative Law Judge (ALJ) to oversee the permit proceedings.

The NYSDEC permit process began with a Legislative Hearing in the MTS community on October 9, 2007 that was presided over by the ALJ. Opponents of the project seeking party status were heard at an Issues Conference held at NYSDEC Region 2 offices on October 16, 2007. After briefing opportunities were provided to NYSDEC staff, DSNY and those seeking party status, the ALJ issued Rulings of the Administrative Law Judge on Issues and Party Status dated April 7, 2008 (Rulings) that determined that there were no issues to adjudicate except that DSNY had not submitted evidence that it had met the Part 360 noise standards for the project. The petitioners for party status, Environmental Defense Fund and Gracie Point Community Council, et al., were granted party status on the noise standard issue. Petitioners Gracie Point Community Council, et al., appealed the Rulings on May 2, 2008. After the parties had briefed the noise standard issue, in a Supplemental Issues Ruling dated December 10, 2008, the ALJ held that no issue existed with respect to the ability of the MTS, as designed, to meet the Part 360 noise standards. NYSDEC denied the appeal of Rulings and issued permits to operate and construct the MTS in October 2009. Petitioners appealed in Supreme Court. In June 2010, the Supreme Court determined that the State's decision to issue permits was not arbitrary and capricious, and dismissed the petition. In December 2011, the Appellate Court affirmed the dismissal of the challenge.

The current Part 360 permit for the MTS has an effective date of November 6, 2015 and an expiration date of November 5, 2025. In accordance with changes in federal law, in 2022, NYSDEC determined that the MTS emissions were de minimis and extinguished the State Air Facility Permit for the MTS.

DSNY applied for a U.S. Army Corps of Engineers permit to construct the E. 91st Street Converted MTS to the Army Corps of Engineers in 2008. The project required an ACOE permit for in-water demolition, construction and dredging activities, the construction of a barge fendering system and a pile-supported transformer building and barge staging that will affect littoral and non-littoral zones. ACOE held a public hearing on the application on September 18, 2008 and established a thirty-day comment period on the permit application. DSNY provided ACOE with responses to the comments received. DSNY submitted a Mitigation Plan in June 2011 and thereafter USACE

issued a Supplemental Public Notice on July 25, 2011, establishing a 30-day written comment period on the Mitigation Plan. The now expired USACE permit was issued on July 20, 2012.

Legal Actions: The project has been the subject of a number of lawsuits. The first two were brought on the sufficiency of the environmental review: (*The Association for Community Reform Now (ACORN), et al. v. Mayor Michael Bloomberg, et al.*; and *New York State Assemblyman Adam Clayton Powell, IV, et al. v. City of New York (Powell)*). The ACORN lawsuit was unsuccessful at the Supreme Court level. On appeal, the Appellate Division, in June 2008, upheld the lower court's finding that DSNY took the required hard look at the relevant areas of environmental concern for the project and made a reasoned elaboration of the basis for its determination in its Final Environmental Impact Statement. In the *Powell* lawsuit, the Supreme Court held that the project's environmental review was lawful in all respects; on a parkland issue, in June 2011, the Appellate Court affirmed the lower court decision that the Asphalt Green and Bobby Wagner were not parks entitled to protection under the Public Trust Doctrine and held that even if these properties could be considered parks, the proposed MTS construction would not result in a substantial invasion of parkland that would trigger the Public Trust Doctrine.

Two lawsuits were brought in 2010 to challenge the issuance of the NYSDEC permits for the facility. The issuance of the DEC permit was subsequently upheld by the Court. Two lawsuits were brought in 2012 to challenge the issuance of the USACE permit. Decisions on these lawsuits resulted in the dismissal of both in 2014.

Construction: A competitive bid solicitation issued for the construction of the project in January 2012 resulted in the registration of a construction contract in December 2012. Construction began in March 2013, with the demolition of the existing MTS completed (except for the ramp) in 2013. In the aftermath of Super Storm Sandy, basic floodproofing measures were incorporated into the design of the MTS. Construction was completed in February 2019 and the facility was fully operational in March 2019.

New MTS and Southbound FDR Entrance Ramps Construction: In 2015, a new MTS entrance ramp was proposed to be constructed at East 92nd Street along with a new southbound entrance to the FDR highway a few blocks north of the new MTS ramp. The design and construction of this

project was suspended by the NYC Department of Design & Construction in March 2020. If the ramp project were to advance, it would be subject to approval under the City's Uniform Land Use Review Procedure and require an environmental review. DSNY would be required to request a modification of its NYSDEC Part 360 permit for the East 91st Street MTS to construct the ramp. In the meantime, the MTS will continue to operate using the already constructed ramp at the foot of E. 91st Street and York Avenue.

North Shore MTS Permitting and Construction History

Permitting: Having obtained approval under the City's Uniform Land Use Review Procedures, DSNY obtained NYSDEC environmental permits to construct (including demolition of the existing MTS and construction dredging) and operate the MTS (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters in September 2007 (renewed in 2012). DSNY applied for renewal of its Part 360 Solid Waste Management Facility permit to NYSDEC in March 2017 and a renewal permit was issued effective June 2017.

DSNY applied for a permit to construct the North Shore Converted MTS to the Army Corps of Engineers in October 2007. The project required an ACOE permit for in-water demolition and construction and dredging activities, the construction of a barge fendering system and barge staging that will affect littoral and non-littoral zones. The now expired final ACOE permit was issued on January 11, 2010.

In accordance with changes in federal law, in 2022, NYSDEC determined that the MTS emissions were de minimis and extinguished the State Air Facility Permit for the MTS. The current Part 360 permit for the MTS has an effective date of June 17, 2022 and an expiration date of June 16, 2032.

Construction: Pursuant to a competitive bid solicitation, DSNY received construction bids for the project and awarded contracts in 2009. Construction was substantially completed in early 2015; training activities for the facility began in November 2014. Because of its proximity to LaGuardia Airport, to ensure the safety of air traffic in the vicinity of the MTS, modifications were made to the MTS to deter wildlife, especially birds, from the MTS and an MTS wildlife hazard management plan was implemented that is currently managed by a USDA wildlife biologist. In

the aftermath of Super Storm Sandy, basic flood proofing measures were incorporated into the design of the MTS.

Attachment VIII: Commercial Waste Zone Rulemaking

New York City Department of Sanitation

NOTICE OF ADOPTION OF FINAL RULE ESTABLISHING CUSTOMER SERVICE AND OPERATIONS REQUIREMENTS FOR COMMERCIAL WASTE ZONES

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 Title 16-B of the New York City Administrative Code that the Department adopts the following rule establishing customer service and operations requirements for the Commercial Waste Zones program. The Department published a Notice of Opportunity to Comment on the proposed rule in the City Record on December 18, 2020. On January 26, 2021 the Department held a public hearing on the proposed rules.

Statement of Basis and Purpose of Final Rule

Typically in New York City, more than 100,000 commercial establishments generate more than 3 million tons of refuse and recyclables. Approximately 90 private carters collect this waste from commercial establishments across the City.

The current system for collecting commercial waste from the City's businesses has been plagued by dangerous driving and insufficient attention to public safety, harmful environmental impacts, and poor customer service. Since 2010, private waste collection trucks have killed at least 28 people on New York City streets.

In some parts of the City, more than 50 carters service a single neighborhood, and an individual commercial block may see dozens of different private waste collection trucks on a given night. This has resulted in millions of excess truck miles driven every year that harm the City's air quality, increase greenhouse gas emissions, create noise pollution and negatively impact public health. Additionally, the industry has lacked strong customer service standards, and pricing has remained unclear and confusing to most customers, putting small businesses at a significant disadvantage.

In response to these documented problems in the commercial waste collection industry, the Department released a comprehensive plan for reforming the private carting industry in November 2018 ("the Plan"), available at <http://www.nyc.gov/commercialwaste>. The Plan proposed the establishment of commercial waste zones - a safe and efficient collection system to provide high quality, low cost service to New York City businesses while advancing the City's zero waste and sustainability goals. The Department developed this plan after years of extensive public outreach and engagement with a wide variety of stakeholders. On November 20, 2019, Local Law number 199 for the year 2019 was enacted, which authorizes the Department to create a commercial waste zones system. Under Local Law 199, codified in Title

16-B of the New York City Administrative Code, the Sanitation Commissioner has divided the geographic area of New York City into 20 “commercial waste zones.”

The Department will use a competitive procurement process to select up to three private carters to service businesses within each commercial waste zone. The competitive solicitation process will also be used to select up to five carters to provide containerized commercial waste collection services citywide. This process will identify the carters that can provide high quality service at low prices. The resulting contracts will include standards for pricing, customer service, safety, environmental health, and requirements to promote the City’s commitment to recycling and sustainability. The Request for Proposals (RFP) will be issued in two parts. Part 1 was issued on November 19, 2020, with responses due on February 19, 2021. Part 2 of this RFP is being issued at the same time as this final rule.

Commercial waste zones will apply to the collection of commercial refuse, recyclables, and source-separated organic waste. It will exclude specialized or intermittent waste streams, such as construction and demolition debris, medical waste, hazardous waste and other types of waste that will continue to be collected and managed under existing City and State regulations.

Under the new commercial waste zones system, instead of dozens of different carters operating in a City neighborhood on a given night, only a few carters will operate in each area. With fewer trucks on the streets and shorter routes, zoned collection will also mean improved traffic and air quality and less unsafe driving behavior and worker fatigue. Citywide, the adoption of the commercial waste zones system will dramatically reduce truck traffic associated with this industry by more than 50 percent. This system will improve the quality of life of all New Yorkers, serve the needs of the City’s local businesses, and support the City’s short and long-term goals for a cleaner, safer, and more sustainable city.

On February 14, 2020, the Department published the final rules creating the 20 commercial waste zones. Per Administrative Code Section 16-1002(e)(3), the Department will set the implementation schedule for when the commercial waste zone system will take effect in each zone. This will likely be staggered, with different zones transitioning to the commercial waste zone system at different times. Customers will be required to choose a carter that has been selected for their zone (or a carter to provide containerized commercial waste collection service, as applicable) by the end of the transition period of the zone in which their business is located.

In this rulemaking, the Department is establishing requirements for carters selected to operate under the commercial waste zones program. Specifically, these rules include provisions addressing:

- Definitions;
- Customer service requirements, including provisions addressing the requirements for customers to hire a zone carter to collect commercial waste; the minimum level of service that carters must offer to all commercial establishments in the zones they have been awarded; maximum rates and rate structures, including additional fees; denial,

suspension and termination of service; overfilled containers, contamination, infeasible collection and other non-conforming material; procedures for fees and non-collection; customer service plans; written service agreements, billing and payment; and required notifications to customers and the Department;

- Requirements for collecting recyclable materials and source separated organics, including provisions addressing recycling requirements for carters, collection of organic waste that has been source separated, commercial waste diversion and disposal; recordkeeping; written agreements; reporting; and exempt waste streams; and
- Operational requirements for carters, including provisions addressing restrictions on operation in multiple zones; requirements for signs and decals; requirements regarding operation of commercial waste vehicles; containers and collection of waste; labeling of containers; routes and schedules; protection of property; emergency response requirements; vehicle collisions; and vehicle maintenance and condition.

This rulemaking also makes conforming amendments to the existing requirements for commercial establishments related to recycling and source separated organics to recognize the commercial waste zones program.

These new rule requirements will take effect in each zone when the commercial waste zones system is introduced in that particular zone, according to the implementation schedule that the Department will publish in a future rulemaking.

Please note that while some of these requirements for commercial waste carters are similar to existing Business Integrity Commission (BIC) requirements for trade waste licensees, many of the requirements have changed to meet the standards set out in Local Law 199. The requirements in BIC's rules for trade waste licensees will continue to apply until the transition of the commercial waste zones program occurs in each zone, in accordance with the schedule and further details to be provided in an upcoming DSNY rule. As commercial waste zone awardees enter into agreements with new customers in their assigned zones, they will be required to comply with these new rule requirements. However, licensees operating lawfully under existing contracts with customers can continue to operate until the end date of the zone transition period, and geographic restrictions on movement in and out of zones will not be enforced until the end of the zone transition period. Further details on the transition to commercial waste zones will be provided in a forthcoming rulemaking regarding the transition start and end dates.

After the transition to commercial waste zones occurs, BIC's requirements regarding the topics contained in these rules will not apply to commercial waste carters, but will continue to apply to licensees and registrants that are hauling forms of trade waste other than commercial waste, such as construction and demolition debris. However, certain requirements in BIC rules, such as requirements for licensing, character and fitness standards and certain safety requirements, will continue to apply to commercial waste zone carters after the commercial waste zones program is implemented. More details regarding the applicability of BIC rules to the commercial waste zones program will be provided in future rulemakings.

The Department published proposed rules on December 18, 2020. The Department held a public hearing on these rules on January 26, 2021, and received written comments until February 9, 2021. After careful review and consideration of all written comments received and all hearing testimony regarding the proposed rules, the Department has made the following changes in this this final rule:

- Updating definition of “standard service hours” in 16 RCNY § 20-01 in response to public comments from carters;
- Adding definitions of “designated carter” and “source separation” in 16 RCNY § 20-01;
- Clarifying restrictions on entering into contracts with zone customers, including providing examples that address containerized waste customers in 16 RCNY § 20-20;
- Clarifying that customers who do not enter into a written service agreement with a zone awardee or a containerized commercial waste awardee by the end of the transition period will be assigned a zone awardee by the Department in 16 RCNY § 20-20;
- Adding additional authorized fees, such as rental fees for equipment, collection service inside a building, fees for commercial waste generation audit services, and credit card fees in 16 RCNY § 20-21, in response to public comments from carters;
- Removing the requirement that the carter meet a two-hour pick-up window, but allowing a fee for a pick-up time within a window of less than two hours where a pick-up window is specified in the customer agreement in 16 RCNY § 20-21 in response to public comments from carters;
- Streamlining the process for suspension or termination of service for non-payment in 16 RCNY § 20-22 in response to public comments from carters;
- Expressly authorizing a carter to reschedule collection due to emergencies such as severe weather events, street closures and other emergencies in 16 RCNY § 20-23, in response to public comments from carters that the proposed rule was not clear on this point;
- Clarifying that fees imposed for contaminated recyclable materials or source separated organic waste must be imposed based on a physical inspection of the materials in 16 RCNY § 20-24;
- Removing the specific timeframes in which awardees must response to customer complaints and replacing it with a requirement to include a protocol for promptly addressing customer service requests and complaints in its Customer Service Plan in 16 RCNY § 20-25 in response to comments from carters that such requirements were infeasible;
- Clarifying the awardee’s obligation to respond to a customer’s missed collection complaint in 16 RCNY § 20-25 in response to comments that the proposed rule language was unclear;
- A requirement that customer service agreement include a clear description of applicable fees, as well as an estimated pick-up time for each collection in 16 RCNY § 20-26 in response to public comments from customer advocates;

- Clarifying that customer notices may be provided electronically where agreed upon between the carter and the customer in 16 RCNY § 20-26.
- Revising the requirements for awardees to notify the Department of significant designated recyclable material content in refuse in 16 RCNY § 20-28 in response to public comments from carters that the proposed rule provision was not practicable;
- Clarifying that co-collection of designated recyclable materials, where designated recyclable metal, glass and plastic and designated recyclable paper that have been previously source separated and set out by a generator are collected at the same time and placed in a single compartment of a waste hauling truck, is not permitted under the Commercial Waste Zones program under 16 RCNY § 20-31.
- Limiting the requirements for what has to be included in a customer sign or decal in 16 RCNY § 20-36 in response to public comments from carters;
- Clarifying that the carter emergency contact role can be held by more than one person in 16 RCNY § 20-42 in response to public comments from carters; and
- Moving the requirements regarding telematics systems to the Safety Requirements rules in Subchapter D of Chapter 20 of title 16, which are being published in a separate rulemaking.

DSNY’s authority to promulgate these rules is found in New York City Charter §§ 753 and 1043, and title 16-B of the Administrative Code.

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. Section 1-01 of title 16 of the rules of the city of New York is amended by deleting the definition of “Co-collection of recyclables.”

§ 2. The undesignated paragraph following paragraph (4) of Subdivision (d) of section 1-09 of title 16 of the rules of the city of New York is amended to read as follows:

In lieu of submitting information specified in paragraph (4), agencies/institutions may, with Department approval, develop and submit other criteria for estimating the amount of waste generated at a facility. For facilities within agencies/institutions that receive Department collection service, implementation plans shall include, in addition to paragraphs (1), (2), (3) and (4) of this subdivision, the location of the central collection area or areas required in subparagraph (g)(2)(i). For facilities within agencies/institutions that receive private carter service, implementation plans shall include, in addition to paragraphs (1), (2), (3) and (4) of this

subdivision, the name of the private carter or private carters, and must identify, by type, each designated recyclable material that will be collected by each private carter, and if applicable, whether the private carter will be utilizing single stream collection [and recycling or co-collection] of recyclables. Each agency/institution shall appoint an agency/institution recycling coordinator who shall be responsible for overseeing the establishment and operation of the agency's/institution's recycling program. Each agency/institution shall submit one plan to the Department for approval within three months of the effective date of this section and shall update such plan within a reasonable time if there are any significant changes, including changes in the information required to be supplied under paragraphs (3) and (4) of this subdivision.

§ 3. Paragraph (3) of subdivision (c) of section 1-10 of title 16 of the rules of the city of New York is amended to read as follows:

(3) Notwithstanding the source separation provisions of subdivision (b) of this section, a generator of private-carter collected waste may commingle designated metal, glass, and plastic with designated recyclable paper if:

(i) [his or her] the private carter [has furnished information to the business integrity commission of its ability] that collects such material operates as a designated carter pursuant to an agreement that was entered into pursuant to section 16-1002 of the Administrative Code and that authorizes such carter to use [either] single stream collection [and recycling, or co-collection] of recyclables; or

(ii) [a] such generator obtains a registration from the business integrity commission pursuant to paragraph (b) of section 16-505 of the administrative code of the city of New York[,] to transport its own designated recyclable materials [to a central holding location under the control of the generator, from which such designated recyclable materials will be collected by a private carter, who has furnished information to the business integrity commission of its ability] and is authorized by the business integrity commission to use [either] single stream collection [and recycling, or co-collection] of recyclables[, or delivered by the generator directly to a recycler].

§ 4. Paragraph 2 of subdivision (d) of section 1-10 of title 16 of the rules of the city of New York is amended to read as follows:

(2) As required by section 16-116 of the administrative code of the city of New York, generators must post a [sign] decal identifying each private carter approved to provide collection and/or recycling services for such generators. Such [sign] decal must use lettering of a conspicuous size and be prominently displayed by attaching 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. Such [sign] decal must [also identify, by type, each designated recyclable material that will be collected by each private carter and, if applicable, whether the private carter will be using single stream collection and recycling or co-collection of recyclables] display the private

carter's name, the private carter's license number issued by the business integrity commission pursuant to title 16-A of the Administrative Code, and the unique customer identifier number assigned to the customer by the private carter pursuant to 16 RCNY § 20-36(a).

§ 5. Subparagraph (ii) of paragraph (1) of subdivision (e) of section 1-10 of title 16 of the rules of the city of New York is amended to read as follows:

(ii) Notify his or her tenants, occupants, and/or employees, at least annually, 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 [submitted] made available to the Department upon request [within five business days of such request either by postal mail or electronic mail to the Department], provided that any penalty imposed for a violation of this subparagraph shall be reduced to zero dollars if, on or before the initial return date stated on the notice of violation, the owner, lessee or person-in-charge of the premises submits proof of having cured such violation.

§ 6. Subchapter A of chapter 20 of title 16 of the rules of the city of New York is amended by adding a new section 20-01 to read as follows:

§ 20-01 Definitions.

(a) The following terms have the same meanings as such terms are defined in section 16-1000 of the Administrative Code: "awardee," "commercial waste," "commercial waste zone," "commissioner," "containerized commercial waste," "department," "organic waste," "trade waste."

(b) The following terms have the following meanings, except as otherwise provided in this chapter:

Container: The term "container" means a bin, dumpster, compactor or other receptacle for the storage or collection of commercial waste.

Commercial establishment. The term "commercial establishment" means a commercial establishment required to provide for the removal of commercial waste pursuant to the provisions of section 16-116 of the Administrative Code.

Containerized commercial waste awardee. The term "containerized commercial waste awardee" means an awardee that is authorized to provide containerized commercial waste collection, removal and disposal service citywide pursuant to an agreement with the Department entered into pursuant to section 16-1002 of the Administrative Code.

Contamination. The term “contamination” means: (1) a bag or container of designated recyclable materials that contains a detectable quantity of refuse or organic waste; (2) a container of source separated organic waste that contains a detectable quantity of non-organic waste; or (3) a bag or container of refuse that contains a detectable quantity of designated recyclable materials.

Customer. The term “customer” means: i) a commercial establishment that is located within a commercial waste zone for which a zone awardee has been awarded an agreement pursuant to section 16-1002 of the Administrative Code and that selects such awardee for collection of commercial waste or has been assigned such awardee pursuant to paragraph 4 of subdivision e of such section; or ii) a commercial establishment that selects a containerized commercial waste awardee to collect containerized commercial waste.

Designated carter. The term “designated carter” means a licensee that is authorized to provide commercial waste collection services pursuant to an agreement between an awardee and the Department entered into pursuant to section 16-1002 of the Administrative Code. The term “designated carter” may describe the awardee or another licensee that the awardee has designated to fulfill the terms of such agreement as specified in the awardee’s Subcontracting Plan.

Designated covered establishment. The term “designated covered establishment” means any commercial establishment designated as an establishment required to separate organic waste pursuant to subdivision (a) of section 1-11 of this title.

Designated recyclable materials. The term “designated recyclable materials” means materials that have been designated for recycling by the Department pursuant to subdivision (a) of section 1-10 of this title.

Non-collection of commercial waste. The term “non-collection” means a particular instance when an awardee fails to perform a scheduled pick-up of commercial waste from a customer, but where the awardee has not suspended or terminated service.

Normal business hours. The term “normal business hours” means 9am to 5pm, Monday through Friday.

Organic waste processing facility. The term “organic waste processing facility” has the same meaning as set forth in section 1-01 of this title.

Overfilled container. The term “overfilled container” means a container with materials that project above its rim in a manner that impedes the complete closure of its lid and/or a container with materials that are placed outside the container and/or allowed to accumulate.

Refuse. The term “refuse” means commercial waste that is not organic waste or designated recyclable material.

Single stream collection of recyclables. The term “single stream collection of recyclables” has the same meaning as the term “single stream collection and recycling,” as defined in section 1-01 of this title and shall be deemed interchangeable with such term and with the term “single stream recycling and collection.”

Source separation. The term “source separation” means the separation at the point of generation of designated recyclable materials from each other or the separation of designated recyclable materials from solid waste.

Standard service hours. The term “standard service hours” means 8pm to 7am, Monday through Saturday, excluding the federal holidays listed in 5 U.S.C. § 6103. For purposes of this definition, a day of the week or a holiday (e.g. Monday or Memorial Day) begins at 8pm on that day and ends at 7am the following day.

Textiles. Textiles. The term “textiles” means textiles that: 1) are source separated by a commercial establishment or 2) are required be source separated by a commercial establishment pursuant to section 1-10 of this title.

Zone awardee. The term “zone awardee” means an awardee that is authorized to provide commercial waste collection, removal and disposal service in a particular zone assigned to the awardee pursuant to an agreement with the Department entered into pursuant to section 16-1002 of the Administrative Code.

§ 7. Chapter 20 of title 16 of the rules of the city of New York is amended by adding a new subchapter B to read as follows:

Subchapter B. Customer Service Requirements

§ 20-20 Service to customers in a commercial waste zone.

- (a) (1) Each commercial establishment must enter into a written service agreement with a zone awardee selected by the Department for the zone in which the commercial establishment is located, and/or a containerized commercial waste awardee in accordance with subdivision (c) of this section, to provide all commercial waste collection, removal and disposal services for the commercial establishment. All such written service agreements must meet the requirements of section 20-26 and must be

entered into no later than the final implementation date for the zone in which the commercial establishment is located, as set forth in the rules of the Department.

(2) This subdivision does not apply to a commercial establishment registered by the Business Integrity Commission to haul its own commercial waste pursuant to subdivision (b) of section 16-505 of the Administrative Code operating pursuant to the terms of such registration.

(b) A commercial establishment must not enter into an agreement for the collection, removal or disposal of commercial waste with more than one zone awardee selected for the zone in which the commercial establishment is located at the same time under any circumstances.

(c) In lieu of or in addition to a contract with a zone awardee, a commercial establishment may contract with a containerized commercial waste awardee for the removal of containerized commercial waste, provided that the other requirements of this section have been met. If a commercial establishment's contract with a containerized commercial waste awardee does not cover the entirety of the commercial establishment's commercial waste, the commercial establishment must enter into an agreement with a zone awardee for collection, removal and disposal of the remainder of the commercial establishment's commercial waste, except that such establishment may not contract with more than one zone awardee, as provided in subdivision (b) of this section .

Example 1: Bob's Restaurant is located in the zone Bronx East. Bob's Restaurant selects Containerized Carting to perform containerized commercial waste collection services. Containerized Carting receives an award to collect containerized commercial waste citywide and is also selected as a zone awardee for zone Bronx East. If Bob's restaurant uses Containerized Carting for containerized collection services, Bob's restaurant is prohibited from selecting a different Bronx East zone awardee to collect non-containerized commercial waste because Containerized Carting is a zone awardee for zone Bronx East.

Example 2: Molly's Restaurant is located in the zone Queens Central. Molly's Restaurant is looking for containerized commercial waste collection services for refuse. None of the zone awardees in zone Queens Central were selected to collect containerized commercial waste citywide. Molly's Restaurant can hire Containerized Carting to provide containerized commercial waste collection service and may choose to select a Queens Central zone carter to provide non-containerized refuse and organics collection.

(d) If an awardee is authorized to operate as a containerized commercial waste awardee and a zone awardee in a given zone, such awardee must follow all requirements applicable to zone awardees set forth in title 16-B of the Administrative Code and this

title with respect to all customers in such zone.

- (e) If a commercial establishment fails to enter into a written agreement with a zone awardee selected for the zone in which such commercial establishment is located or a containerized commercial waste awardee in accordance with the requirements of this section by the final implementation date for such zone, the Department will assign a zone carter to such commercial establishment and the processes and terms of service set forth in subdivision (e) of section 20-26 shall apply.

§ 20-21 Rates.

- (a) (1) An awardee shall not charge or accept rates or fees for the collection, removal or disposal of commercial waste from a customer in a commercial waste zone above the maximum rates and maximum fees for such zone as set forth in the agreement with the Department under which such awardee is operating pursuant to section 16-1002 of the Administrative Code and as provided in this section.

(2) Rates for collection of designated recyclable materials and source separated organic waste must be proportionally lower than rates for refuse collection services in the proportion set forth in the agreement between the awardee and the Department where such agreement includes such a proportion, except that if the awardee collects no amount of refuse from the customer, the rate for designated recyclable materials and source separated organics cannot exceed the maximum rate for such material set forth in such agreement.

- (b) An awardee must not charge or accept rates or fees for the collection, removal or disposal of containerized commercial waste citywide above the maximum rates or fees for such service as set forth in the agreement with the Department under which such awardee is operating pursuant to section 16-1002 of the Administrative Code and as provided in this section. Paragraph (2) of subdivision (a) of this section shall apply to the collection, removal or disposal of containerized waste citywide only where such agreement also provides for the collection of designated recyclable materials or source separated organic waste.

- (c) (1) An awardee must only charge a customer in accordance with the pricing structure set forth in the agreement with the Department pursuant to which such awardee is operating. Such pricing structure must reflect the following pricing structure:
- i. A separately itemized charge based on frequency of collection by waste stream: refuse, designated recyclable materials and source separated organic waste; and
 - ii. A separately itemized charge based on weight or volume of waste collected by waste stream: refuse, designated recyclable materials and source separated organic waste.

An awardee must not charge any additional fees, except as provided in paragraph (2) of this subdivision.

(2) An awardee may impose fees only for the following:

- (i) Cleaning containers or compactors;
- (ii) Delivery, replacement or removal of carts or containers;
- (iii) Rental of compactors or roll-off containers;
NOTE: Rental fees for containers or dumpsters other than compactors and roll-offs are prohibited by Administrative Code section 16-1002(c)(2);
- (iv) Rental of equipment other than containers/dumpsters;
- (v) Collection service that requires entry inside the building, other than service in and out of a loading dock;
- (v) A requested pick-up outside of standard service hours;
- (vi) A requested pick-up time within a window of less than two hours where a pick-up window is specified in the agreement;
- (vii) A return rate, if an awardee must return to provide service based on a customer created condition, after following all applicable procedures set forth in section 20-24;
- (viii) Overfilled containers, after following all applicable procedures set forth in section 20-24;
- (ix) Designated recyclable materials or source separated organic waste with contamination of at least 10 percent, after following all applicable procedures set forth in section 20-24;
- (x) If a driver has to wait due to a customer created delay in excess of 15 minutes, documented with GPS technology;
- (xi) Late payment;
- (xii) Insufficient funds, including but not limited to a bounced check or an electronic transfer that fails due to insufficient funds in the customer's account;
- (xiii) Payment made by credit card if the following conditions are met:
 - (A) The fee must not exceed 3% of the amount charged for services; and
 - (B) The awardee must offer an alternate form of electronic payment, such as direct bank to bank transfer, with no added fee for the customer;
- (xiv) Commercial waste generation audit services in accordance with the awardee's Zero Waste Plan; and
- (xiv) Any other fees approved by the Department in accordance with the procedures set forth in the awardee's agreement with the Department pursuant to which the awardee is operating.

- (d) (1) In addition to any automatic rate adjustments set forth in the agreement with the Department pursuant to which such awardee is operating, entered into pursuant to section 16-1002 of the Administrative Code, an awardee may petition the Department for an adjustment to the maximum rates (including any maximum fee amounts) set forth in such agreement in accordance with this subdivision. Such petition shall be made in a form and format prescribed by the Department. No later than 60 days after the submission of such petition, the Department shall either deny such petition in writing, along with a description of the reason for such denial, or commence with a public

hearing on such petition in accordance with the procedures described in this subdivision,. Such decision shall be within the discretion of the Department.

(2) Upon petition of an awardee in accordance with paragraph (1) of this subdivision, or upon its own initiative, the Department may hold a public hearing on the maximum rates (inclusive of any maximum fee amounts) charged by one or more awardees for the collection, removal or disposal of commercial waste as set forth in the agreement or agreements with the Department entered into pursuant to section 16-1002 of the Administrative Code by such awardee or awardees. At least 30 days prior to the public hearing, the Department will publish the date, time and location of the public hearing in the City Record and on the Department website. At the hearing, any member of the public may submit oral or written testimony regarding whether the maximum rates should be changed. The proponent of the rate change shall bear the burden of demonstrating, on an individual, zone or industry-wide basis, that existing rates do not allow for a fair and reasonable return to such awardee or awardees or are otherwise inconsistent with the purposes of title 16-B of the Administrative Code.

(3) In determining whether the maximum rates charged by one or more awardees for the collection, removal or disposal of commercial waste will be adjusted, the Department shall not be limited to evidence provided pursuant to paragraph (2) of this subdivision, and may request additional information from the proponent of the rate change, and may consider any relevant factor affecting the commercial waste industry or its customers, including but not limited to:

(i) Available data on the commercial waste industry, including but not limited to any material change in: operating revenues (overall revenues); regulated service operating revenues (revenue generated from waste removal services associated with the rate-regulated portion of a business) by waste stream; operating expenses; regulated operating expenses by waste stream; and total regulated waste tonnage disposed;

(ii) Any material change to waste disposal capacity or infrastructure; and

(iii) Any other factor that may be relevant to assessing a fair and reasonable return to the awardee or awardees, promoting the protection of customers from excessive or unreasonable charges, and promoting the purposes of title 16-B of the Administrative Code.

§ 20-22 Denial of service prohibited; termination; suspension of service.

(a) *General prohibition; minimum level of service.* (1) An awardee may not deny, suspend, or terminate commercial waste collection service to any commercial establishment within a zone for which the awardee has been awarded an agreement, except as otherwise provided in this section and as set forth in the agreement between the awardee and the Department pursuant to section 16-1002 of the Administrative Code.

(2) An awardee must offer to each commercial establishment within a zone for which the awardee has been awarded an agreement including the following minimum level of service:

(i) At least two days of refuse collection per week;

(ii) At least one day of designated recyclable materials collection per week; and

(iii) If the commercial establishment is a designated covered establishment, at least one day of source separated organics collection per week.

(3) Nothing in this subdivision shall prevent a commercial establishment and an awardee from mutually agreeing on terms of service that include less frequent or more frequent collection than the minimum level of service described in paragraph (2) of this subdivision.

(b) *Suspension or termination of service for non-payment.* (1) An awardee may suspend or terminate commercial waste collection service to a commercial establishment within a zone for which the awardee has been awarded an agreement if the commercial establishment is a current customer and owes full or partial payment to the awardee for services rendered for more than 45 days and the awardee has followed the procedures set forth in this subdivision.

(2) When a current customer has failed to pay the full amount due for 30 days, the awardee must notify the customer in writing that the account is past due, and that nonpayment may result in service suspension or termination, including the timeframe when such suspension or termination may occur.

(3) After at least 45 days of non-payment, the awardee may suspend or terminate service by notifying the customer by certified mail of such suspension or termination and the reason therefor. Such notice shall state that the customer may seek Department review of the awardee's decision to suspend or terminate service by submitting such request to the Department in writing no later than 120 days after receipt of such notice, along with evidence that service should not be suspended or terminated, and a copy of the postmarked certified mail receipt. The customer must also send a copy of such review request to the awardee.

(4) The Department will review each customer request for Department review and may ask either party to provide additional information necessary to make a determination. The Department will issue a final determination within 30 days of receipt of such request, unless such additional information is requested from either party, in which case the Department shall notify the parties of its determination within a reasonable timeframe. The awardee is under no obligation to provide service pending such review. If the awardee continues to provide service, any late fees set forth in the awardee's customer service agreement with the customer shall continue to accrue while such service is being provided in accordance with such agreement.

(c) Denial, suspension or termination for other allowable reasons. (1) Except in authorized cases of non-payment as described in subdivision b, an awardee may only deny, suspend, or terminate commercial waste collection service to a commercial establishment within a zone for which the awardee has been awarded an agreement after prior approval by the Department in accordance with this section.

(2) The Department will only grant approval pursuant to this subdivision if the awardee has followed the procedures set forth in this subdivision and demonstrates to the satisfaction of the Department one or more of the following:

(i) The commercial establishment has set out commercial waste in a form or manner that presents a direct health or safety threat to employees of the designated carter or to the public;

(ii) The commercial establishment has caused substantial damage to property of the awardee or its designated carter;

(iii) Provision of service to the commercial establishment would jeopardize the awardee's ability to meet the requirements of the awardee's agreement with the Department pursuant to section 16-1002 of the Administrative Code; or

(iv) The awardee has other good cause for denial, suspension or termination of service, consistent with the purposes of title 16-B of the Administrative Code.

(3) An awardee may seek denial, suspension or termination of service by notifying the commercial establishment by certified mail of its intention to deny, suspend or terminate service and informing the commercial establishment of the reason therefor. Such notice shall state that no later than 30 days after the postmark date on such notice, the commercial establishment may submit evidence to the Department demonstrating that circumstances described in paragraph (2) of subdivision (b) of this section have not occurred or other evidence that service should not be denied, suspended or terminated, along with a copy of the postmarked certified mail receipt of such notice.

(4) The awardee must provide a copy of the notice described in paragraph (1) of this subdivision to the Department along with evidence that circumstances described in paragraph (2) of this subdivision have occurred. In the case of subparagraphs (i) and (ii) of paragraph (2), the awardee shall provide photographic documentation where feasible. In all other instances, such evidence may include but need not be limited to photographic or video evidence, invoices, insurance reports, or police reports. The Department may ask either party to provide additional information necessary to make a determination.

(5) The Department shall notify the awardee and the commercial establishment of its determination regarding whether the awardee's request for approval for denial, suspension or termination of service has been granted no later than 45 days after receipt

of a copy of the notice described in paragraph (4) of this subdivision, unless additional information is requested by the Department from either party, in which case the Department shall notify the parties of its determination within a reasonable timeframe. Within 15 days of receipt of such determination, either party may appeal such determination in writing to the Commissioner.

(6) If the commercial establishment is a current customer, the awardee must continue providing service to such customer until a final determination by the Department has been made.

(d) Nothing in this section shall preclude the awardee from seeking to enforce the terms of its agreement with a customer, including but not limited to terms governing damages or other remedies for breach of contract.

(e) Nothing in this section shall be construed to alter, amend or negate any obligation of the awardee to provide service to any commercial establishment in accordance with the terms of the agreement between the awardee and the Department entered into pursuant to section 16-1002 of the Administrative Code.

(f) A written contract for the removal, collection, or disposal of commercial waste that contains no provision regarding duration shall be terminable at will by the customer.

(g) (1) Subdivisions (a) through (c) of this section shall not apply to containerized commercial waste awardees providing collection, removal or disposal of containerized commercial waste in accordance with an agreement with the Department to provide such containerized commercial waste collection, removal and disposal service citywide pursuant to section 16-1002 of the Administrative Code.

(2) An awardee providing containerized commercial waste collection, removal or disposal service citywide in accordance with such an agreement with the Department must not suspend or terminate such service to a customer unless at least 14 days' written notice to the customer is given. No contract for the removal, collection, or disposal of containerized commercial waste shall provide that an awardee may suspend or terminate service upon shorter notice.

(h) If a customer's service is suspended or terminated, the awardee shall provide written notification to the Department within 24 hours and shall include in this notification the customer name and address, reason for suspension or termination, and any unresolved customer complaints.

§ 20-23 Non-Collection of Commercial Waste.

(a) If a designated carter is precluded from collecting a customer's commercial waste on a particular day, due to a severe weather event, street closure, or other emergency as

determined by the Department, the designated carter must return to collect the commercial waste on the next business day when access to the premises is possible, or as otherwise agreed upon between the awardee and the customer. In such a case, the awardee must notify such customer no less than two hours after becoming aware of the situation that collection on the scheduled day is not possible, the reason therefor, and the awardee's expected timeframe for collecting the customer's waste.

(b) Except as provided in subdivision (a), an awardee and its designated carters may only refuse to collect commercial waste from a customer set out on a particular day, resulting in the non-collection of commercial waste, in the following circumstances:

(1) Overfilled containers;

(2) Designated recyclable materials or source separated organic waste with contamination of at least 10 percent;

(3) The bag or container cannot be safely lifted, container contents will not empty after tipping, and/or bags or containers are blocked or inaccessible for reasons other than those described in subdivision (a) of this section;

(4) Bags or containers set out for collection contain non-commercial waste not otherwise agreed upon by the customer and the awardee; or

(5) The customer has otherwise set out commercial waste in a form or manner that presents a direct health or safety threat to employees of the designated carter or to the public.

(c) Before refusing to collect commercial waste from a customer set out on a particular day in any of the circumstances described in subdivision (b) of this section, the awardee must ensure that all applicable procedures described in section 20-24 are followed, and the awardee must continue to provide commercial waste collection service at the customer's next scheduled pick-up in accordance with the awardee's agreement with the customer, except as otherwise provided in section 20-22.

§ 20-24 Overfilled containers, contamination, infeasible collection and other non-conforming material; procedures for fees and non-collection.

(a) Before imposing fees pursuant to subparagraphs (vii) through (ix) of paragraph (2) of subdivision (c) of section 20-21 or refusing to collect commercial waste from a customer on a particular day pursuant to subdivision (b) of section 20-23, an awardee and its designated carters must follow the procedures described in this section. Nothing in this section shall be construed to require an awardee to impose a fee or to refuse to collect any material.

(b) *Overfilled containers. (1) First instance within a 12-month period:* The designated carter must take a photograph of the overfilled container, collect the material, and leave a written notice approved by the Department informing the customer that: (i) the material collected was overfilled; (ii) if containers are overfilled in the future, the awardee may charge the customer applicable fees or may choose not to collect such container; and (iii) the amount of such fees. Nothing in this section shall be construed to require collection where such collection is infeasible because a customer sets out a bag or container that cannot be safely lifted or in a form or manner that otherwise presents a direct health or safety threat to employees of the designated carter or to the public, as provided in subdivision (d) of this section.

(2) *Second and subsequent instances within a 12-month period:* The designated carter must take a photograph of the overfilled container. The awardee may elect to collect the material and impose a fee in the customer's next monthly bill or, as an alternative, may choose not to collect the material. If the awardee chooses not to collect the material, the designated carter must affix a written non-collection notice approved by the Department to the uncollected container. At a minimum, such notice must provide the following information: (i) the awardee's reason for not collecting the material; (ii) information that will allow the customer to correct the problem; and (iii) the awardee's telephone number for any further questions. If the awardee fails to document the reasons for not collecting the material on that day, the refusal to collect will be treated as a missed collection.

(c) *Designated recyclable materials or source separated organic waste with contamination of at least 10 percent. (1) First instance within a 12-month period:* If the designated carter determines by visual inspection that a bag or container of designated recyclable materials or source separated organic waste is at least 10 percent contaminated, the designated carter must take a photograph of the contaminated bag or container, collect the material, and leave a written notice approved by the Department informing the customer that: (i) the material collected was contaminated; (ii) if bags or containers are contaminated in the future, the awardee may charge the customer applicable fees or may choose not to collect such bag or container; and (iii) the amount of such fees. The awardee must also include information with the customer's next monthly bill regarding the City's recycling and organics requirements, recommended corrective action, and where the customer can find more information on the subject.

(2) *Second and subsequent instances within a 12-month period:* If the designated carter determines by visual inspection that a bag or container of designated recyclable materials or source separated organic waste is at least 10 percent contaminated, the designated carter must take a photograph of the contaminated bag or container. The awardee may elect to collect the material and impose a fee in the customer's next monthly bill or, as an alternative, may choose not to collect the material. If the awardee chooses not to collect the material, the designated carter must affix a written non-collection notice approved by the Department to the uncollected bag or container. At a minimum, such notice must provide the following information: (i) the awardee's reason

for not collecting the material; (ii) information that will allow the customer to correct the problem; and (iii) the awardee's telephone number for any further questions. If the designated carter fails to document the reasons for not collecting the material on that day, the refusal to collect will be treated as a missed collection.

(d) *Infeasible collection.* (1) If collection is infeasible because: (i) a customer sets out a bag or container that cannot be safely lifted or in a form or manner that otherwise presents a direct health or safety threat to employees of the designated carter or to the public; (ii) the container contents will not empty after tipping; or (iii) the bags or containers are blocked or inaccessible at the scheduled time of collection, the designated carter must take a photograph or otherwise document the reason why collection is infeasible.

(2) The designated carter must provide the customer with a written non-collection notice approved by the Department. At a minimum, such notice must provide the following information: (i) reason for not collecting the material; (ii) information that will allow the customer to correct the problem; and (iii) the awardee's telephone number for any further questions. If possible, the designated carter must affix such notice to the uncollected bag or container. If physically affixing such notice to the bag or container is not feasible, the designated carter must leave the notice at the customer's physical address. If the designated carter fails to document the reasons for not collecting the material on that day, the refusal to collect will be treated as a missed collection.

(3) If the awardee and customer agree that the designated carter will return at a different time to provide collection service after the condition has been corrected, the awardee may impose a fee in the customer's next monthly bill for the return pick-up, provided that the procedures described in this subdivision have been followed, including photo documentation of the reason why collection was infeasible at the first attempt.

(e) *Non-commercial waste and other non-conforming waste.* (1) If the customer sets out a bag or container that contains non-commercial waste not otherwise agreed upon by the customer and the awardee, the awardee may choose not to collect the material. In such a case, the designated carter must take a photograph of the non-commercial waste and affix a written non-collection notice approved by the Department to the uncollected bag or container. At a minimum, such notice must provide the following information: (i) the awardee's reason for not collecting the material; (ii) information that will allow the customer to correct the problem; and (iii) the awardee's telephone number for any further questions. If the designated carter fails to document the reasons for not collecting the material on that day, the refusal to collect will be treated as a missed collection.

(2) If the awardee believes a customer is depositing hazardous, radioactive, medical, or e-waste for collection, the awardee must immediately notify the Department in addition to following the procedures in paragraph (1) of this subdivision. If the generator of such waste is unknown, the awardee must work with the City to identify the generator of such waste.

§ 20-25 Customer Service Plan.

- (a) An awardee must establish and maintain a customer service plan in accordance with this section and the terms of its agreement with the Department pursuant to section 16-1002 of the Administrative Code. The awardee must comply with the terms of such customer service plan.
- (b) Such customer service plan must include, at a minimum, a description of:
- (1) Customer service support tools, including but not limited to: a dedicated phone line for receiving customer inquiries, service requests and complaints, which must be actively staffed during normal business hours and have the capability for receiving messages 24 hours a day, seven days a week;
 - (2) A company website, which must contain information regarding the awardee's name, office address, e-mail address, the customer phone number described in paragraph (1) of this subdivision, the maximum rates that the awardee is authorized to charge pursuant to the agreement entered into with the Department pursuant to section 16-1002, instructions for requesting initial service, and instructions for making customer complaints and service requests;
 - (3) A protocol for promptly addressing customer service requests and complaints;
 - (4) Performance metrics or other methods of measuring customer service, including but not limited to a process for tracking customer service requests and complaints and the awardee's response times for addressing such requests and complaints;
 - (5) Customer service standards, including but not limited to hours of operation and emergency contact protocols;
 - (6) The awardee's plan for addressing the language access needs of customers in the zone, including but not limited to an assessment of the primary languages spoken by customers in the zone and a description of the specific tools used to provide quality customer service to customers with limited English proficiency; and
 - (7) A process for customers to contest invoices, request changes to level of service provided, and request changes to costs for service based on changes in amount of waste generated by the customer; and
 - (8) The awardee's plans, if any, for the set-out of commercial waste in a manner that promotes the City's goals of improving cleanliness, rodent mitigation, order and safety on City sidewalks.

- (c) If a customer submits a missed collection complaint, the designated carter must return to the premises and collect the commercial waste that was missed within 12 hours of receiving such complaint, unless:
- (1) the awardee has elected non-collection of the commercial waste for reasons authorized in section 20-23 and in accordance with the applicable procedures described in section 20-24, or
 - (2) the awardee otherwise resolves the customer complaint in a manner agreed upon between the customer and the awardee.

§ 20-26 Written service agreement.

- (a) An awardee must enter into a written contract with each customer for the collection, removal, or disposal of commercial waste in accordance with the requirements of this section. Such written contract must comply with the applicable requirements of titles 16-A and 16-B of the Administrative Code and the applicable rules promulgated pursuant to such titles, all other applicable laws, and the terms of the agreement between the awardee and the Department under which the awardee is operating.
- (b) A contract between an awardee and a customer for the collection, removal or disposal of commercial waste shall:
- (1) Describe the following:
 - (i) Rates, including a clear description of any applicable fees that might be imposed pursuant to paragraph (2) of subdivision (c) of section 20-21;
 - (ii) Customer and awardee responsibilities;
 - (iii) For each waste stream: pick-up frequency and estimated pick-up time for each collection, and where agreed upon by the parties, a prescribed pick-up window; and
 - (iv) Dispute resolution protocols.
 - (2) State the estimated volume or weight of designated recyclable materials and the estimated volume or weight of source separated organic waste, if any, to be collected from such customer and transported pursuant to sections 20-31 and 20-32;
 - (3) Not extend beyond the last date the awardee is authorized to operate in the zone in which the customer is located under the awardee's agreement with the Department entered into pursuant to section 16-1002 of the Administrative Code;
 - (4) Provide that the awardee must remove the customer's commercial waste from the location designated by the customer, provided that such location is consistent with all applicable laws, rules and regulations;

(5) Provide for not less than 14 days' written notice by the awardee if the awardee seeks to raise rates charged to a customer;

(6) Provide for not less than 7 days' written notice by the awardee if the awardee seeks to change pick-up times, except in unforeseen circumstances;

(7) Provide that the awardee must comply with titles 16-A and 16-B of the Administrative Code and any rules promulgated pursuant thereto and all other applicable laws, rules and regulations; and

(8) Provide the method by which the awardee will provide the customer with all applicable notices required pursuant to this chapter. Except where otherwise specifically provided by this chapter, such notices may be in the form of paper or electronic communication, as long as the recordkeeping requirements of this chapter and as set forth in the Agreement with the Department are met.

(c) (1) A standard contract form that an awardee proposes to use with its customers must be submitted to the Department within 60 days of entering into an agreement with the Department pursuant to section 16-1002 of the Administrative Code. An awardee must submit any subsequent changes in the standard contract to the Department 30 days prior to implementing such change. The Department will perform a legal review of each awardee's standard contract and may require changes to such standard contract form prior to its use by the awardee pursuant to the procedures described in such agreement with the Department.

(2) Nothing in this subdivision shall be construed to prevent an awardee and a customer from negotiating terms at variance with the standard contract, except that an awardee must not vary such contract in any manner inconsistent with title 16-A of the Administrative Code and any rules promulgated thereunder or 16-B of the Administrative Code and any rules promulgated thereunder.

(d) Prior to commencement of service, an awardee must prepare a written contract that clearly and legibly sets forth the terms and conditions of the agreement negotiated by the awardee and the customer and deliver such contract to the customer. Such contract must provide that it shall be effective only upon being dated and signed by the awardee and the customer's owner or authorized representative and that a change of any term or condition of such contract must be made in writing, dated, and signed by both the awardee and the customer's owner or authorized representative before such term or condition takes effect. One copy of such signed and dated contract and a copy of any signed and dated amendments must be provided to the customer's owner or authorized representative by the awardee.

(e) (1) If a customer has been assigned to the awardee by the Department pursuant to paragraph (4) of subdivision (e) of section 16-1002 of the Administrative Code or rules

promulgated pursuant to such section, the standard contract that the awardee has submitted to the Department pursuant to subdivision (c) of this section shall be deemed to be in effect, and the awardee shall provide commercial waste collection service at the level of service described in paragraph (2) of subdivision (a) of section 20-22 at the maximum rates the awardee is authorized to charge pursuant to the awardee's agreement with the Department pursuant to section 16-1002 of the Administrative Code, unless and until such customer and such awardee negotiate alternative terms by following the procedures in subdivision (d) of this section or the customer selects a different awardee pursuant to paragraph (4) of subdivision (e) of section 16-1002.

(2) Upon notification by the Department that it has been assigned a customer by the Department pursuant to paragraph (4) of subdivision (e) of section 16-1002 of the Administrative Code or other applicable law, the awardee shall mail the awardee's standard contract to such customer by certified mail, retain the signed returned postal receipt during the duration of service to the customer, and make available to the Department upon its request a copy of such contract and such return receipt, unless and until such customer and such awardee negotiate alternative terms by following the procedures in subdivision (d) of this section.

- (f) An awardee must comply with the service and other terms set forth in such contract with the customer, including the agreed-upon frequency and schedule for the collection of commercial waste. Such schedule must not be altered without the written agreement of the customer's owner or authorized representative.
- (g) No contract or contract amendment shall provide that the awardee is exempt from liability for damage caused by its negligence or the negligence of any of its agents.
- (h) A contract that does not meet the requirements of federal, state or local law is voidable by either party.

§ 20-27 Billing and payment.

(a) An awardee must provide a consolidated bill, statement, or invoice at least once every month to every customer. Such bill, statement or invoice may be provided electronically, unless the customer requests a paper version. Such bill, statement or invoice must include all costs for services provided, including if an awardee uses one or more subcontractors to provide services to the customer. Such bill, statement, or invoice must conspicuously contain all of the following:

(1) The awardee's name, address, telephone number, and Business Integrity Commission license number;

(2) The customer's name and complete address;

(3) The maximum rates the awardee is authorized to charge such customer pursuant to the awardee's agreement with the Department entered into pursuant to section 16-1002 of the Administrative Code with a statement indicating that the rates so identified are maximum legal rates and that lower rates may be lawfully charged;

(4) The negotiated rate on which the bill, statement, or invoice is based, broken down into the component parts of such rate, including the rates based on frequency of collection of refuse, designated recyclable materials and source separated organic waste, if applicable, and the rates based on volume or weight of refuse, designated recyclable materials and source separated organic waste collected, if applicable;

(5) A notice to customers as follows: "NOTICE TO CUSTOMERS—The maximum rates that may be charged by your commercial waste removal business are regulated by the New York City Department of Sanitation. If you should have a question or a complaint concerning commercial waste removal, contact the New York City Department of Sanitation";

(6) An itemized list of actual charges being imposed detailing:

(i) The number of weekly pick-ups of each waste stream;

(ii) The weight or volume of refuse, designated recyclable materials and source separated organic waste, if any, removed, and the charge for such weight or volume of such waste, broken down by waste stream, or, where the customer is being charged on a "flat" or "average" billing rate, the estimated volume or weight of refuse, designated recyclable materials and source separated organic waste, if any, removed, and the charge for such estimated weight or volume of such waste, broken down by waste stream, along with a statement as to the method by which the estimated volume or weight was determined; and

(iii) Any additional charges or fees imposed; and

(7) a separate statement of sales tax collected.

(b) Such bill, statement or invoice must be on a form approved by the Department.

(c) (1) An awardee may only accept cash payments from a customer for the collection, removal, or disposal of commercial waste:

(i) At the awardee's primary office location or primary garage for storing commercial waste vehicles; or

(ii) At a customer service location that has been approved by the Department.

(2) Under no circumstances may an awardee accept cash payments for such services at the customer's business location.

(3) An awardee must provide a receipt to the customer for all cash payments.

(4) An awardee may not charge a customer any additional fees or charges for processing or accepting non-cash payments for commercial waste collection, removal or disposal services, except as authorized pursuant to subparagraph (xiii) of paragraph (2) of subdivision (c) of section 20-21.

(d) An awardee may not charge new or existing customers for payments not collected from other customers.

(e) The awardee shall not assess new customers for payments owed from a previous customer. The awardee shall not charge existing customers in full or in part for payments owed from other customers.

§ 20-28 Notifications.

(a) An awardee must provide each customer with such informational notices as the Department shall require throughout the term of service.

(b) An awardee must comply with the notification protocols described in the awardee's zero waste plan for notifying the customer of significant designated recyclable material content in refuse and providing recommendations for compliance with the City's recycling requirements and diversion of designated recyclable materials, in accordance with section 20-33.

(c) On a monthly basis, an awardee must provide the Department with the following information for the previous month, **in the form specified by the Department:**

(1) Any non-collections and the reasons therefor;

(2) Any additional fees imposed and the reasons therefor; and

(3) A list of customers to which the awardee or any of its designated carters provided notifications of significant designated recyclable material content in refuse pursuant to subdivision (b) of this section.

§ 8. Chapter 20 of title 16 of the rules of the city of New York is amended by adding a new subchapter C to read as follows:

Subchapter C: Operations; delivery of service

§ 20-30 Restrictions on operation in multiple zones.

- (a) For purposes of this section, the term “collection route” means a trip by a commercial waste vehicle that: (i) begins at either the garage or yard where such commercial waste vehicle is parked while not in use, or at a waste transfer station, processing facility or other location where waste is dumped from such commercial waste vehicle; (ii) includes pick-ups of commercial waste from customers; and (iii) terminates either at such garage or yard, or with the delivery of such commercial waste to such a waste transfer station, processing facility or other location where such waste is dumped.
- (b) An awardee may only provide commercial waste collection, removal or disposal service to a customer located in a zone in which the awardee is authorized to operate pursuant to an agreement with the Department entered into pursuant to section 16-1002 of the Administrative Code.
- (c) If an awardee is authorized to operate in more than one zone pursuant to an agreement with the Department entered into pursuant to section 16-1002 of the Administrative Code, neither the awardee nor any of the awardee’s designated carters shall operate a collection route with pick-ups of commercial waste from customers in more than one zone, except as provided in subdivision (d).
- (d) Subdivision (c) of this section does not apply to an awardee authorized to operate in more than one zone pursuant to an agreement with the Department entered into pursuant to section 16-1002 where:
- (1) The awardee is providing commercial waste collection, removal or disposal service outside of standard service hours;
 - (2) The awardee is collecting, removing or disposing of source separated organic waste, and such awardee’s agreement with the Department entered into pursuant to section 16-1002 of the Administrative Code provides that subdivision (c) of this section does not apply to such collection, removal or disposal; or
 - (3) The awardee has received prior written approval from the Department to provide service without following the requirements of subdivision (c) in specific circumstances that further the purposes of title 16-B of the Administrative Code, provided that such awardee is operating in accordance with the terms of such approval.
- (e) This section does not apply to the collection, removal or disposal of containerized waste provided in accordance with an agreement with the Department entered into pursuant to section 16-1002 of the Administrative Code that authorizes such collection, removal or disposal of containerized commercial waste to be performed citywide.

§ 20-31 Recycling requirements for awardees.

(a) Recycling collection required. (1) An awardee must provide designated recyclable materials collection service to any customer of the awardee, unless such customer is not required to arrange with a private carter for the collection of designated recyclable materials pursuant to section 1-10 of this title and section 16-306 of the Administrative Code.

(2) This subdivision shall only apply to the collection of containerized commercial waste citywide where the agreement between the awardee and the Department so provides.

(b) Designated carters required to recycle. When collecting or transporting designated recyclable materials that have been source-separated as required by subdivision (b) of section 1-10 of this title or materials that have been commingled pursuant to subdivision (c) of section 1-10 and paragraph (2) of subdivision (c) of this section, a designated carter must transport such materials to putrescible or non-putrescible transfer stations or other facilities that accept such materials for recycling, reuse or sale for reuse. Such designated carter shall not bring such materials for disposal, or cause such materials to be brought for disposal, to any solid waste disposal facility, whether or not such disposal facility is operated by the Department, except in an amount that could not have been detected through reasonable inspection efforts by the designated carter.

(c) Collection restrictions for designated recyclable materials.

(1) Waste that has been source-separated for recycling by the customer.

(i) A designated carter collecting materials that have been source-separated by the customer may not commingle in the same vehicle compartment any of the following: (1) designated recyclable paper, (2) designated recyclable metal, glass, and plastic, (3) yard waste, (4) textiles, (5) construction and demolition debris, (6) organic waste, (7) any other materials that have special collection requirements pursuant to applicable local, state or federal law, or (8) other solid waste.

(ii) Designated recyclable metal, glass and plastic may be commingled together, but may not be commingled in the same vehicle compartment with designated recyclable paper unless such materials are collected using single stream collection of recyclables pursuant to paragraph (2) of this subdivision.

(2) Commingling of certain designated recyclable materials. A designated carter may only collect waste consisting of designated metal, glass, and plastic commingled with designated recyclable paper if such designated carter is operating pursuant to an agreement between an awardee and the Department that authorizes such designated carter to use single stream collection of recyclables. The Department will only authorize use of single stream collection of recyclables where the awardee has demonstrated through its waste management plan, submitted pursuant to paragraph 5 of subdivision b

of section 16-1002 of the Administrative Code, that the awardee intends to tip the commingled metal glass plastic and paper at a facility that has the capability to sort such commodities appropriately into separate, marketable commodity streams.

- (d) Notice to customer. Upon request by a customer, an awardee must inform such customer of the location where such awardee transported such customer's designated recyclable materials for recycling, reuse or sale for reuse.
- (e) Signage. Upon request by a customer, an awardee must provide such customer with all signage and decals that the customer is required to post pursuant to section 1-10 of this title, in a form and format approved by the Department.
- (f) Penalties. Any person who violates any provision of this section will be liable for civil penalties provided for under paragraph (1) of subdivision (b) of section 16-1015 of the Administrative Code. Paragraph (1) of subdivision (b) of section 16-1015 provides for a civil penalty in the amount of \$2,500 for the first violation, and, for subsequent violations that occur within a two-year period of any previous violation, \$5,000 for the second violation and \$10,000 for any subsequent violation.

§ 20-32 Collection of organic waste that has been source-separated.

- (a) Organics collection required. (1) An awardee must provide organic waste collection services to any customer that is a designated covered establishment pursuant to subdivision b of section 16-306.1 of the Administrative Code and that has elected collection by a private carter of organic waste pursuant to subdivision c of such section.

(2) An awardee must offer organic waste collection services to any customer that is not a designated covered establishment pursuant to subdivision b of section 16-306.1 in accordance with the terms of the agreement entered into between such awardee and the Department pursuant to section 16-1002 of the Administrative Code.

(3) This subdivision shall only apply to the collection of containerized commercial waste citywide where the agreement between the awardee and the Department so provides.
- (b) No commingling of organic waste. Organic waste shall not be commingled with any other solid waste and shall not be collected in the same truck compartment as other solid waste.
- (c) Collection restrictions for source separated organic waste. Any source separated organic waste collected by a designated carter from a customer must be delivered by such designated carter either:
 - (1) directly to an organic waste processing facility for purposes of composting, aerobic digestion or anaerobic digestion; or

(2) to a putrescible transfer station that: (i) is authorized by the New York State Department of Environmental Conservation and the Department to handle source separated organic waste or is otherwise in compliance with all applicable state and local permitting requirements regarding handling of source separated organic waste, and (ii) has represented to the awardee that it will deliver such organic waste to an organic waste processing facility for purposes of composting, aerobic digestion or anaerobic digestion.

(d) *Delivery of organic waste for other uses.* (1) For purposes of this subdivision, the term "organic waste" has the same meaning as set forth in section 16-303 of the Administrative Code.

(2) Notwithstanding any other provision of this section, a designated carter that collects organic waste from a customer may deliver such waste to:

- (i) A farm or other facility for purposes of feeding animals; or
- (ii) Upon approval by the Department, any other third party, for biological, chemical or mechanical processing of such waste for the production of a commodity, material or other product that has value.

(3) In no event shall a designated carter deliver organic waste to a third party to be incinerated or otherwise cause organic waste to be incinerated.

(4) No organic waste shall be collected by a designated carter from a customer that has source separated such waste, except as authorized in this section.

(5) Nothing in this section shall preclude an awardee or any of its designated carters from collecting or facilitating the collection of edible food from a customer for delivery to a food bank, soup kitchen or other entity for purposes of feeding people, provided all applicable health, safety and legal requirements are met.

(e) *Signage.* Upon request by a customer, an awardee must provide such customer with all signage and decals that the customer is required to post pursuant to section 1-11 of this title, in a form and format approved by the Department.

(f) *Penalties.* Any person who violates any provision of this section will be liable for civil penalties provided for under paragraph (1) of subdivision (b) of section 16-1015 of the Administrative Code. Paragraph (1) of subdivision (b) of section 16-1015 provides for a civil penalty in the amount of \$2,500 for the first violation, and, for subsequent violations that occur within a two-year period of any previous violation, \$5,000 for the second violation and \$10,000 for any subsequent violation.

§ 20-34 Commercial waste diversion and disposal; recordkeeping; written agreements; reporting.

(a) All awardees and designated carters must ensure proper disposal of all commercial waste collected, consistent with the awardee's waste management plan, Zero Waste Plan, and all other terms of the agreement entered into with the Department pursuant to section 16-1002 under which the awardee is operating, and all applicable laws, rules and regulations.

(b) *Dump tickets and other delivery receipts.* (1) Each time a designated carter delivers commercial waste from a customer to a waste transfer station, processing facility or any other location where such waste is dumped directly from the commercial waste vehicle in which such waste was collected from such customer, such designated carter must obtain a dump ticket, delivery receipt or other written record documenting such delivery, including the amount and type of commercial waste delivered.

(2) Such records must be retained by the designated carter and the awardee for five years, and must be made available for inspection by the Department.

(c) (1) An awardee must collect and maintain information on the final processing location, final disposal location, final use, or final reuse of all commercial waste collected by such awardee and any of its designated carters, disaggregated by waste stream. Unless the awardee or its designated carters is delivering such commercial waste directly from the customer to the location of such final disposal, use or reuse, the awardee must collect and maintain information regarding where such commercial waste is sent after the awardee or its designated carters delivers the commercial waste from the customer to a waste transfer station, processing facility or other location.

(2) An awardee must collect and maintain information on the mode of transport of such commercial waste from each such transfer station, processing facility or other location.

(3) An awardee may meet the requirements of this subdivision either by following the procedures described in subdivisions (d) through (g) of this section, or by otherwise collecting and maintaining the information required pursuant to this subdivision in a verifiable form and manner approved by the Department.

(d) *Designated recyclable materials.* (1) An awardee may fulfill the requirements of subdivision (c) of this section by entering into a written agreement with each transfer station or other facility that accepts designated recyclable materials from such awardee or any of its designated carters in accordance with section 20-31.

(2) Such agreement must:

- (i) Include the name and contact information of the owner of the transfer station or other facility and the address of such transfer station or facility;
- (ii) Be signed by both the awardee and such owner; and
- (iii) In the case of an agreement with a transfer station, provide that such transfer station must report to the awardee on an annual basis the name and address of each material recovery facility or other destination where designated recyclable materials received by such transfer station are sent, and the mode of transport of such designated recyclable materials to each such facility or destination. Such information may be provided in the aggregate for all designated recyclable materials received by such transfer station.

(e) *Organic waste.* (1) An awardee may fulfill the requirements of subdivision (c) of this section by entering into a written agreement with each processing facility or transfer station that accepts organic waste from such awardee or any of its designated carters in accordance with section 20-32.

(2) Such agreement must:

- (i) Include the name and contact information of the owner of the processing facility or transfer station and the address of such facility or transfer station;
- (ii) Be signed by both the awardee and such owner; and
- (iii) In the case of an agreement with a transfer station, provide that such transfer station must report to the awardee on an annual basis the name and address of each final destination of organic waste received by such transfer station and the mode of transport of such organic material to each such destination. Such information may be provided in the aggregate for all organic waste received by such transfer station.

(3) Any awardee that provides for collection of waste in accordance with subdivision (d) of section 20-32 shall enter into a written agreement with the entity that accepts such waste that meets the requirements of this subdivision. Such agreement must also include information regarding the final destination and the end use of such waste.

(f) *Refuse.* (1) An awardee may fulfill the requirements of subdivision (c) of this section by entering into a written agreement with each transfer station or solid waste disposal facility that accepts refuse from such awardee or any of its designated carters after collection from the awardee's customers.

(2) Such agreement must:

- (i) Include the address and name and contact information of the owner of such transfer station or solid waste disposal facility;
- (ii) Be signed by both the awardee and such owner;

(iii) In the case of an agreement with a transfer station, provide that such transfer station must report to the awardee on an annual basis the name and address of each final disposal location of all refuse received by such transfer station and the mode of transport of such refuse to such location. Such information may be provided in the aggregate for all refuse received by such transfer station.

- (g) Upon request by a customer, an awardee must furnish to such customer a copy of any such agreement required by this section. A copy of such agreement must also be provided to the Department upon request.
- (h) Nothing in this section shall relieve the awardee from meeting any additional obligation to collect, maintain and report information regarding the final disposal locations, final processing locations, final uses, or final reuses of commercial waste collected by such awardee as set forth in this title or the agreement between such awardee and the Department entered into pursuant to section 16-1002 of the Administrative Code.
- (i) *Penalties.* Any person who violates any provision of this section will be liable for civil penalties provided for under paragraph (1) of subdivision (b) of section 16-1015 of the Administrative Code. Paragraph (1) of subdivision (b) of section 16-1015 provides for a civil penalty in the amount of \$2,500 for the first violation, and, for subsequent violations that occur within a two-year period of any previous violation, \$5,000 for the second violation and \$10,000 for any subsequent violation.

§ 20-35 Exempt waste streams.

- (a) Any awardee that collects waste that does not meet the definition of commercial waste set forth in section 16-1000 of the Administrative Code from a customer within a commercial waste zone must comply with all applicable laws, rules and regulations governing the collection, transport and disposal of such waste.
- (b) *Penalties.* Any person who violates any provision of this section will be liable for civil penalties provided for under paragraph (1) of subdivision (b) of section 16-1015 of the Administrative Code. Paragraph (1) of subdivision (b) of section 16-1015 provides for a civil penalty in the amount of \$2,500 for the first violation, and, for subsequent violations that occur within a two-year period of any previous violation, \$5,000 for the second violation and \$10,000 for any subsequent violation.

§ 20-36 Sign or decal required.

- (a) An awardee must provide each customer with a sign or decal that conspicuously and legibly displays the awardee's name, the awardee's license number issued by the business integrity commission pursuant to title 16-A of the Administrative Code, and a unique customer identifier number created by the awardee and assigned to such

customer by the awardee for purposes of assisting the Department in tracking the awardee's compliance with the requirements of title 16-B and the Department's rules.

- (b) The awardee must submit to the Department for approval a sample of the sign or decal that the awardee intends to use prior to distributing the sign or decal to customers.
- (c) The awardee must inform the customer of its obligation to post the sign or decal in accordance with the requirements of subdivision (b) of section 16-116 of the Administrative Code and the rules of the Department.
- (d) An awardee is prohibited from charging a fee to any customer for a sign or decal required by this section.

§ 20-37 Compliance with all applicable laws and regulations.

An awardee must comply with all applicable laws, rules and regulations, including, but not limited to, applicable rules of the Business Integrity Commission, the Department of Environmental Protection, the Department of Health and Mental Hygiene, and the Department of Transportation relating to vehicle specifications, sanitary requirements, and the handling, transport, receipt, transfer or disposal of trade waste, regulated medical waste or waste containing asbestos or other hazardous, toxic or dangerous material.

§ 20-38 Operations.

- (a) An awardee and each designated carter must maintain all premises where commercial waste vehicles and machinery are kept in a safe and sanitary condition.
- (b) All commercial waste vehicles must be loaded and operated at all times in such a manner and by such methods so as to prevent the release or discharge of dust and debris and to prevent the spilling of any materials upon sidewalks or streets.
- (c) A loading hopper and the mechanism and controls by which it is operated must be constructed, maintained, and operated so as to prevent any of the contents of such loading hopper from being released or discharged in any manner, other than into and within the totally permanently enclosed body.
- (d) Every operator of a commercial waste vehicle must immediately remove from sidewalks or streets any materials spilled, littered, or thrown thereon in loading operations, in the handling and return of receptacles, or while traveling.
- (e) Materials loaded into commercial waste vehicles must be dumped or unloaded and disposed of only at points where disposal of the particular material is allowed by

applicable law.

- (f) Commercial waste vehicle operators must exercise care at all times to prevent making unnecessary or avoidable noise in the course of operating such vehicles or loading commercial waste, and must comply with section 24-225 of the Administrative Code.
- (g) Commercial waste vehicles with open top box type bodies and containers on or in platform or panel type body vehicles shall not be filled or loaded over their capacity as specified by the vehicle manufacturer. In no case shall the body or container of such vehicles be filled or loaded to a level that would allow water or solid waste to spill out from the vehicle.
- (h) Each open top box type vehicle body shall be loaded only from front to rear, and the partial load shall be kept securely and fully covered at all times. Each such vehicle shall have a heavy tarpaulin cover which shall be secured over the vehicle body at all times other than when the vehicle body is being loaded or unloaded or is empty.
- (i) Materials loaded in or upon commercial waste vehicles must not be re-worked, re-sorted, picked over, or re-handled while the vehicle is on the street, and material shall not be transferred or re-loaded from a vehicle on the street to or into any other vehicle.
- (j) Materials must not be carried at any time upon any commercial waste vehicle other than within the vehicle body, or within containers on or in the vehicle body provided such materials are to be removed in such containers.
- (k) After materials are dumped for disposal the body of the commercial waste vehicle and any container used must be emptied thoroughly and cleared of all loose materials.
- (l) Commercial waste vehicles and containers must be thoroughly cleaned inside and outside frequently so that they present a good appearance and are maintained free of dirt and offensive odors.
- (m) An awardee and each designated carter must provide for the general cleanliness of, and the control of odors and extermination of pests and rodents on and around, commercial waste vehicles and the locations where such vehicles are stored when not in use.
- (n) An awardee must provide for off-street parking for commercial waste vehicles.
- (o) An awardee and each designated carter must keep closed the doors of any garage, or the gate to any outdoor premises, from which commercial waste vehicles are dispatched

except when such vehicles are entering or leaving such garage or premises. The perimeter of any outdoor location used to store vehicles shall be surrounded by a fence or wall that is at least 8 feet high.

- (p) An operator of a commercial waste vehicle must comply with all traffic laws, rules and regulations, and must not allow such vehicle to stand with the engine idling in violation of section 24-163 of the Administrative Code.
- (q) Any receptacle for the deposit of commercial waste provided by an awardee to a customer must be made of metal or other material of a grade and type acceptable to the Department, the Department of Health and Mental Hygiene and the Department of Housing Preservation and Development, as provided in section 16-120 of the Administrative Code. Receptacles provided by the awardee must be constructed so as to hold their contents without leakage, and must be maintained by the awardee in such condition. All containers provided by the awardee must be provided and maintained with tight fitting covers.
- (r) Any container provided by an awardee to a customer for the collection of organic waste must:
 - (1) Meet the labeling requirements set forth in section 20-39 of this chapter;
 - (2) Have a lid and a latch, lock, or other fastening or sealing mechanism or cord that keeps the lid closed and is resistant to tampering by rodents or other wildlife; and
 - (3) Have the capacity to meet the disposal needs of the customer.
- (s) After removing the commercial waste of a customer from a receptacle, a designated carter must return the receptacle to a place inside or in the rear of the premises of the customer. If this is not feasible, the designated carter must place such receptacle against the building line. A designated carter must not return such receptacle to a place or in such a manner that obstructs a sidewalk or other public right of way.
- (t) When removing, collecting or disposing of commercial waste, a designated carter must keep the sidewalk, flagging, curbstone and roadway abutting any area from which such waste is removed free from obstruction, garbage, litter, debris and any other offensive material resulting from the removal by the awardee of such commercial waste.
- (u) An awardee must immediately clean up any oil, hydraulic, or other fluid that leaks or spills from the awardee's or any of its designated carters' vehicles. Upon notification of any leaks or spills, the awardee must initiate its clean-up activities within 2 hours, and

must complete its clean up within 24 hours, in a manner consistent with all applicable laws and rules. The awardee must assume all costs associated with clean-up activities.

§ 20-39 Labeling of containers.

- (a) Each container from which commercial waste is collected by a designated carter must be labeled with the container's volume capacity in either cubic yards or gallons. Such label must be conspicuous and legible on the front of the container.
- (b) If a container is provided by an awardee, the awardee must imprint and maintain on the container the awardee's name and license number and the volume of the container as required by subdivision (a). An awardee must, at no charge, mark each unmarked container provided by a customer with the name of the owner of the container and the volume of the container as required by subdivision (a).
- (c) Any container provided by an awardee to a customer for the collection of designated recyclable materials must be labeled to indicate that only designated recyclable materials may be placed in such container.
- (d) Any container provided by an awardee to a customer for the collection of organic waste must be labeled to indicate that only organic waste may be placed in such container.

§ 20-40 Routes and schedules.

An awardee must maintain records of all collection routes and schedules for the collection of commercial waste, and must make such records available to the Department for inspection upon request.

§ 20-41 Protection of private and public property.

An awardee and each designated carter must, to the greatest extent possible, prevent damage to public and private rights of way and property. If an awardee or any of its designated carters damages private property, it must immediately notify the property owner where feasible. If an awardee or any of its designated carters damages public property, it must immediately notify the Department and follow any Department directives, including any directives to notify and cooperate with other City agencies. An awardee shall be responsible for all costs associated with the repair or replacement of property that has been damaged by the equipment, employees or agents of the awardee or any of its designated carters, excluding damage from normal wear and tear. An awardee must promptly investigate and respond to any claim concerning property damage. If the Department notifies the awardee of a claim concerning any such damage, the awardee must investigate and respond to the Department within 3 business days.

§ 20-42 Emergency services and response requirements.

An awardee must designate a person or persons as the emergency contact to respond to emergencies. Such person or persons must be available 24 hours per day, 7 days per week. An awardee must follow its written Emergency Action Plan included in the agreement between the awardee and the Department, as required by paragraph (11) of subdivision (c) of section 16-1002 of the Administrative Code.

§ 20-43 Vehicle collisions.

In the event of a collision involving a commercial waste vehicle and any other vehicle, cyclist, or pedestrian, at any location, the awardee must notify the Department immediately, except where all of the following circumstances are met:

- (a) The collision does not result in injury to any person;
- (b) The collision does not involve a cyclist or pedestrian; and
- (c) The accident is not required to be reported to the New York State Department of Motor Vehicles on form MV-104 pursuant to section 605 of the New York State Vehicle and Traffic Law, or any subsequent form pursuant to such section.

§ 20-44 Vehicle maintenance and condition.

a. The awardee and each designated carter must keep their commercial waste vehicles and equipment in good repair and condition so as to prevent leaks from oil and hydraulic systems, as well as to ensure waterproofing of all seals and enclosures. All commercial waste vehicles must be labeled with the name of the awardee or designated carter.

b. The awardee must ensure that the engine particulate filter and emissions control technology required pursuant to section 24-163.11 of the Administrative Code are working properly on each commercial waste vehicle.

§ 9. This rule shall take effect as follows:

1. The rule shall take effect in each commercial waste zone on the implementation start date for such zone set by rule of the department of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the Administrative Code, except that section 20-30 of title 16 of the rules of the city of New York, as added by section 8 of this rulemaking, shall take effect in each commercial waste zone on the final implementation date for such zone set by rule of the department of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the Administrative Code;

2. The rule shall take effect with respect to Citywide containerized commercial waste collection on the implementation start date for Citywide containerized commercial waste collection set by rule of the department of sanitation; and

3. In accordance with subdivision c of section 25 of local law number 199 for the year 2019, a licensee, as such term is used in title 16-A of the Administrative Code, operating within such zone pursuant to a contract with a commercial establishment entered into prior to such implementation start date may continue to provide commercial waste collection, removal or disposal services pursuant to such contract in accordance with the provisions title 16-A of the Administrative Code and any rules promulgated thereunder until the final implementation date for such zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the Administrative Code.

New York City Department of Sanitation

NOTICE OF ADOPTION OF FINAL RULE ESTABLISHING SAFETY REQUIREMENTS FOR CARTERS OPERATING IN COMMERCIAL WASTE ZONES

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 Title 16-B of the New York City Administrative Code that the Department adopts the following rule establishing safety requirements for carters operating in commercial waste zones. The Department published a Notice of Public Hearing and Opportunity to Comment on the proposed rule in the *City Record* on March 12, 2021. On April 13, 2021 the Department held a public hearing on the proposed rule.

Statement of Basis and Purpose of Final Rule

DSNY is establishing safety requirements for commercial waste zone carters that will be implemented under the forthcoming commercial waste zones program. The proposed rules were published in the *City Record* on March 12, 2021. The Department held a joint hearing with Business Integrity Commission (BIC) on these rules on April 13, 2021. BIC is also promulgating safety requirements for trade waste licensees and registrants.

The Commercial Waste Zones Program

Each year in New York City, more than 100,000 commercial establishments generate more than 3 million tons of refuse and recyclables. Approximately 90 private carters collect this waste from commercial establishments across the City. The current system for collecting commercial waste from the City's businesses has been plagued by dangerous driving and insufficient attention to public safety, harmful environmental impacts, and poor customer service.

In some parts of the city, more than 50 carters service a single neighborhood, and an individual commercial block may see dozens of different private waste collection trucks on a given night. This has resulted in millions of excess truck miles driven every year that harm the City's air quality, increase greenhouse gas emissions, create noise pollution and negatively impact public health. Additionally, the industry has lacked strong customer service standards, and pricing has remained unclear and confusing to most customers, putting small businesses at a significant disadvantage.

In response to these documented problems in the commercial waste collection industry, the Department released a comprehensive plan for reforming the private carting industry in November 2018 ("the Plan"), available at <http://www.nyc.gov/commercialwaste>. The Plan

proposed the establishment of commercial waste zones - a safe and efficient collection system to provide high quality, low cost service to New York City businesses while advancing the City's zero waste and sustainability goals. The Department developed this plan after years of extensive public outreach and engagement with a wide variety of stakeholders.

On November 20, 2019, Local Law number 199 for the year 2019 was enacted, which authorizes the Department to create a commercial waste zones system. Under Local Law 199, codified in Title 16-b of the New York City Administrative Code, the Sanitation Commissioner has divided the geographic area of New York City into 20 "commercial waste zones."

The Department will use a competitive Request for Proposals (RFP) process to select up to three private carters to service businesses within each commercial waste zone. The competitive solicitation process will also be used to select up to five carters to provide containerized commercial waste collection services citywide. This process will identify the carters that can provide high quality service at low prices. The resulting contracts will include standards for pricing, customer service, safety, environmental health, and requirements to promote the City's commitment to recycling and sustainability. The RFP will be issued in two parts. Part 1 was issued on November 19, 2020, and responses were due on February 19, 2021. Part 2 of the RFP is being issued at the same time as this final rule.

Commercial waste zones will apply to the collection of commercial refuse, recyclables, and source-separated organic waste. It will exclude specialized or intermittent waste streams, such as construction and demolition debris, medical waste, hazardous waste and other types of waste that will continue to be collected and managed under existing City and State regulations.

Under the new commercial waste zones system, instead of dozens of different carters operating in a City neighborhood on a given night, only a few carters will operate in each area. With fewer trucks on the streets and shorter routes, zoned collection will also mean improved traffic and air quality and less unsafe driving behavior and worker fatigue. Citywide, the adoption of the commercial waste zones system will dramatically reduce truck traffic associated with this industry by more than 50 percent. This system will improve the quality of life of all New Yorkers, serve the needs of the City's local businesses, and support the City's short and long-term goals for a cleaner, safer, and more sustainable city.

Related DSNY Commercial Waste Zones Rulemakings

On February 14, 2020, the Department published the final rules creating the 20 commercial waste zones. Per Administrative Code Section 16-1002(e)(3), the Department will set the implementation schedule for when the commercial waste zone system will take effect in each zone in a future rulemaking.

On December 18, 2020, DSNY published proposed rules addressing customer service requirements, requirements for collecting recyclable materials and source separated organics, and operations requirements for commercial waste carters, and held a hearing on those

proposed rules on January 26, 2021. The comment period for those proposed rules closed on February 9, 2021. DSNY is publishing the final customer service, recycling and operations rules in coordination with this final rule establishing safety requirements.

DSNY Rulemaking on Safety Requirements for Commercial Waste Zones

In this rulemaking, the Department is establishing requirements for carters selected to operate under the commercial waste zones program related to public safety. Specifically, these rules include provisions addressing:

- Definitions
- Safety records
- Safe vehicle operation
- Vehicle inspections
- Cross-over mirrors; obstructions to windshield
- Back-up cameras
- Auxiliary exterior lighting
- Telematics systems

After considering extensive testimony regarding the public safety risks presented by the commercial waste industry, the Council documented its concerns in its legislative findings in LL 199, stating “Since 2010, private waste collection trucks have killed dozens of people on New York City streets. Long, inefficient routes can take 12 hours or more to finish and can lead to driver fatigue and unsafe practices, endangering workers and the public.” The Council delegated authority to DSNY to promulgate rules related to public safety, including vehicle and traffic safety.

Since 2010, trucks operated by trade waste licensees and registrants have killed at least 51 individuals and injured at least 404 individuals on New York City streets. Some operators repeatedly violate even the most basic traffic safety rules, such as running red lights, speeding, and driving the wrong way.

These rules are designed to improve street safety for all street users by improving commercial waste vehicle safety, holding awardees accountable for their drivers’ repeated traffic safety violations, and ensuring that commercial waste vehicles are equipped with safety features that will mitigate or prevent the type of tragic collisions by private hauling vehicles that have plagued City streets.

Specifically, these rules contain specific requirements related to keeping safety records, requirements for safe vehicle operation and vehicle inspections, and requirements regarding cross-over mirrors and elimination of obstructions to the windshield. Such requirements track the requirements that BIC is proposing in its rules at this joint hearing. BIC’s requirements would

apply to apply to all trade waste licensees and registrants, beginning 30 days after final publication. At the time that the commercial waste zones program is implemented, DSNY's rules will simply carry over such requirements to commercial waste vehicles.

However, these rules also introduce additional requirements related to vehicle safety that will only apply to vehicles in the commercial waste zones program (e.g. *not* construction and demolition vehicles), and will take effect for the first time with the implementation of the commercial waste zones program, as described in more detail below.

First, these rules require that by January 1, 2026, all commercial waste vehicles be equipped with back-up cameras. After consulting with safety analysts and BIC, DSNY assessed prior collisions that resulted in fatalities and injuries by trade waste vehicles, based on data available to the City. From 2010-2020, there were 3 fatalities that resulted while a trade waste vehicle was backing up, and from 2019-2020, 12 injuries that resulted from backing up. Two of the fatalities involved crashes that occurred while the trade waste vehicle was backing up through an intersection (hitting a pedestrian and a motorcycle respectively). The remaining fatality involved a trade waste vehicle backing up from a construction site to a roadway and hitting a construction worker, where the driver indicated that prior to backing up, he put his windows down and checked his mirrors. After reviewing this available data, DSNY has determined that back-up cameras would have decreased the risk of several of the accidents caused by private carters.

These rules also require auxiliary lighting on all commercial waste vehicles in the rear of the vehicle, and on the sides where work is being performed. This requirement will take effect January 1, 2026. Because the hauling of commercial waste occurs primarily at night, such additional lighting will provide added visibility for both commercial waste workers and for other vehicles on the road. This will further reduce the risk of injuries and fatalities, including harm to commercial waste workers as they perform their jobs.

By phasing in each of the above requirements, these rules strike an appropriate balance between ensuring that commercial waste carters have the necessary lead time to conform to these requirements, while also reflecting the imperative to take action to protect public safety. These requirements, on whole, will raise the safety standards in the industry and further the City's goals of safer streets.

Finally, these rules require that all commercial waste vehicles are equipped with a telematics system that allows real time transmission to DSNY of the vehicle's location and routing information. The telematics system requirements will ensure the integrity of the commercial waste zones program by allowing DSNY to monitor compliance with the requirement that carters collect only in their authorized zone or zones. In this way, customers, carters, and the general public can have confidence that the program is functioning as intended. The telematics systems also allow carters and DSNY to track critical safety information, such as hard stops, sudden accelerations and speeding. This data will enable DSNY and commercial waste carters to track

and improve safety performance in an objective, reliable and comprehensive way, with quantifiable tools to assess the success of the program.

These new DSNY rule requirements will take effect in each zone when the commercial waste zones system is introduced in that particular zone, according to the implementation schedule that the Department will publish in a future rulemaking.

Please note that additional safety requirements for commercial waste zone carters can be found in LL 199, such as requirements for workers safety training in Administrative Code Section 16-1008.

Timeline and Application of New BIC and DSNY Safety Rules

There is an intentional overlap between the requirements in BIC’s new safety rules governing trade waste licensees and registrants and the requirements in these new DSNY rules governing commercial waste awardees. As further explained in the chart below, the requirements in BIC’s rules apply to all trade licensees and took effect August 6, 2021. The requirements in BIC’s rules will continue to apply to all licensees and registrants until the transition of the commercial waste zones program occurs in each zone, in accordance with the schedule and further details to be provided in an upcoming DSNY rule. Further details on the transition to commercial waste zones will be provided in a forthcoming rulemaking regarding the transition start and end dates.

After the transition to commercial waste zones occurs, BIC’s requirements regarding the topics contained in these rules will not apply to commercial waste zone carters, but will continue to apply to licensees and registrants that are hauling forms of trade waste other than commercial waste, such as construction and demolition debris. Once the commercial waste zones program is implemented, commercial waste zone carters will be required to follow DSNY’s applicable rules. Please note that the majority of BIC’s new safety requirements are replicated in these DSNY rules for commercial waste zone carters. More details regarding the applicability of BIC rules to the commercial waste zones program will be provided in future rulemakings.

The following chart summarizes the new DSNY and BIC requirements related to public safety that were heard at the joint BIC-DSNY hearing on these rules. Please note that this chart is intended as a summary tool to assist readers in understanding the difference between the BIC and DSNY requirements and does not fully capture all rule requirements.

Safety provision	BIC rule	DSNY rule
Safety records	17 RCNY § 5-03(l) through (o), § 7-06(d) through (h)	16 RCNY § 20-50
Compliance with federal hours of service requirements	17 RCNY § 5-08(u), § 7-05	16 RCNY § 20-51(a)

Safe driving requirements	17 RCNY § 5-08(v), § 7-05	16 RCNY § 20-51(b)
Cross-over mirrors	17 RCNY § 5-10(c), § 7-03(c)	16 RCNY § 20-53(a)
Obstructions to windshield	17 RCNY § 5-10(d), § 7-03(d)	16 RCNY § 20-53(b)
6-month inspections by qualified inspectors	17 RCNY § 5-10(e), § 7-03(e)	16 RCNY § 20-52(a)
Driver inspections	17 RCNY § 5-10(f), § 7-03(f)	16 RCNY § 20-52(b)
Agency inspections	17 RCNY § 5-10(g), § 7-03(g)	16 RCNY § 20-52(c)
Worker training	17 RCNY § 5-14, § 7-08	N/A (see Admin Code § 16-1008)
Back-up cameras	N/A	16 RCNY § 20-54
Auxiliary exterior lighting	N/A	16 RCNY § 20-55
Telematics systems	N/A	16 RCNY § 20-56

The following chart explains when the BIC and DSNY requirements will take effect, and who they would apply to:

	Take effect	Applicability prior to commercial waste zones	Applicability after commercial waste zones
BIC safety rules	August 6, 2021	All trade waste licensees and registrants	--Do not apply to commercial waste zone activities --Do apply to non-commercial waste zone activities (e.g. construction and demolition activities)
DSNY safety rules	The rules take effect as the commercial waste zones program is implemented in each zone	N/A	Only apply to commercial waste zone activities (e.g., not construction and demolition activities)

Changes in Response to Public Comment

The Department carefully considered all written and oral comments received in relation to these rules and made the following changes to the final rule in response to comments received:

- In § 20-50, the final rule shortens the time periods that records must be retained in the vehicle and expressly allows for electronic storage of records, in response to comments from carters that the proposed requirements would have resulted in an excess of paper in the vehicle;
- In § 20-51(b)(1), the final rule does not contain a flat prohibition on a commercial waste vehicle backing up through or into an intersection, based on comments from carters that in some cases backing into an intersection may be the only way or the safest way to access a customer's property; and
- In § 20-53(b), the final rule clarifies that the prohibition on obstructions to the windshield of a commercial waste vehicle does not cover objects attached or installed in order to comply with local, state or federal law or otherwise authorized by the carter's agreement with the Department for purposes of promoting public safety.
- The proposed rule would have required a transition to cab-over truck design vehicles, beginning with purchases of new vehicles in 2024, and purchases of used vehicles in 2026. After a review of comments received in response to this proposed requirement, the Department has determined that further study is warranted before introducing this requirement for commercial waste vehicles. The Department is still considering such a requirement for the future.

DSNY's authority to promulgate these rules is found in New York City Charter §§ 753 and 1043, and Title 16-b of the Administrative Code.

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.

CWZ Safety Rules

Section 1. Subdivision (b) of section 20-01 of title 16 of the rules of the city of New York is amended by adding new definitions of “cab-over design vehicle,” “qualified inspector” and “telematics system” in alphabetical order as follows:

Cab-over design vehicle. The term “cab-over design vehicle” means a vehicle that is designed so that the driver cab is situated in relation to the vehicle engine such that the driver sits directly above or forward of the front axle of the vehicle.

Commercial waste vehicle: The term “commercial waste vehicle” means a vehicle that is used to collect, transport or remove commercial waste.

Qualified Inspector. The term “qualified inspector” means an individual who meets the qualifications set forth in Part 396.19 of Title 49 of the Code of Federal Regulations.

Telematics system. The term “telematics system” means an integrated system of hardware and software that is capable of monitoring and recording data from GPS devices, vehicle dynamics systems, and engine performance systems and that is installed in a commercial waste vehicle, as required pursuant to §20-56 of this chapter.

§ 2. Chapter 20 of title 16 of the rules of the city of New York is amended by adding a new subchapter D to read as follows:

Subchapter D. Safety Requirements

§ 20-50 Safety Records

a. An awardee must maintain accurate time records for each vehicle operator and worker who handles commercial waste. Such time records must identify the worker by name and job title, and for each day reflect the time the worker reported to work; the route, truck number or other information used to identify the worker’s daily work assignment; any off-duty breaks; the time the worker was released from duty; and the total number of hours worked per week.

b. An awardee must maintain copies of all inspection and certification of repair forms required by subdivision a of section 20-52 for at least five years, and copies of such forms (paper or electronic) must be available in the corresponding vehicles at all times for 6 months.

c. An awardee must maintain copies of all daily inspection reports required by subdivision b of section 20-52 for at least five years, and copies of such reports (paper or electronic) must be available in the corresponding vehicles at all times for 14 days.

§ 20-51 Safe Vehicle Operation

a. An awardee must not permit or require any vehicle operator to drive a commercial waste vehicle unless the vehicle operator complies with the hours of service requirements set forth in Part 395.3 of Title 49 of the Code of Federal Regulations.

b. An awardee is responsible for ensuring that the commercial waste vehicles used to perform commercial waste collection, transport and removal services under its agreement with the City are not engaging in a pattern of unsafe practices. Each such pattern of unsafe practices is a violation of this subdivision. For purposes of this subdivision, “a pattern of unsafe practices” shall be defined as four instances of prohibited conduct set forth in paragraphs (1) through (6) of this subdivision within a six month period by the awardee’s commercial waste vehicles operators or the operators of the commercial waste vehicles of the awardee’s designated carters, in the aggregate:

1. A commercial waste vehicle must not back up unless such movement can be made safely and without interfering with traffic for the minimum distance to allow for the safe collection of trade waste.
2. A commercial waste vehicle must not make a U turn, except where legally permitted at marked center lines and from designated lanes.
3. A commercial waste vehicle must stop at all steady red lights until such light turns green. A trade waste vehicle must stop at all flashing red lights and stop signs before entering an intersection.
4. A commercial waste vehicle must be driven only in the direction designated for the roadway.
5. A commercial waste vehicle must not obstruct a bike lane, bus stop, sidewalk, crosswalk, or intersection.
6. Under no circumstances shall an individual ride on or cling to the outside of a commercial waste vehicle while the vehicle is operating on a roadway.

§ 20-52 Vehicle Inspections.

a. 1. A commercial waste vehicle must not be operated unless such vehicle is in safe operating condition and has passed an inspection conducted by a qualified inspector

demonstrating compliance with the terms of this section at least once during the preceding six months.

2. Each such inspection must be recorded on an inspection report form prescribed by the Department. Such inspection report must identify any safety defects discovered during the inspection and cover at a minimum, the following parts and accessories: service and parking brakes, steering mechanism, tires, wheels and rims, sideguards, coupling devices, mirrors, lighting devices and reflectors, horn, windshield wipers, and emergency equipment.

3. Following an inspection, such vehicle may not be operated unless a qualified inspector certifies on the inspection report that all necessary repairs have been made and that such vehicle has passed the inspection.

4. Copies of such inspection reports must be kept in the corresponding vehicle in accordance with the requirements of subdivision b of section 20-50.

b. A commercial waste vehicle must not be operated unless the operator of such vehicle is satisfied such vehicle is in safe operating condition. An awardee must require the operator of such vehicle to inspect such vehicle following each day's work and to prepare a daily inspection report that identifies such vehicle and any defect that would affect the safety of operation of such vehicle. Such daily inspection report must cover at a minimum the following parts and accessories: service and parking brakes, steering mechanism, tires, wheels and rims, sideguards, coupling devices, mirrors, lighting devices and reflectors, horn, windshield wipers, and emergency equipment. Copies of such daily inspection reports must be kept in the corresponding vehicle in accordance with the requirements of subdivision c of section 20-50. The operator of such vehicle must review the most recent daily inspection report and determine whether required repairs have been made when evaluating the condition of such vehicle.

c. The Department or a person designated by the Department may inspect commercial waste vehicles, equipment, licenses, registrations, inspection reports, and fleet records of each awardee and each designated carter at any time at its own discretion.

1. The Department or a person designated by the Department may order the awardee to immediately remove any commercial waste vehicle or equipment from service and, where appropriate, to take corrective action within a prescribed period of time if the Department or such person designated by the Department determines the vehicle or equipment presents an imminent threat to public health or safety or to the environment due to an issue that may include, but need not be limited to, defective brakes, tires or lighting devices, or leaking or spilling of fluids and escaping of waste. The awardee shall comply with the order within the time prescribed in the order and shall notify the Department when compliance has been achieved.

2. Within the time specified for compliance in an order issued pursuant to this section, or as otherwise specified in such order, the awardee may submit a written statement appealing the order to the Commissioner in the manner specified in the order.

3. Submission of an appeal pursuant to paragraph (2) of this subdivision shall relieve the awardee's obligation to take any corrective action within the time prescribed in the order pending a final determination pursuant to paragraph (4) of this subdivision, provided, however, that in the event the Department determines that failure to take corrective action within the time prescribed in the order poses a significant risk of imminent harm to public health or safety or to the environment, the awardee will be notified and will be required to take such corrective action within the specified time, or within an alternative time specified by the Department. Notwithstanding the foregoing, submission of such an appeal shall not relieve the awardee's obligation to remove a commercial waste vehicle or equipment from service during the pendency of an appeal.
4. The Commissioner must review appeals and make a final written determination regarding the appeal within a reasonable period of time. The Commissioner will serve final determinations on the awardee by mailing the final determination to the awardee.
5. If the Commissioner sustains an appeal in whole or in part, then the stated terms of the final determination on appeal will replace the original requirements of the order.
6. If an appeal is denied, the final determination will specify a reasonable period of time for compliance with the order based on the circumstances, except in the case of an order where taking corrective action is required within an earlier time pursuant to paragraph (3) of this subdivision. The final determination by the Commissioner is subject to review pursuant to article 78 of the New York Civil Practice Laws and Rules.

§ 20-53 Cross-over mirrors; obstructions to windshield

a. Each commercial waste vehicle having a gross vehicle weight rating of 26,000 pounds or more and a conventional cab configuration in which the engine is mounted in front of the operator must be equipped with a convex mirror positioned on the front of such vehicle. When such vehicle is being operated, such mirror shall be adjusted so as to enable the operator thereof to see all points on an imaginary horizontal line which is three feet above the road, is one foot directly forward from the midpoint of the front of such motor vehicle, and extends the full width of the front of such vehicle or combination of vehicles.

b. Nothing may be placed or suspended in or on the vehicle or windshield so as to obstruct the operator's vision through the windshield or other windows. Nothing in this subdivision shall be construed to prohibit the placement or suspension of an object in or on the vehicle or windshield: (i) in order to comply with or as expressly permitted by federal, state or local law or (ii) authorized pursuant to the agreement between the awardee and the City for purposes of promoting public safety.

§ 20-54 Back-up Cameras

No later than January 1, 2026, every commercial waste vehicle must be equipped with a rear video system, rear object detection system, or other device which enables the driver of the vehicle to detect by means of a visual indicator, or visual and audible warning-indicator, persons and objects located directly behind the vehicle.

§ 20-55 Auxiliary exterior lighting

- a.
 1. On or before January 1, 2026, every commercial waste vehicle must be equipped with one or more auxiliary exterior lights on the back of the vehicle, positioned at a height and angle so as to illuminate: (i) the vehicle's hopper; (ii) any other equipment or machinery attached to the back exterior side of the vehicle; and (iii) a work staging area of at least 6 feet behind the vehicle.
 2. Such auxiliary exterior back lights must be sufficiently bright so as to: (i) allow any workers loading waste into the hopper or otherwise working in a staging area behind the vehicle to perform their duties and (ii) make such workers and such staging area visible to other vehicles on the road.

- b.
 1. On or before January 1, 2026, every commercial waste vehicle must be equipped with one or more auxiliary exterior lights on both sides of the vehicle, positioned at a height and angle so as to illuminate: (i) any equipment or machinery attached to the side of the vehicle, and (ii) a work staging area running along the length of the vehicle and outward at least 3 feet from the side of the vehicle.
 2. Such auxiliary exterior side lights must be sufficiently bright so as to: (i) allow any workers working in a staging area next to the vehicle to perform their duties and (ii) make such workers and such staging area visible to other vehicles on the road.

- c. The auxiliary exterior lighting required by this section must be turned on when a worker from the vehicle is outside the vehicle performing work at night or during poor visibility conditions, including but not limited to rain, fog or snow.

- d. The auxiliary exterior lighting required by this section must be maintained in good working condition and must be functional at all times while the vehicle is in operation, regardless of the time of day.

§ 20-56 Telematics Systems in Commercial Waste Vehicles

- a. An awardee must ensure that each commercial waste vehicle is equipped with a telematics system that meets the requirements of this section and such other specifications as set forth in the awardee's agreement with the Department. Such system must be approved by the Department prior to the implementation start date of the zone in which such vehicle is authorized to operate pursuant to such agreement, or prior to the date that the vehicle is first used as a commercial waste vehicle, whichever is later. Such system must also be approved prior to the date the vehicle is returned to use as a commercial waste vehicle following any replacement of or material alterations to such system.
- b. The telematics system must transmit vehicle location information to both the awardee and the Department in real time, via cellular connection.
- c. The telematics system must transmit in real time via cellular connection the following information to the awardee:
 - 1. Vehicle speed;
 - 2. Each instance when the vehicle travels at a speed above the applicable speed limit;
 - 3. Each instance of sudden acceleration by the vehicle;
 - 4. Each instance when the vehicle engages in a hard stop; and
 - 5. Vehicle miles traveled.
- d. 1. On a monthly basis, the awardee must submit to the Department the information collected pursuant to paragraphs two through five of subdivision c of this section for each commercial waste vehicle, disaggregated by vehicle and, where applicable, by zone, for the previous month.

2. Data collected pursuant to paragraphs one through six of subdivision c of this section shall be made available to the Department for inspection upon request.

e. The awardee must ensure that the telematics system installed in each commercial waste vehicle is constantly maintained and is in good working order.

f. 1. If any material feature of the telematics system is not functioning, an incident report must be filed by the designated carter with the Department within two hours following the discovery of the malfunction or at such time as the designated carter reasonably should have known of the malfunction.

2. If any material feature of the telematics system of a commercial waste vehicle is not functioning, the commercial waste vehicle must not operate for more than 7 days following the start of the malfunction or the timely filing of an incident report, whichever is later, until the system is repaired. Any commercial waste vehicle in which there is a malfunction of a material feature of the telematics system more than once in a 30 day period shall be removed from service immediately until the system is repaired.

3. During the period the telematics system is malfunctioning and the commercial waste vehicle is permitted by this subdivision to operate, the vehicle operator or operators must record the following trip record information by hand at the end of each route:

i. Vehicle miles traveled;

ii. Route start and stop locations; and

iii. A list of stops on each route.

4. In the case of a partial malfunction of the telematics system, the information required pursuant to paragraph 3 of this subdivision need not be recorded by hand if the telematics system is capable of collecting and transmitting such data in real time in accordance with subdivision b of this section.

5. Trip records required pursuant to paragraph 3 of this subdivision must be submitted to the Department in the monthly report required pursuant to subdivision d of this section.

§ 3. This rule shall take effect as follows:

1. The rule shall take effect in each commercial waste zone on the implementation start date for such zone set by rule of the department of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the Administrative Code; and

2. The rule shall take effect with respect to citywide containerized commercial waste collection on the implementation start date for citywide containerized commercial waste collection set by rule of the department of sanitation.

New York City Department of Sanitation

NOTICE OF ADOPTION OF FINAL RULE ESTABLISHING REQUIREMENTS RELATING TO COMMERCIAL WASTE GENERATION AUDITS FOR COMMERCIAL WASTE ZONES

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 Title 16-B of the New York City Administrative Code that the Department adopts the following rule establishing requirements relating to commercial waste generation audits for the Commercial Waste Zones program. The Department published a Notice of Opportunity to Comment on the proposed rule in the City Record on August 12, 2021. On September 15, 2021 the Department held a public hearing on the proposed rules.

Statement of Basis and Purpose of Final Rule

DSNY is publishing final rules that establish requirements for carters selected to operate under the commercial waste zones system to reimburse customers for the cost of a commercial waste generation audit. These rules also establish fees for the commercial waste zones program and amend definitions.

Commercial Waste Zones Program

Typically in New York City, more than 100,000 commercial establishments generate more than 3 million tons of refuse and recyclables. Approximately 90 private carters collect this waste from commercial establishments across the City. The current system for collecting commercial waste from the City's businesses has been plagued by dangerous driving and insufficient attention to public safety, harmful environmental impacts, and poor customer service.

In some parts of the city, more than 50 carters service a single neighborhood, and an individual commercial block may see dozens of different private waste collection trucks on a given night. This has resulted in millions of excess truck miles driven every year that harm the City's air quality, increase greenhouse gas emissions, create noise pollution and negatively impact public health. Additionally, the industry has lacked strong customer service standards, and pricing has remained unclear and confusing to most customers, putting small businesses at a significant disadvantage.

In response to these documented problems in the commercial waste collection industry, the Department released a comprehensive plan for reforming the private carting industry in

November 2018 (“the Plan”), available at <http://www.nyc.gov/commercialwaste>. The Plan proposed the establishment of commercial waste zones - a safe and efficient collection system to provide high quality, low cost service to New York City businesses while advancing the City’s zero waste and sustainability goals. The Department developed this plan after years of extensive public outreach and engagement with a wide variety of stakeholders.

On November 20, 2019, Local Law number 199 for the year 2019 was enacted, which authorizes the Department to create a commercial waste zones system. Under Local Law 199, codified in Title 16-b of the New York City Administrative Code, the Sanitation Commissioner has divided the geographic area of New York City into 20 “commercial waste zones.”

The Department will use a competitive Request for Proposals (RFP) process to select up to three private carters to service businesses within each commercial waste zone. The competitive solicitation process will also be used to select up to five carters to provide containerized commercial waste collection services citywide. This process will identify the carters that can provide high quality service at low prices. The resulting contracts will include standards for pricing, customer service, safety, environmental health, and requirements to promote the City’s commitment to recycling and sustainability. The RFP will be issued in two parts. Part 1 was issued on November 19, 2020, and responses were due on February 19, 2021. Part 2 of the RFP is being released concurrently with these final rules.

Commercial waste zones will apply to the collection of commercial refuse, recyclables, and source-separated organic waste. It will exclude specialized or intermittent waste streams, such as construction and demolition debris, medical waste, hazardous waste and other types of waste that will continue to be collected and managed under existing City and State regulations.

Under the new commercial waste zones system, instead of dozens of different carters operating in a City neighborhood on a given night, only a few carters will operate in each area. With fewer trucks on the streets and shorter routes, zoned collection will also mean improved traffic and air quality and less unsafe driving behavior and worker fatigue. Citywide, the adoption of the commercial waste zones system will dramatically reduce truck traffic associated with this industry by more than 50 percent. This system will improve the quality of life of all New Yorkers, serve the needs of the City’s local businesses, and support the City’s short and long-term goals for a cleaner, safer, and more sustainable city.

Related DSNY Commercial Waste Zones Rulemakings

On February 14, 2020, the Department published the final rules creating the 20 commercial waste zones. Per Administrative Code Section 16-1002(e)(3), the Department will set the implementation schedule for when the commercial waste zone system will take effect in each zone in a future rulemaking.

On December 18, 2020, DSNY published proposed rules addressing customer service requirements, requirements for collecting recyclable materials and source separated organics,

and operations requirements for commercial waste carters, and held a hearing on those proposed rules on January 26, 2021. The comment period for those proposed rules closed on February 9, 2021. On March 12, 2021, DSNY published proposed rules addressing public safety. DSNY held a joint hearing with the Business Integrity Commission (BIC) on the safety rules on April 13, 2021. DSNY is publishing final customer service, recycling, operations and safety rules for commercial waste carters in coordination with this final rule.

Commercial Waste Generation Audits

In this rulemaking, the Department is establishing requirements for carters selected to operate under the commercial waste zones system to reimburse customers for the cost of a commercial waste generation audit. The purpose of such an audit is to determine the amount of commercial waste that the commercial establishment is generating, broken down by waste stream: refuse, designated recyclable materials, and source separated organic waste.

A commercial waste generation audit provides a concrete picture of the types and amount of waste that a commercial establishment is generating. The commercial establishment can then use the audit to negotiate a fair price with their commercial waste zone carter. The audit will also provide the commercial establishment with information about the level of contamination for each waste stream, recommendations for waste reduction by waste stream, and recommendations about how to divert more waste from refuse to designated recyclable materials and source separated organic waste. This will assist the commercial establishment in complying with the City's recycling requirements and help further the City's zero waste goals.

Under these final rules, each awardee must include in its Zero Waste Plan, a specific plan for how it will provide or reimburse customers for commercial waste generation audits..

These final rules establish a basic definition of "commercial waste generation audit," including a requirement that the auditor must be registered with BIC as a trade waste broker.

The proposed rules required each awardee to reimburse each customer for at least one commercial waste generation audit, included a specific formula under which awardees must reimburse commercial establishments for such audits, specific methodology for how the audits must be conducted, and a procedure to resolve disputes between carters and customers regarding a waste generation audit, including the option of bringing unresolved disputes to DSNY for review. After reviewing the large number of public comments received from carters, customers, and advocates raising concerns regarding the Department's proposed approach to reimbursement for commercial waste generation audits, the Department has removed such provisions from the final rule. For example, some commenters raised concerns that the Department's approach was overly prescriptive, and commented that the reimbursement rates established would lower the standard of audit that customers would seek, thus undermining the Department's sustainability goals. Other commenters raised concerns with the prescribed methodology for measuring waste in a 24-hour period.

In response to such concerns, the Department will require Proposers responding to the Commercial Waste Zones RFP to include in their proposed Zero Waste Plan their own plans to offer commercial waste generation audit services or to provide reimbursement to customers for commercial waste generation audits, with a specific requirement that the Proposer consider how it will promote access to such audits across a broad range of customers in the zone and offer tools to support the Department's zero waste goals. The Department will then consider this element of the Proposer's Zero Waste Plan when selecting awardees. This approach will allow more flexibility in the use of commercial waste generation audits and address several of the concerns raised by public commenters.

The Department is still considering whether to promulgate rules regarding a dispute resolution process for disputes between customers and awardees about the amount of waste generated, or whether to add additional requirements regarding commercial waste generation audits at a future date.

Additional Rule Provisions

These rules also establish a definition of "bicycle," which is relevant to the program definition of microhauler and to the number of designated carters that an awardee may subcontract with under the program. Local Law 199 provides that there is no limitation on the number of designated carters hauling waste exclusively by bicycle. The definition of bicycle takes into account the definition of "bicycle" in Local Law 199 as well as recent changes in state and local laws relating to e-bikes.

These rules also establish an annual fee for awardees and include vehicle maintenance requirements.

Finally, these rules establish requirements for an awardee's Zero Waste Plan more generally.

These new DSNY rule requirements will take effect in each zone when the commercial waste zones system is introduced in that particular zone, according to the implementation schedule that the Department will publish in a future rulemaking.

DSNY's authority to promulgate these rules is found in New York City Charter §§ 753 and 1043, and Title 16-b of the Administrative Code.

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. Subdivision b of section 20-01 of title 16 of the rules of the city of New York is amended by adding new definitions of “bicycle,” “commercial waste generation audit” and “zero waste plan” in alphabetical order as follows:

Bicycle. The term "bicycle" means: (i) a two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears; (ii) a "pedal-assist bicycle" as defined in section 4-01 of title 34 of the rules of the city of New York or as otherwise defined by the department of transportation; (iii) any electric scooter as defined in section 114-e of the vehicle and traffic law; or (iv) any bicycle with electric assist as defined in section 102-c of the vehicle and traffic law.

Commercial Waste Generation Audit. The term “commercial waste generation audit” means an assessment of the commercial waste generated by a commercial establishment that:

1. Is performed by a person registered by the business integrity commission as a trade waste broker;
2. Separately assesses the commercial waste generated, disaggregated by waste stream as follows:
 - i. *Refuse*: Total amount of refuse at each premises;
 - ii. *Designated recyclable materials*: (1) Total amount of designated recyclable paper at each premises; and (2) total amount of designated recyclable metal, glass, and plastic at each premises; and
 - iii. *Source separated organics*: If the commercial establishment is a designated covered establishment, total amount of source separated organics at each premises; and
3. Includes a report with information on:
 - i. The actual measurements of all waste streams assessed, as recorded on-site;
 - ii. Estimates of the amount of each waste stream generated on a monthly basis;
 - iii. Contamination levels for each waste stream assessed; and
 - iv. Recommendations for waste reduction by waste stream and diversion from refuse to designated recyclable materials and source separated organic waste.

Zero waste plan. The term “zero waste plan” means an awardee’s plan describing practices to support waste reduction, reuse and recycling among commercial establishments, as set forth in the awardee’s Agreement with the Department pursuant to section 16-1002 of the Administrative Code.

§ 2. Subchapter A of chapter 20 of title 16 of the rules of the city of New York is amended by adding a new section 20-03 to read as follows:

§ 20-03 Fees

The annual fee that each awardee must pay pursuant to section 16-1013 of the Administrative Code shall be:

- a. \$107,148.73 per zone award, and
- b. \$107,148.73 per citywide containerized commercial waste award.

§ 3. Subchapter B of chapter 20 of title 16 of the rules of the city of New York is amended by adding a new section 20-29 to read as follows:

§ 20-29 Commercial Waste Generation Audits

An awardee must provide to its customers commercial waste generation audit services and/or reimbursement for commercial waste generation audits by a third party in accordance with the requirements of the awardee's Zero Waste Plan.

§ 4. Subchapter C of chapter 20 of title 16 of the rules of the city of New York is amended by adding a new section 20-33 to read as follows:

§ 20-33 Zero Waste Plan

Each awardee and its designated carters must comply with the terms of the awardee's zero waste plan. Such plan must, at a minimum:

- a. Detail the awardee's practices to support waste reduction, reuse and recycling among commercial establishments within the zone or zones covered by the Agreement with the Department under which the awardee is operating, including but not limited to partnerships with local organizations, waste reduction or diversion targets, customer outreach and education or other practices to further such goals;
- b. Detail how the awardee will work with customers to promote compliance with the City's recycling laws and rules, increase the amount and quality of designated recyclable material diverted from the refuse stream, and increase overall diversion through waste reduction, reuse and recycling;
- c. Include a protocol for notifying a customer of significant designated recyclable material content in the customer's refuse and recommending to the customer steps to improve compliance with the City's recycling requirements and to increase diversion of designated recyclable material from the refuse stream;

- d. Include plans for offering organics collection services to a broad range of establishments within the zone, including the awardee's specific plans for providing organic waste collection services to customers that are not designated covered establishments pursuant to section 16-306.1(b) of the Administrative Code in accordance with the requirements of section 16-1002(c)(5) of such code; and
- e. Include a plan to provide commercial waste generation audit services to customers and/or reimbursement to customers for commercial waste generation audits performed by a third party, including but not limited to:
 - i. A description of whether the awardee will contract directly with a third party waste audit company or offer reimbursement to customers;
 - ii. The awardee's prices for third party waste audit services and/or reimbursement rates for such services;
 - iii. How the awardee will promote access to commercial waste generation audit services to a broad range of commercial establishments including small businesses, in the zone or zones covered by the Agreement with the Department under which the awardee is operating; and
 - iv. Specific methods, if any, of utilizing commercial waste generation audit services to support the Department's zero waste goals.

§ 5. This rule shall take effect as follows:

1. The rule shall take effect in each commercial waste zone on the implementation start date for such zone set by rule of the department of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the Administrative Code; and
2. The rule shall take effect with respect to Citywide containerized commercial waste collection on the implementation start date for Citywide containerized commercial waste collection set by rule of the department of sanitation.

Attachment IX: Summary of Legislative Actions, 2021-2022

Legislative Actions, 2021-2022

1. Local Laws Pertaining to DSNY

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
Local Law 57 of 2021	In relation to city agency food waste prevention plans. [In DSNY provisions, this law requires all city agencies with food procurement contracts to develop and implement a plan for reducing food waste. This law requires each such agency to designate a coordinator to produce annual reports including information on the agency's food waste prevention plan and measures taken to implement such plan.]	§ 16-307.2	Effective 8/21/21 5/23/21: City Charter Rule Adopted
Local Law 64 of 2021	To amend the administrative code of the city of New York, in relation to restricting single-use plastic beverage straws, beverage stirrers and beverage splash sticks, and to repeal chapter 4 of title 16 of such code, relating to rechargeable batteries. [This law restricts single-use plastic beverage straws, beverage stirrers, and beverage splash sticks.]	§ 16-401	Effective 11/1/21 5/12/21: Passed by the Council
Local Law 65 of 2021	In relation to school food waste prevention plan. [This law requires the Chancellor of the Department of Education (DOE) to work with school sustainability coordinators to develop a plan for reducing food waste. This plan would be submitted to the Department of	§ 16-307.3	Effective 9/19/21 6/12/21: City Charter Rule Adopted

	Sanitation (DSNY) for recommendations, as well as the Speaker of the Council. The law requires DOE to submit an annual report with information on DOE's actions to implement its food waste prevention plan and the Chancellor's updates to such plan. DSNY shall include DOE's information contained in the report as part of March 1, 2022 annual recycling report.]		
Local Law 72 of 2021	In relation to creating an interagency task force on removing certain vehicles from public streets. [This law creates an interagency task force to study the City's existing system of removing from public streets vehicles that have been abandoned or parked without license plates or proper registration. The task force would collect information about the effectiveness of current practices and evaluate potential solutions to this problem in a final report.]	L.L. 2021/073	Effective 6/27/21 6/27/21 City Charter Rule Adopted
Local Law 80 of 2021	In relation to reducing penalties and allowing opportunities to cure for certain violations, to repeal chapter 4-B of title 16 of such code, relating to the recycling of plastic carryout bags and film plastic ... [This law provides civil penalty relief from certain sanitation, health, transportation, consumer affairs, noise control and buildings violations. It would set fixed penalties at the bottom of existing penalty ranges, lower existing penalty ceilings (or sometimes set a lower fixed amount), or lower	§ 16-450 to § 16-455 (repealed)	Effective 11/15/21 7/18/21 City Charter Rule Adopted

	<p>existing fixed penalties. In certain instances, the law allows for a cure period for a first violation, or it would eliminate the civil penalty for a first violation. This law also clarifies that submission of proof of cure for consumer affairs and health violations is an admission of liability only if the proof is accepted by the relevant agency, repeal a number of requirements and prohibitions in the Administrative Code to provide relief for small businesses, and make an administrative change to the storefront registry filing requirement.]</p>		
<p>Local Law 81 of 2021</p>	<p>A Local Law to establish a temporary program to resolve outstanding judgments imposed by the environmental control board.</p> <p>[This law requires the Commissioner of Finance to establish a temporary program to resolve outstanding judgments imposed by the Environmental Control Board. Subject to certain conditions, default penalties and associated accrued interest would be waived, respondents would be able to resolve judgments docketed prior to March 7, 2020 by payment of 75% of the imposed penalties without payment of accrued interest, and respondents would be able to resolve judgments docketed on or after March 7, 2020 by payment of 25% of the imposed penalties without payment of accrued interest. The program would last for 90 days in fiscal year 2022 and the Commissioner would be able to extend the program for an additional 90 days. Judgments entered in the 90</p>	<p>§ 1049-a</p>	<p>Effective 6/17/21</p> <p>6/17/21 Passed by the Council</p>

	days leading up to the start of the program would be ineligible for resolution. Respondents who made certain partial penalty payments prior to the start of the program would be eligible to resolve the associated judgments.]		
Local Law 84 of 2021	To amend the administrative code of the city of New York, in relation to trade waste industry unions. [This amendment includes the New York City Business Integrity Commission’s responsibility for the registration and regulation of labor unions or labor organizations that represent or seek to represent employees directly involved in the collection, removal, transportation or disposal of putrescible trade waste.]	§ 16-501	Effective 6/17/21 6/17/21: Passed by the Council
Local Law 112 of 2021	In relation to agency purchasing of textiles, and to establish a task force to recommend legislation and policy for environmentally preferable purchasing, use and disposal of such textiles. [This law requires the City’s Director of Environmentally Preferable Purchasing to report details on the supply chain and source of agency-purchased textile goods. Additionally, this law establishes a task force to identify and assess agency needs for textile goods, and to make recommendations for purchasing such goods in an environmentally preferable manner. Finally, the task force would be required to identify other costs associated with city textile consumption, including the health and safety effects on laborers in the supply chain and the communities in	§ 6-304	Effective 10/24/21: City Charter Rule Adopted

	which textile goods are produced, processed and manufactured.]		
Local Law 110 of 2022	A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation zones. [This law allows for the designation of rat mitigation zones by the Department of Health and Mental Hygiene and mandate that a building with nine or more dwelling units located in a rat mitigation zone put material out for collection between the hours of 4am and 6am.]	§ 17-133.2	Effective 11/18/22 11/18/22: Signed by the Mayor
Local Law 111 of 2022	A Local Law to amend the administrative code of the city of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation. [The law would require trash receptacles in buildings identified as having a high concentration of repeated rodent infestation to be made of a material or design to minimize rodent infestation.]	§ 16-120	Effective 4/1/23 11/18/22: Signed by the Mayor

2. Executive Orders Pertaining to DSNY

Mayor	Executive Order	Title	Summary	Effective Date
Bill de Blasio	Executive Order 90	Accelerating Electric Vehicle Adoption For NYC Fleet	To reduce the use of fossil fuels and improve air quality, the City fleet will be transitioned to electric models on an accelerated schedule.	December 22, 2021
Eric Adams	Executive Order 2	Small Business Forward: Review and Reform of Compliance Costs on Businesses	City agencies were tasked with reviewing provisions of laws or rules they most often enforced and finding ways to allow for curing for first time offenders to promote a “healthy environment for business” to aid in recovery from COVID-19.	January 4, 2022. See https://www.nyc.gov/assets/home/downloads/pdf/pr-ess-releases/2022/Small-Business-Forward.pdf
Eric Adams	Executive Order 23	Clean Construction	In order to lower greenhouse gas emissions in construction, City capital agencies are required to adopt green construction and operation practices, including the recycling of construction and demolition debris.	September 22, 2022

3. Rules of the City of New York Added or Amended by DSNY

The Rules of the City of New York (All Title 16)	Added or Amended	Description	Date Added or Amended	Date Effective
§1-01	Amended	Definitions of terms pertaining to the Department's activities, including recycling, waste, collection, etc.	11/16/21	12/16/21
§1-02 - §1-02.1	Amended	Collection service and requirements for receptacles and bags containing solid waste and recyclables for collection. This section explains what waste the Department picks up and how waste is to be placed on the curb for pick-up.	12/1/22	12/31/22
§1-02.2	Added	Outlining which building owners are responsible for creating and following waste management plans.	12/20/21	4/1/22
§1-02.3	Added	Describes what buildings are eligible to participate in and how to apply to the Department's multiunit building collection program.	12/1/22	12/31/22
§1-09 - §1-10	Amended	Requirements for City agencies and institutions to recycle. Requirements of private carters to recycle materials that are recyclable and generators to separate such materials.	11/16/21	12/16/21
§19-101 - §19-106	Added	Penalty schedules for various Sanitation Department violations.	10/15/21	11/14/21

§20-01	Added	Definitions for Commercial Waste Zones rules.	11/16/21	12/16/21
§20-20 - §20-44	Added	Customer service requirements, operations, and delivery of service rules for carters in Commercial Waste Zones.	11/16/21	12/16/21
§20-50 - §20-56	Added	Safety requirements for Commercial Waste Zone carters.	11/16/21	12/16/21
§21-01 - §21-04	Added	Procedures by which the public may submit Petitions for Rulemaking to the Department.	12/20/21	1/19/22

Attachment X: Solid Waste and Recycling Legislation

**Attachment 10: Solid Waste and Recycling Legislation,
Executive Orders**



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER No. 90

December 22, 2021

ACCELERATING ELECTRIC VEHICLE ADOPTION FOR NYC FLEET

WHEREAS, emissions from vehicles harm local air quality, increase serious illness among New Yorkers, and threaten public health;

WHEREAS, we face a clear global climate emergency, caused primarily by the burning of fossil fuels including for transportation;

WHEREAS, we all, especially those in leadership positions, have a moral, economic, public health, and security imperative to act to protect our planet, fellow human beings, and future generations;

WHEREAS, the City of New York has joined countries and cities around the world in committing to achieving carbon neutrality by 2050 in order to avoid the worst consequences of catastrophic climate change;

WHEREAS, Mayoral Executive Order 53 of 2020 currently requires the City fleet to transition to all electric and plug-in vehicle models by 2040;

WHEREAS, the fleet industry has made major strides toward expanding electric vehicle options in the last two years especially for light and medium duty vehicles including vans and pickups;

WHEREAS, SUVs increase emissions and maintenance costs as compared to sedans;

WHEREAS, the City already has in place electric and plug in vehicle options for light duty vehicles models such as sedans, SUVs, cross-overs, and mini-vans used by NYC Executive Offices;

WHEREAS, the leadership and engagement of senior level officials at every agency and office is critical to the implementation of the all-electric vehicle mandate and the expansion of electric vehicle charging that it will require; and

WHEREAS, senior leadership from NYC Executive offices and their fleet vehicles are highly visible at public events, meetings, and gatherings each day in the City;

NOW, THEREFORE, by the power vested in me as the Mayor of the City of New York, it is hereby ordered:

Section 1. Acceleration of Electric Fleet Adoption for NYC Fleet. DCAS and OMB will accelerate replacement of City on-road fleet vehicles to electric models:

- a. By 2030, all light duty on-road vehicles will be electric models except those vehicles assigned to law enforcement and emergency response as defined by the State Vehicle and Traffic Law (VTL).
- b. By 2035, all light duty and medium duty on-road fleet vehicles, including those assigned to law enforcement and emergency response will be converted to electric models, and all non-emergency trucks will be converted to electric models. Emergency and specialized trucks will be converted to electric models no later than 2040.

§ 2. Acceleration of Electric Fleet Adoption for NYC Executive Offices. All senior executives who are assigned City fleet vehicles for work purposes are required to utilize a plug-in electric model no later than June 30, 2023 to the extent provided by DCAS. This order covers senior executives who are authorized to commute with City vehicles, those who do not commute with City vehicles, and those who are assigned drivers. This order shall cover all senior executive titles as listed in Executive Order 131 of 2010, as well as other titles as determined by the Department of Citywide Administrative Services (DCAS). This order also governs all assignments of vehicles to senior executives after June 30, 2023.

§ 3. Ending Unnecessary Use of SUVs. DCAS and the Office of Management and Budget (OMB) will review the operational necessity of each SUV assigned to a staff person at any agency. DCAS and OMB will also review each vehicle assignment to a senior executive governed by this order. In each case where the vehicle assignment is deemed to be operationally necessary, the assigned vehicle will be transitioned to an approved electric vehicle model as determined by DCAS. Where vehicle assignments are not deemed operationally necessary, the fleet unit will be down-sized, reduced or re-assigned at the impacted agency or office.


§ 4. Acceleration Plan for NYC Executive Offices. No later than June 30, 2022, DCAS will establish a plan to transition each approved vehicle assignment under Section 2 of this order to an electric plug-in model. DCAS will maintain electric vehicle contracts in all models used by Executive Offices including sedans, SUVs, mini-vans, and cross-overs, and will share the list of available models, costs, and charging requirements with impacted agencies. DCAS will work with each agency to establish a charging plan for each impacted vehicle assignment. In no circumstances will implementation of Section 2 of this order result in a fleet increase. Agencies must salvage through DCAS and eliminate a non-plug in vehicle for the new plug in vehicle that

will be purchased and assigned pursuant to this order. DCAS will maintain a list of all senior executive vehicle assignments governed by this order. DCAS will issue a report on implementation of this order no later than January 1, 2024.

§ 5. Emergency Response. For the purposes of Section 2, executive officials in law enforcement and emergency response as defined by the State Vehicle and Traffic Law (VTL) may request exemptions from DCAS if the operational capabilities of the available electric vehicle models do not meet the emergency response requirements for each specific position. DCAS will keep a list of approved exemptions and must re-authorize each exemption by June 30 of each year as new vehicle models become available through DCAS contracts. Where an exemption is not re-authorized, a plan will be developed to transition that vehicle assignment to an electric plug in model within one year. In addition, agency officials assigned electric plug in models may utilize non-electric vehicle models to respond to specific emergency situations such as a snowstorm or flooding situation.

§ 6. Agency Cooperation. All agency heads are directed to cooperate fully with DCAS and the City's Chief Fleet Officer in implementing and complying with this Executive Order.

§ 7. Effective Date. This order shall take effect immediately.

A handwritten signature in black ink, appearing to read "Bill de Blasio", is written over a horizontal line.

Bill de Blasio
Mayor



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

EXECUTIVE ORDER NO. 2

January 4, 2022

SMALL BUSINESS FORWARD:
REVIEW AND REFORM OF COMPLIANCE COSTS ON BUSINESSES

WHEREAS, the COVID-19 pandemic has severely impacted New York City and its businesses;

WHEREAS, governments, including the State of New York and the City of New York, took measures to combat the spread of COVID-19, which limited the spread of the virus but also had a catastrophic impact on the City's economy;

WHEREAS, New York City's economy continues to struggle with slow job growth and an unemployment rate that is more than double the national average; and

WHEREAS, the Omicron variant of COVID-19, declared a variant of concern by the U.S. Centers for Disease Control and Prevention, has spread rapidly in New York City, threatening to further destabilize the City's economic recovery; and

WHEREAS, Local Law number 153 for the year 2013 reduced regulatory burdens and compliance costs by providing opportunities to cure first-time violations of certain provisions of law, including certain signage violations enforced by the Department of Consumer and Worker Protection and the Department of Sanitation, as well as violations of certain air pollution and noise control provisions enforced by the Department of Environmental Protection; and

WHEREAS, Local Law number 80 for the year 2021 reduced regulatory burdens and compliance costs by repealing certain requirements enforced by the Department of Consumer and Worker Protection, and by reducing the amounts of civil penalties for violations of certain provisions of law, eliminating civil penalties for certain first-time violations, and providing an opportunity to cure certain first-time violations of various provisions enforced by the Department of Sanitation, the Department of Health and Mental Hygiene, the Department of Transportation, the Department of Consumer and Worker Protection, the Department of Environmental Protection, and the Department of Buildings; and

WHEREAS, creating a healthy environment for businesses is critical to restoring a strong economy in New York City; and

WHEREAS, businesses have suffered enormous financial impacts and economic hardships as a result of the COVID-19 pandemic; and

WHEREAS, reviewing, and where necessary seeking to revise, provisions of law that impose unnecessary or disproportionate burdens on businesses, and especially small businesses, will assist the business community; and

WHEREAS, this Administration is committed to creating a regulatory climate in which businesses can rebuild, grow, and thrive;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. No later than March 31, 2022, the Department of Buildings (“DOB”), the Department of Consumer and Worker Protection (“DCWP”), the Department of Environmental Protection (“DEP”), the Fire Department (“FDNY”), the Department of Health and Mental Hygiene (“DOHMH”), and the Department of Sanitation (“DSNY”), shall each identify the 25 provisions of law or rules that are most frequently enforced through the issuance of notices of violation by or on behalf of such agency, and to the extent practicable, identify those violations that are most frequently issued to small businesses.

a. For each such provision of law or rules, each such agency shall evaluate whether:

i. the provision is necessary to promote an important public purpose, and if not, assess whether such provision should be amended or repealed to better effectuate the public purpose at issue;

ii. the civil penalties established to enforce such provision are in an amount appropriate to achieve the public purpose sought to be achieved by the provision or, whether such civil penalties should be reduced; and

iii. the provision of law establishing such civil penalties requires a warning or a cure period for persons who violate such provision for the first time, or whether rules should be adopted implementing such warning or cure period.

b. For each such provision about which an agency determines that reform is recommended, such agency shall specify whether legislation or rule-making, or any other administrative reform, is recommended.

c. For each such violation about which an agency determines that neither legislation, rule-making nor any other administrative reform is recommended, such agency shall explain the reasons for such determination, including, for example, the safety or health risks that could ensue from any change to the provision.

§ 2. Each of the City agencies described in Section 1 of this Order shall undertake a review of the systems used to enforce each of the violations identified in such section. Such review shall include, but not be limited to, evaluating procedures used to train inspectors, to administer inspections, and to track the issuance of warnings and cure periods for businesses that

engage in such violations for the first time, where such warnings and cure periods are already required or recommended by the agency.

§ 3. There shall be an Inter-agency Working Group established in the Mayor's Office ("Working Group") to evaluate the submissions of each City agency required by Sections 1 and 2 of this Order and oversee the advancement of the legislative, regulatory or administrative reforms identified by the Working Group. The Working Group shall seek to prioritize reforms that, to the extent practicable, would benefit small businesses. DOB, DCWP, DEP, FDNY, DOHMH and DSNY shall each appoint one representative to the Working Group. The chairpersons of the Working Group shall be the Deputy Mayor for Economic and Workforce Development or her representative and the Commissioner of the Department of Small Business Services or his representative.

§ 4. Within 45 days of receiving the submissions of each City agency required by Sections 1 and 2 of this Order, the Working Group shall submit to the First Deputy Mayor a plan to accomplish the recommendations set forth by each agency. In developing this plan, the Working Group shall consult with the Office of the Chief Counsel to the Mayor and the Corporation Counsel, as necessary. If the Working Group rejects any of the agency recommendations, it shall set forth its reasoning in the plan.

§ 5. Unless otherwise extended by Executive Order, the term of the Working Group shall expire upon its submission of the plan to the First Deputy Mayor.

§ 6. This Order shall take effect immediately.

A handwritten signature in black ink, appearing to read "Eric Adams", written over a horizontal line.

Eric Adams
Mayor



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

EXECUTIVE ORDER NO. 23

September 22, 2022

CLEAN CONSTRUCTION

WHEREAS, the City of New York has a moral, economic, public health, and security imperative to act to protect our planet, fellow human beings, and future generations; and

WHEREAS, the reduction of pollution in the City of New York is necessary to protect the health and safety of the City's residents; and

WHEREAS, climate action taken by cities in the United States and around the world can result in 40% of the pollution reduction needed globally to limit warming to only 1.5 degrees Celsius; and

WHEREAS, the many benefits of climate action by cities also address issues of inequality, including the expanding wealth gap, the lack of housing, the disparate access to public transit, aging infrastructure, and other major urban challenges; and

WHEREAS, the City of New York is committed to carbon neutrality by 2050 and the goals set forth in the Paris Agreement; and

WHEREAS, construction is responsible for 23% of global greenhouse gas emissions; and

WHEREAS, the embodied carbon from cement manufacturing is responsible for an estimated 8% of global greenhouse gas emissions; and

WHEREAS, the embodied carbon from iron and steel production accounts for approximately 7% of global greenhouse gas emissions; and

WHEREAS, construction equipment burning fossil fuels emits pollutants such as carbon dioxide, nitrogen oxides, carbon monoxide, and particulate matter (PM 2.5 and PM 10), and endangers people's health and surrounding environment; and

WHEREAS, construction equipment also contributes to noise pollution which affects construction workers and neighborhood residents; and

WHEREAS, Chapter 18 of the City Environmental Quality Review (CEQR) Technical Manual, entitled ““Greenhouse Gas Emissions and Climate Change,” recommends reducing the carbon intensity of building materials; and

WHEREAS, the City of New York commits to reducing greenhouse gas emissions associated with the embodied carbon of building materials and construction equipment through city agency leadership as set forth in this Order; and

WHEREAS, the City of New York has the opportunity to lead the market development and uptake of low-embodied carbon and clean construction strategies through the incorporation of these principles into our publicly-funded projects;

NOW, THEREFORE, by virtue of the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Definitions. For the purposes of this Order:

“Capital project agencies” means the department of design and construction, department of citywide administrative services, department of environmental protection, department of transportation, and department of parks and recreation.

“Embodied carbon” means the greenhouse gas emissions arising from the manufacturing, transportation, installation, maintenance, and disposal of building materials.

“Environmental Product Declaration (EPD)” means a third-party-verified International Organization for Standardization (ISO) Series 14025 Type III declaration that quantifies environmental information on the life cycle of a product to enable comparisons between products fulfilling the same function.

“Green building standards” has the same meaning as such term is defined in subdivision a of section 224.1 of the charter of the city of New York.

“Life cycle assessment (LCA)” means a systematic set of procedures for compiling and examining the inputs, outputs and associated environmental impacts of a product or service system throughout its life cycle.

“Life cycle assessment report” means a report that complies with one of the following green building standard credits, or equivalent, consistent with the standard pursued by the project:

- LEED v4 Materials and Resources Credit - Building Life Cycle Impact Reduction: Option 4. Whole-Building Life-Cycle Assessment;
- Envision v3 Credit CR1.1 - Reduce Net Embodied Carbon, and/or LD3.3 - Conduct Life Cycle Economic Evaluation; or
- NYC Green Schools Guide 2019 credit M3.1A – Life-Cycle Impact Reduction, Whole Building LCA.

“Substantial reconstruction” has the same meaning as such term is defined in subdivision a of section 224.1 of the charter of the city of New York.

“Substantial work on the building envelope” means the replacement or alteration of 50 percent or more of the building envelope’s total glazing area, or 50 percent or more of the building envelope’s total area of opaque components. This includes recladding, work on the interior side of exterior walls, including, but not limited to the removal of interior wallboard or plaster, and roof replacements.

§ 2. Low-carbon concrete specifications. Capital project agencies shall make their best efforts to incorporate low-carbon concrete specifications for all batch plant ready-mixed concrete used in capital projects and for concrete sidewalks, where such agency determines that such specifications are practicable and not preempted by State or Federal requirements. Such agencies shall, to the extent practicable, follow guidance from the Mayor’s office of climate and environmental justice (“Office”) for these specifications.

§ 3. Environmental product declarations. Capital project agency construction managers shall submit environmental product declarations (EPDs) to the Building Transparency database, a publicly available database of EPDs, using the OpenEPD format, as set forth below:

- a. Projects using concrete shall provide a product-specific EPD for all batch plant ready-mixed and precast concrete;
- b. Projects using steel shall provide a product-specific EPD for structural steel delivered to the jobsite.

The Office will provide guidance to agencies submitting EPDs to the Building Transparency database. To the extent practicable, such agencies shall also submit EPDs for such project to any database that the Office determines to be comparable and in wide usage.

§ 4. Low-emission vehicles and equipment. Capital project agencies shall make their best efforts to include specifications in capital project construction contracts for low-emission vehicles and equipment with a preference for all-electric equipment. Such agencies may also consider, among other resources, the Department of Citywide Administrative Services bi-annual publication of the Clean Fleet Transition Plan to determine the availability of low-emission equipment.

§ 5. Life cycle assessments. Capital project agencies shall endeavor to achieve, to the extent practicable, credits related to life cycle assessments (LCA) for capital projects that are required to comply with the green building standards and, where applicable, shall annually submit an LCA report to the office of environmental coordination. This section applies to new construction, additions, and substantial reconstructions with substantial work on the building envelope.

§ 6. Action plans. In accordance with guidance from the Office, capital project agencies shall develop and submit action plans aimed at reducing embodied carbon in capital projects to the Office by October 1, 2023. Such agencies are encouraged to develop joint action plans.

The Office will incorporate milestones into the City's long-term strategic sustainability plan.

§ 7. This Order shall take effect immediately.

A handwritten signature in black ink that reads "Eric Adams". The signature is written in a cursive style with a horizontal line underneath it.

Eric Adams
Mayor

**Attachment 10: Solid Waste and Recycling Legislation,
Commercial Rules**

Chapter 20: Commercial Waste Zones

Editor's note: Rules amending 16 RCNY §§ 1-01, 1-09, and 1-10 and enacting 16 RCNY §§ 20-01, 20-03, and 20-20 et seq. (see City Record 11/16/2021, eff. 12/16/2021, at pp. 7666 to 7683) provide for the following specific effective date provisions:

1. The rule shall take effect in each commercial waste zone on the implementation start date for such zone set by rule of the department of sanitation pursuant to paragraph 3 of subdivision e of § 16-1002 of the Administrative Code, except that 16 RCNY § 20-30, as added by section 8 of this rulemaking, shall take effect in each commercial waste zone on the final implementation date for such zone set by rule of the department of sanitation pursuant to paragraph 3 of subdivision e of § 16-1002 of the Administrative Code;
2. The rule shall take effect with respect to Citywide containerized commercial waste collection on the implementation start date for Citywide containerized commercial waste collection set by rule of the department of sanitation; and
3. In accordance with subdivision c of section 25 of local law number 199 for the year 2019, a licensee, as such term is used in Title 16-A of the Administrative Code, operating within such zone pursuant to a contract with a commercial establishment entered into prior to such implementation start date may continue to provide commercial waste collection, removal or disposal services pursuant to such contract in accordance with the provisions Title 16-A of the Administrative Code and any rules promulgated thereunder until the final implementation date for such zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision e of § 16-1002 of the Administrative Code.

Subchapter A: General

§ 20-01 Definitions.

- (a) The following terms have the same meanings as such terms are defined in § 16-1000 of the Administrative Code: "awardee", "commercial waste", "commercial waste zone", "commissioner", "containerized commercial waste", "department", "organic waste", "trade waste".
- (b) The following terms have the following meanings, except as otherwise provided in this chapter:

Bicycle. The term "bicycle" means: (1) a two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears; (2) a

"pedal-assist bicycle" as defined in 34 RCNY § 4-01 or as otherwise defined by the department of transportation; (3) any electric scooter as defined in section 114-e of the vehicle and traffic law; or (4) any bicycle with electric assist as defined in section 102-c of the vehicle and traffic law.

Cab-over design vehicle. The term "cab-over design vehicle" means a vehicle that is designed so that the driver cab is situated in relation to the vehicle engine such that the driver sits directly above or forward of the front axle of the vehicle.

Container: The term "container" means a bin, dumpster, compactor or other receptacle for the storage or collection of commercial waste.

Commercial establishment. The term "commercial establishment" means a commercial establishment required to provide for the removal of commercial waste pursuant to the provisions of § 16-116 of the Administrative Code.

Commercial waste generation audit. The term "commercial waste generation audit" means an assessment of the commercial waste generated by a commercial establishment that:

1. Is performed by a person registered by the business integrity commission as a trade waste broker;
2. Separately assesses the commercial waste generated, disaggregated by waste stream as follows:
 - i. Refuse: Total amount of refuse at each premises;
 - ii. Designated recyclable materials: (1) Total amount of designated recyclable paper at each premises; and (2) total amount of designated recyclable metal, glass, and plastic at each premises; and
 - iii. Source separated organics: If the commercial establishment is a designated covered establishment, total amount of source separated organics at each premises; and
3. Includes a report with information on:
 - i. The actual measurements of all waste streams assessed, as recorded on-site;
 - ii. Estimates of the amount of each waste stream generated on a monthly basis;
 - iii. Contamination levels for each waste stream assessed; and
 - iv. Recommendations for waste reduction by waste stream and diversion from refuse to designated recyclable materials and source separated organic waste.

Commercial waste vehicle. The term "commercial waste vehicle" means a vehicle that is used to collect, transport or remove commercial waste.

Containerized commercial waste awardee. The term "containerized commercial waste awardee" means an awardee that is authorized to provide containerized commercial waste collection, removal and disposal service citywide pursuant to an agreement with the Department entered into pursuant to § 16-1002 of the Administrative Code.

Contamination. The term "contamination" means: (1) a bag or container of designated recyclable materials that contains a detectable quantity of refuse or organic waste; (2) a container of source separated organic waste that contains a detectable quantity of non-organic waste; or (3) a bag or container of refuse that contains a detectable quantity of designated recyclable materials.

Customer. The term "customer" means: (1) a commercial establishment that is located within a commercial waste zone for which a zone awardee has been awarded an agreement pursuant to § 16-1002 of the Administrative Code and that selects such awardee for collection of commercial waste or has been assigned such awardee pursuant to paragraph 4 of subdivision e of such section; or (2) a commercial establishment that selects a containerized commercial waste awardee to collect containerized commercial waste.

Designated carter. The term "designated carter" means a licensee that is authorized to provide commercial waste collection services pursuant to an agreement between an awardee and the Department entered into pursuant to § 16-1002 of the Administrative Code. The term "designated carter" may describe the awardee or another licensee that the awardee has designated to fulfill the terms of such agreement as specified in the awardee's Subcontracting Plan.

Designated covered establishment. The term "designated covered establishment" means any commercial establishment designated as an establishment required to separate organic waste pursuant to subdivision (a) of 16 RCNY § 1-11.

Designated recyclable materials. The term "designated recyclable materials" means materials that have been designated for recycling by the Department pursuant to subdivision (a) of 16 RCNY § 1-10.

Non-collection of commercial waste. The term "non-collection" means a particular instance when an awardee fails to perform a scheduled pick-up of commercial waste from a customer, but where the awardee has not suspended or terminated service.

Normal business hours. The term "normal business hours" means 9 a.m. to 5 p.m., Monday through Friday.

Organic waste processing facility. The term "organic waste processing facility" has the same meaning as set forth in 16 RCNY § 1-01.

Overfilled container. The term "overfilled container" means a container with materials that project above its rim in a manner that impedes the complete closure of its lid and/or a container with materials that are placed outside the container and/or allowed to accumulate.

Qualified Inspector. The term "qualified inspector" means an individual who meets the qualifications set forth in Part 396.19 of Title 49 of the Code of Federal Regulations.

Refuse. The term "refuse" means commercial waste that is not organic waste or designated recyclable material.

Single stream collection of recyclables. The term "single stream collection of recyclables" has the same meaning as the term "single stream collection and recycling," as defined in 16 RCNY § 1-01 and shall be deemed interchangeable with such term and with the term "single stream recycling and collection."

Source separation. The term "source separation" means the separation at the point of generation of designated recyclable materials from each other or the separation of designated recyclable materials from solid waste.

Standard service hours. The term "standard service hours" means 8 p.m. to 7 a.m., Monday through Saturday, excluding the federal holidays listed in 5 U.S.C. § 6103. For purposes of this definition, a day of the week or a holiday (e.g. Monday or Memorial Day) begins at 8 p.m. on that day and ends at 7 a.m. the following day.

Telematics system. The term "telematics system" means an integrated system of hardware and software that is capable of monitoring and recording data from GPS devices, vehicle dynamics systems, and engine performance systems and that is installed in a commercial waste vehicle, as required pursuant to 16 RCNY § 20-56.

Textiles. The term "textiles" means textiles that: (1) are source separated by a commercial establishment or (2) are required be source separated by a commercial establishment pursuant to 16 RCNY § 1-10.

Zero waste plan. The term "zero waste plan" means an awardee's plan describing practices to support waste reduction, reuse and recycling among commercial establishments, as set forth in the awardee's Agreement with the Department pursuant to § 16-1002 of the Administrative Code.

Zone awardee. The term "zone awardee" means an awardee that is authorized to provide commercial waste collection, removal and disposal service in a particular zone assigned to the awardee pursuant to an agreement with the Department entered into pursuant to § 16-1002 of the Administrative Code.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-02 Commercial waste zones.

- a. The geographic area of the city of New York shall be divided into 20 commercial waste zones as follows:

Zone name	Zone geographic area
Lower Manhattan	Community district 101
Manhattan Southwest	Community district 102
Manhattan Southeast	Community districts 103, 106

Midtown South	The geographic area of community district 105 south of 37th Street
Midtown North	The geographic area of community district 105 north of 37th Street
Manhattan West	Community districts 104, 107, and commercial establishments located on Central Park West
Manhattan Northeast	Community district 108, excluding Roosevelt Island, community district 111, and Central Park (Joint Interest Area 64), excluding commercial establishments located on Central Park West
Upper Manhattan	Community districts 109, 110, 112
Bronx West	Community districts 201, 203, 204, 205, 206, 207, 208, Van Cortlandt Park (Joint Interest Area 26), and Bronx Park (Joint Interest Area 27)
Bronx East	Community districts 202, 209, 210, 211, 212, and Pelham Bay Park (Joint Interest Area 28)
Brooklyn North	Community districts 301, 303, 304
Brooklyn West	Community districts 302, 306, 307
Brooklyn East	Community districts 305, 308, 309, 316, 317, 318, Prospect Park (Joint Interest Area 55), and Brooklyn Gateway National Recreation Area (Joint Interest Area 56)
Brooklyn Southwest	Community districts 310, 311, 312
Brooklyn South	Community districts 313, 314, 315
Queens West	Community districts 401, 402, and Roosevelt Island
Queens Central	Community districts 403, 404, 405, 406, LaGuardia Airport (Joint Interest Area 80), and Forest Park (Joint Interest Area 82)
Queens Northeast	Community districts 407, 408, 411, and Flushing Meadows-Corona Park (Joint Interest Area 81)
Queens Southeast	Community districts 409, 410, 412, 413, 414, JFK International Airport (Joint Interest Area 83), and Queens Gateway National Recreation Area (Joint Interest Area 84)
Staten Island	Community districts 501, 502, 503, and Staten Island Gateway National Recreation Area (Joint Interest Area 95)

(Added City Record 2/14/2020, eff. 3/15/2020)

§ 20-03 Fees.

The annual fee that each awardee must pay pursuant to § 16-1013 of the Administrative Code shall be:

- a. \$107,148.73 per zone award, and
- b. \$107,148.73 per citywide containerized commercial waste award.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

Subchapter B: Customer Service Requirements

§ 20-20 Service to Customers in a Commercial Waste Zone.

(a) (1) Each commercial establishment must enter into a written service agreement with a zone awardee selected by the Department for the zone in which the commercial establishment is located, and/or a containerized commercial waste awardee in accordance with subdivision (c) of this section, to provide all commercial waste collection, removal and disposal services for the commercial establishment. All such written service agreements must meet the requirements of 16 RCNY § 20-26 and must be entered into no later than the final implementation date for the zone in which the commercial establishment is located, as set forth in the rules of the Department.

(2) This subdivision does not apply to a commercial establishment registered by the Business Integrity Commission to haul its own commercial waste pursuant to subdivision (b) of § 16-505 of the Administrative Code operating pursuant to the terms of such registration.

(b) A commercial establishment must not enter into an agreement for the collection, removal or disposal of commercial waste with more than one zone awardee selected for the zone in which the commercial establishment is located at the same time under any circumstances.

(c) In lieu of or in addition to a contract with a zone awardee, a commercial establishment may contract with a containerized commercial waste awardee for the removal of containerized commercial waste, provided that the other requirements of this section have been met. If a commercial establishment's contract with a containerized commercial waste awardee does not cover the entirety of the commercial establishment's commercial waste, the commercial establishment must enter into an agreement with a zone awardee for collection, removal and disposal of the remainder of the commercial establishment's commercial waste, except that such establishment may not contract with more than one zone awardee, as provided in subdivision (b) of this section.

Example 1: Bob's Restaurant is located in the zone Bronx East. Bob's Restaurant selects Containerized Carting to perform containerized commercial waste collection services. Containerized Carting receives an award to collect containerized commercial waste citywide and is also selected as a zone awardee for zone Bronx East. If Bob's restaurant uses Containerized Carting for containerized collection services, Bob's restaurant is prohibited from selecting a different Bronx East zone awardee to collect non-containerized commercial waste because Containerized Carting is a zone awardee for zone Bronx East.

Example 2: Molly's Restaurant is located in the zone Queens Central. Molly's Restaurant is looking for containerized commercial waste collection services for refuse. None of the zone awardees in zone Queens Central were selected to collect containerized commercial waste citywide. Molly's Restaurant can hire Containerized Carting to provide containerized commercial waste collection service and may choose to select a Queens Central zone carter to provide non-containerized refuse and organics collection.

(d) If an awardee is authorized to operate as a containerized commercial waste awardee and a zone awardee in a given zone, such awardee must follow all requirements applicable to zone awardees set forth in Title 16-B of the Administrative Code and this title with respect to all customers in such zone.

(e) If a commercial establishment fails to enter into a written agreement with a zone awardee selected for the zone in which such commercial establishment is located or a containerized commercial waste awardee in accordance with the requirements of this section by the final implementation date for such zone, the Department will assign a zone carter to such commercial establishment and the processes and terms of service set forth in subdivision (e) of 16 RCNY § 20-26 shall apply.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-21 Rates.

- (a) (1) An awardee shall not charge or accept rates or fees for the collection, removal or disposal of commercial waste from a customer in a commercial waste zone above the

maximum rates and maximum fees for such zone as set forth in the agreement with the Department under which such awardee is operating pursuant to § 16-1002 of the Administrative Code and as provided in this section.

(2) Rates for collection of designated recyclable materials and source separated organic waste must be proportionally lower than rates for refuse collection services in the proportion set forth in the agreement between the awardee and the Department where such agreement includes such a proportion, except that if the awardee collects no amount of refuse from the customer, the rate for designated recyclable materials and source separated organics cannot exceed the maximum rate for such material set forth in such agreement.

(b) An awardee must not charge or accept rates or fees for the collection, removal or disposal of containerized commercial waste citywide above the maximum rates or fees for such service as set forth in the agreement with the Department under which such awardee is operating pursuant to § 16-1002 of the Administrative Code and as provided in this section. Paragraph (2) of subdivision (a) of this section shall apply to the collection, removal or disposal of containerized waste citywide only where such agreement also provides for the collection of designated recyclable materials or source separated organic waste.

(c) (1) An awardee must only charge a customer in accordance with the pricing structure set forth in the agreement with the Department pursuant to which such awardee is operating. Such pricing structure must reflect the following pricing structure:

- (i) A separately itemized charge based on frequency of collection by waste stream: refuse, designated recyclable materials and source separated organic waste; and
- (ii) A separately itemized charge based on weight or volume of waste collected by waste stream: refuse, designated recyclable materials and source separated organic waste.

An awardee must not charge any additional fees, except as provided in paragraph (2) of this subdivision.

(2) An awardee may impose fees only for the following:

- (i) Cleaning containers or compactors;
- (ii) Delivery, replacement or removal of carts or containers;
- (iii) Rental of compactors or roll-off containers;

NOTE: Rental fees for containers or dumpsters other than compactors and roll-offs are prohibited by Administrative Code § 16-1002(c)(2);

- (iv) Rental of equipment other than containers/dumpsters;
- (v)* Collection service that requires entry inside the building, other than service in and out of a loading dock;
- (v)* A requested pick-up outside of standard service hours;

* **Editor's note:** There are two subsections designated as (v).

- (vi) A requested pick-up time within a window of less than two hours where a pick-up window is specified in the agreement;
- (vii) A return rate, if an awardee must return to provide service based on a customer created condition, after following all applicable procedures set forth in 16 RCNY § 20-24;
- (viii) Overfilled containers, after following all applicable procedures set forth in 16 RCNY § 20-24;
- (ix) Designated recyclable materials or source separated organic waste with contamination of at least 10 percent, after following all applicable procedures set forth in 16 RCNY § 20-24;

- (x) If a driver has to wait due to a customer created delay in excess of 15 minutes, documented with GPS technology;
- (xi) Late payment;
- (xii) Insufficient funds, including but not limited to a bounced check or an electronic transfer that fails due to insufficient funds in the customer's account;
- (xiii) Payment made by credit card if the following conditions are met:
 - (A) The fee must not exceed 3% of the amount charged for services; and
 - (B) The awardee must offer an alternate form of electronic payment, such as direct bank to bank transfer, with no added fee for the customer;
- (xiv) Commercial waste generation audit services in accordance with the awardee's Zero Waste Plan; and

(xiv) Any other fees approved by the Department in accordance with the procedures set forth in the awardee's agreement with the Department pursuant to which the awardee is operating.

(d) (1) In addition to any automatic rate adjustments set forth in the agreement with the Department pursuant to which such awardee is operating, entered into pursuant to § 16-1002 of the Administrative Code, an awardee may petition the Department for an adjustment to the maximum rates (including any maximum fee amounts) set forth in such agreement in accordance with this subdivision. Such petition shall be made in a form and format prescribed by the Department. No later than 60 days after the submission of such petition, the Department shall either deny such petition in writing, along with a description of the reason for such denial, or commence with a public hearing on such petition in accordance with the procedures described in this subdivision. Such decision shall be within the discretion of the Department.

(2) Upon petition of an awardee in accordance with paragraph (1) of this subdivision, or upon its own initiative, the Department may hold a public hearing on the maximum rates (inclusive of any maximum fee amounts) charged by one or more awardees for the collection, removal or disposal of commercial waste as set forth in the agreement or agreements with the Department entered into pursuant to § 16-1002 of the Administrative Code by such awardee or awardees. At least 30 days prior to the public hearing, the Department will publish the date, time and location of the public hearing in the City Record and on the Department website. At the hearing, any member of the public may submit oral or written testimony regarding whether the maximum rates should be changed. The proponent of the rate change shall bear the burden of demonstrating, on an individual, zone or industry-wide basis, that existing rates do not allow for a fair and reasonable return to such awardee or awardees or are otherwise inconsistent with the purposes of Title 16-B of the Administrative Code.

(3) In determining whether the maximum rates charged by one or more awardees for the collection, removal or disposal of commercial waste will be adjusted, the Department shall not be limited to evidence provided pursuant to paragraph (2) of this subdivision, and may request additional information from the proponent of the rate change, and may consider any relevant factor affecting the commercial waste industry or its customers, including but not limited to:

(i) Available data on the commercial waste industry, including but not limited to any material change in: operating revenues (overall revenues); regulated service operating revenues (revenue generated from waste removal services associated with the rate-regulated portion of a business) by waste stream; operating expenses; regulated operating expenses by waste stream; and total regulated waste tonnage disposed;

(ii) Any material change to waste disposal capacity or infrastructure; and

(iii) Any other factor that may be relevant to assessing a fair and reasonable return to the awardee or awardees, promoting the protection of customers from excessive or unreasonable charges, and promoting the purposes of Title 16-B of the Administrative Code.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-22 Denial of Service Prohibited; Termination; Suspension of Service.

(a) *General prohibition; minimum level of service.*

(1) An awardee may not deny, suspend, or terminate commercial waste collection service to any commercial establishment within a zone for which the awardee has been awarded an agreement, except as otherwise provided in this section and as set forth in the agreement between the awardee and the Department pursuant to § 16-1002 of the Administrative Code.

(2) An awardee must offer to each commercial establishment within a zone for which the awardee has been awarded an agreement including the following minimum level of service:

- (i) At least two days of refuse collection per week;
- (ii) At least one day of designated recyclable materials collection per week; and
- (iii) If the commercial establishment is a designated covered establishment, at least one day of source separated organics collection per week.

(3) Nothing in this subdivision shall prevent a commercial establishment and an awardee from mutually agreeing on terms of service that include less frequent or more frequent collection than the minimum level of service described in paragraph (2) of this subdivision.

(b) *Suspension or termination of service for non-payment.*

(1) An awardee may suspend or terminate commercial waste collection service to a commercial establishment within a zone for which the awardee has been awarded an agreement if the commercial establishment is a current customer and owes full or partial payment to the awardee for services rendered for more than 45 days and the awardee has followed the procedures set forth in this subdivision.

(2) When a current customer has failed to pay the full amount due for 30 days, the awardee must notify the customer in writing that the account is past due, and that nonpayment may result in service suspension or termination, including the timeframe when such suspension or termination may occur.

(3) After at least 45 days of non-payment, the awardee may suspend or terminate service by notifying the customer by certified mail of such suspension or termination and the reason therefor. Such notice shall state that the customer may seek Department review of the awardee's decision to suspend or terminate service by submitting such request to the Department in writing no later than 120 days after receipt of such notice, along with evidence that service should not be suspended or terminated, and a copy of the postmarked certified mail receipt. The customer must also send a copy of such review request to the awardee.

(4) The Department will review each customer request for Department review and may ask either party to provide additional information necessary to make a determination. The Department will issue a final determination within 30 days of receipt of such request, unless such additional information is requested from either party, in which case the Department shall notify the parties of its determination within a reasonable timeframe. The awardee is under no obligation to provide service pending such review. If the awardee continues to provide service, any late fees set forth in the awardee's customer service agreement with the customer shall continue to accrue while such service is being provided in accordance with such agreement.

(c) *Denial, suspension or termination for other allowable reasons.*

(1) Except in authorized cases of non-payment as described in subdivision b, an awardee may only deny, suspend, or terminate commercial waste collection service to a commercial establishment within a zone for which the awardee has been awarded an agreement after prior approval by the Department in accordance with this section.

(2) The Department will only grant approval pursuant to this subdivision if the awardee has followed the procedures set forth in this subdivision and demonstrates to the satisfaction of the Department one or more of the following:

(i) The commercial establishment has set out commercial waste in a form or manner that presents a direct health or safety threat to employees of the designated carter or to the public;

(ii) The commercial establishment has caused substantial damage to property of the awardee or its designated carter;

(iii) Provision of service to the commercial establishment would jeopardize the awardee's ability to meet the requirements of the awardee's agreement with the Department pursuant to § 16-1002 of the Administrative Code; or

(iv) The awardee has other good cause for denial, suspension or termination of service, consistent with the purposes of Title 16-B of the Administrative Code.

(3) An awardee may seek denial, suspension or termination of service by notifying the commercial establishment by certified mail of its intention to deny, suspend or terminate service and informing the commercial establishment of the reason therefor. Such notice shall state that no later than 30 days after the postmark date on such notice, the commercial establishment may submit evidence to the Department demonstrating that circumstances described in paragraph (2) of subdivision (b) of this section have not occurred or other evidence that service should not be denied, suspended or terminated, along with a copy of the postmarked certified mail receipt of such notice.

(4) The awardee must provide a copy of the notice described in paragraph (1) of this subdivision to the Department along with evidence that circumstances described in paragraph (2) of this subdivision have occurred. In the case of subparagraphs (i) and (ii) of paragraph (2), the awardee shall provide photographic documentation where feasible. In all other instances, such evidence may include but need not be limited to photographic or video evidence, invoices, insurance reports, or police reports. The Department may ask either party to provide additional information necessary to make a determination.

(5) The Department shall notify the awardee and the commercial establishment of its determination regarding whether the awardee's request for approval for denial, suspension or termination of service has been granted no later than 45 days after receipt of a copy of the notice described in paragraph (4) of this subdivision, unless additional information is requested by the Department from either party, in which case the Department shall notify the parties of its determination within a reasonable timeframe. Within 15 days of receipt of such determination, either party may appeal such determination in writing to the Commissioner.

(6) If the commercial establishment is a current customer, the awardee must continue providing service to such customer until a final determination by the Department has been made.

(d) Nothing in this section shall preclude the awardee from seeking to enforce the terms of its agreement with a customer, including but not limited to terms governing damages or other remedies for breach of contract.

(e) Nothing in this section shall be construed to alter, amend or negate any obligation of the awardee to provide service to any commercial establishment in accordance with the terms of the agreement between the awardee and the Department entered into pursuant to § 16-1002 of the Administrative Code.

(f) A written contract for the removal, collection, or disposal of commercial waste that contains no provision regarding duration shall be terminable at will by the customer.

(g) (1) Subdivisions (a) through (c) of this section shall not apply to containerized commercial waste awardees providing collection, removal or disposal of containerized commercial waste in accordance with an agreement with the Department to provide such containerized commercial waste collection, removal and disposal service citywide pursuant to § 16-1002 of the Administrative Code.

(2) An awardee providing containerized commercial waste collection, removal or disposal service citywide in accordance with such an agreement with the Department must not suspend or terminate such service to a customer unless at least 14 days' written notice to the customer is given. No contract for the removal, collection, or disposal of containerized commercial waste shall provide that an awardee may suspend or terminate service upon shorter notice.

(h) If a customer's service is suspended or terminated, the awardee shall provide written notification to the Department within 24 hours and shall include in this notification the customer name and address, reason for suspension or termination, and any unresolved customer complaints.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-23 Non-Collection of Commercial Waste.

(a) If a designated carter is precluded from collecting a customer's commercial waste on a particular day, due to a severe weather event, street closure, or other emergency as determined by the Department, the designated carter must return to collect the commercial waste on the next business day when access to the premises is possible, or as otherwise agreed upon between the awardee and the customer. In such a case, the awardee must notify such customer no less than two hours after becoming aware of the situation that collection on the scheduled day is not possible, the reason therefor, and the awardee's expected timeframe for collecting the customer's waste.

(b) Except as provided in subdivision (a), an awardee and its designated carters may only refuse to collect commercial waste from a customer set out on a particular day, resulting in the non-collection of commercial waste, in the following circumstances:

(1) Overfilled containers;

(2) Designated recyclable materials or source separated organic waste with contamination of at least 10 percent;

(3) The bag or container cannot be safely lifted, container contents will not empty after tipping, and/or bags or containers are blocked or inaccessible for reasons other than those described in subdivision (a) of this section;

(4) Bags or containers set out for collection contain non-commercial waste not otherwise agreed upon by the customer and the awardee; or

(5) The customer has otherwise set out commercial waste in a form or manner that presents a direct health or safety threat to employees of the designated carter or to the public.

(c) Before refusing to collect commercial waste from a customer set out on a particular day in any of the circumstances described in subdivision (b) of this section, the awardee must ensure that all applicable procedures described in 16 RCNY § 20-24 are followed, and the awardee must continue to provide commercial waste collection service at the customer's next scheduled pick-up in accordance with the awardee's agreement with the customer, except as otherwise provided in 16 RCNY § 20-22.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-24 Overfilled Containers, Contamination, Infeasible Collection and Other Non-Conforming Material; Procedures for Fees and Non-Collection.

(a) Before imposing fees pursuant to subparagraphs (vii) through (ix) of paragraph (2) of subdivision (c) of 16 RCNY § 20-21 or refusing to collect commercial waste from a customer on a particular day pursuant to subdivision (b) of 16 RCNY § 20-23, an awardee and its designated carters must follow the procedures described in this section. Nothing in this section shall be construed to require an awardee to impose a fee or to refuse to collect any material.

(b) Overfilled containers.

(1) *First instance within a 12-month period:* The designated carter must take a photograph of the overfilled container, collect the material, and leave a written notice approved by the Department informing the customer that: (i) the material collected was overfilled; (ii) if containers are overfilled in the future, the awardee may charge the customer applicable fees or may choose not to collect such container; and (iii) the amount of such fees. Nothing in this section shall be construed to require collection where such collection is infeasible because a customer sets out a bag or container that cannot be safely lifted or in a form or manner that otherwise presents a direct health or safety threat to employees of the designated carter or to the public, as provided in subdivision (d) of this section.

(2) *Second and subsequent instances within a 12-month period:* The designated carter must take a photograph of the overfilled container. The awardee may elect to collect the material and impose a fee in the customer's next monthly bill or, as an alternative, may choose not to collect the material. If the awardee chooses not to collect the material, the designated carter must affix a written non-collection notice approved by the Department to the uncollected container. At a minimum, such notice must provide the following information: (i) the awardee's reason for not collecting the material; (ii) information that will allow the customer to correct the problem; and (iii) the awardee's telephone number for any further questions. If the awardee fails to document the reasons for not collecting the material on that day, the refusal to collect will be treated as a missed collection.

(c) Designated recyclable materials or source separated organic waste with contamination of at least 10 percent.

(1) *First instance within a 12-month period:* If the designated carter determines by visual inspection that a bag or container of designated recyclable materials or source separated organic waste is at least 10 percent contaminated, the designated carter must take a photograph of the contaminated bag or container, collect the material, and leave a written notice approved by the Department informing the customer that: (i) the material collected was contaminated; (ii) if bags or containers are contaminated in the future, the awardee may charge the customer applicable fees or may choose not to collect such bag or container; and (iii) the amount of such fees. The awardee must also include information with the customer's next monthly bill regarding the City's recycling and organics requirements, recommended corrective action, and where the customer can find more information on the subject.

(2) *Second and subsequent instances within a 12-month period:* If the designated carter determines by visual inspection that a bag or container of designated recyclable materials or source separated organic waste is at least 10 percent contaminated, the designated carter must take a photograph of the contaminated bag or container. The awardee may elect to collect the material and impose a fee in the customer's next monthly bill or, as an alternative, may choose not to collect the material. If the awardee chooses not to collect the material, the designated carter must affix a written non-collection notice approved by the Department to the uncollected bag or container. At a minimum, such notice must provide the following information: (i) the awardee's reason for not collecting the material; (ii) information that will allow the customer to correct the problem; and (iii) the awardee's telephone number for any further questions. If the designated carter fails to document the reasons for not collecting the material on that day, the refusal to collect will be treated as a missed collection.

(d) Infeasible collection.

(1) If collection is infeasible because: (i) a customer sets out a bag or container that cannot be safely lifted or in a form or manner that otherwise presents a direct health or safety threat to employees of the designated carter or to the public; (ii) the container contents will not empty after tipping; or (iii) the bags or containers are blocked or inaccessible at the scheduled time of collection, the designated carter must take a photograph or otherwise document the reason why collection is infeasible.

(2) The designated carter must provide the customer with a written non-collection notice approved by the Department. At a minimum, such notice must provide the following information: (i) reason for not collecting the material; (ii) information that will allow the customer to correct the problem; and (iii) the awardee's telephone number for any further questions. If possible, the designated carter must affix such notice to the uncollected bag or container. If physically affixing such notice to the bag or container is not feasible, the designated carter must leave the notice at the customer's physical address. If the designated carter fails to document the reasons for not collecting the material on that day, the refusal to collect will be treated as a missed collection.

(3) If the awardee and customer agree that the designated carter will return at a different time to provide collection service after the condition has been corrected, the awardee may impose a fee in the customer's next monthly bill for the return pick-up, provided that the procedures described in this subdivision have been followed, including photo documentation of the reason why collection was infeasible at the first attempt.

(e) Non-commercial waste and other non-conforming waste.

(1) If the customer sets out a bag or container that contains non-commercial waste not otherwise agreed upon by the customer and the awardee, the awardee may choose not to collect the material. In such a case, the designated carter must take a photograph of the non-commercial waste and affix a written non-collection notice approved by the Department to the uncollected bag or container. At a minimum, such notice must provide the following information: (i) the awardee's reason for not collecting the material; (ii) information that will allow the customer to correct the problem; and (iii) the awardee's telephone number for any further questions. If the designated carter fails to document the reasons for not collecting the material on that day, the refusal to collect will be treated as a missed collection.

(2) If the awardee believes a customer is depositing hazardous, radioactive, medical, or e-waste for collection, the awardee must immediately notify the Department in addition to following the procedures in paragraph (1) of this subdivision. If the generator of such waste is unknown, the awardee must work with the City to identify the generator of such waste.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-25 Customer Service Plan.

(a) An awardee must establish and maintain a customer service plan in accordance with this section and the terms of its agreement with the Department pursuant to § 16-1002 of the Administrative Code. The awardee must comply with the terms of such customer service plan.

(b) Such customer service plan must include, at a minimum, a description of:

(1) Customer service support tools, including but not limited to: a dedicated phone line for receiving customer inquiries, service requests and complaints, which must be actively staffed during normal business hours and have the capability for receiving messages 24 hours a day, seven days a week;

(2) A company website, which must contain information regarding the awardee's name, office address, e-mail address, the customer phone number described in paragraph (1) of this subdivision, the maximum rates that the awardee is authorized to charge pursuant to the agreement entered into with the Department pursuant to § 16-1002, instructions for requesting initial service, and instructions for making customer complaints and service requests;

(3) A protocol for promptly addressing customer service requests and complaints;

(4) Performance metrics or other methods of measuring customer service, including but not limited to a process for tracking customer service requests and complaints and the awardee's response times for addressing such requests and complaints;

(5) Customer service standards, including but not limited to hours of operation and emergency contact protocols;

(6) The awardee's plan for addressing the language access needs of customers in the zone, including but not limited to an assessment of the primary languages spoken by customers in the zone and a description of the specific tools used to provide quality customer service to customers with limited English proficiency; and

(7) A process for customers to contest invoices, request changes to level of service provided, and request changes to costs for service based on changes in amount of waste generated by the customer; and

(8) The awardee's plans, if any, for the set-out of commercial waste in a manner that promotes the City's goals of improving cleanliness, rodent mitigation, order and safety on City sidewalks.

(c) If a customer submits a missed collection complaint, the designated carter must return to the premises and collect the commercial waste that was missed within 12 hours of receiving such complaint, unless:

(1) the awardee has elected non-collection of the commercial waste for reasons authorized in 16 RCNY § 20-23 and in accordance with the applicable procedures described in 16 RCNY § 20-24, or

(2) the awardee otherwise resolves the customer complaint in a manner agreed upon between the customer and the awardee.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-26 Written service agreement.

(a) An awardee must enter into a written contract with each customer for the collection, removal, or disposal of commercial waste in accordance with the requirements of this section. Such written contract must comply with the applicable requirements of Titles 16-A and 16-B of the Administrative Code and the applicable rules promulgated pursuant to such titles, all other applicable laws, and the terms of the agreement between the awardee and the Department under which the awardee is operating.

(b) A contract between an awardee and a customer for the collection, removal or disposal of commercial waste shall:

(1) Describe the following:

- (i) Rates, including a clear description of any applicable fees that might be imposed pursuant to paragraph (2) of subdivision (c) of 16 RCNY § 20-21;
- (ii) Customer and awardee responsibilities;
- (iii) For each waste stream: pick-up frequency and estimated pick-up time for each collection, and where agreed upon by the parties, a prescribed pick-up window; and
- (iv) Dispute resolution protocols.

(2) State the estimated volume or weight of designated recyclable materials and the estimated volume or weight of source separated organic waste, if any, to be collected from such customer and transported pursuant to 16 RCNY §§ 20-31 and 20-32;

(3) Not extend beyond the last date the awardee is authorized to operate in the zone in which the customer is located under the awardee's agreement with the Department entered into pursuant to § 16-1002 of the Administrative Code;

(4) Provide that the awardee must remove the customer's commercial waste from the location designated by the customer, provided that such location is consistent with all applicable laws, rules and regulations;

(5) Provide for not less than 14 days' written notice by the awardee if the awardee seeks to raise rates charged to a customer;

(6) Provide for not less than 7 days' written notice by the awardee if the awardee seeks to change pick-up times, except in unforeseen circumstances;

(7) Provide that the awardee must comply with Titles 16-A and 16-B of the Administrative Code and any rules promulgated pursuant thereto and all other applicable laws, rules and regulations; and

(8) Provide the method by which the awardee will provide the customer with all applicable notices required pursuant to this chapter. Except where otherwise specifically provided by this chapter, such notices may be in the form of paper or electronic communication, as long as the recordkeeping requirements of this chapter and as set forth in the Agreement with the Department are met.

(c) (1) A standard contract form that an awardee proposes to use with its customers must be submitted to the Department within 60 days of entering into an agreement with the Department pursuant to § 16-1002 of the Administrative Code. An awardee must submit any subsequent changes in the standard contract to the Department 30 days prior to implementing such change. The Department will perform a legal review of each awardee's standard contract and may require changes to such standard contract form prior to its use by the awardee pursuant to the procedures described in such agreement with the Department.

(2) Nothing in this subdivision shall be construed to prevent an awardee and a customer from negotiating terms at variance with the standard contract, except that an awardee must not vary such contract in any manner inconsistent with Title 16-A of the Administrative Code and any rules promulgated thereunder or Title 16-B of the Administrative Code and any rules promulgated thereunder.

(d) Prior to commencement of service, an awardee must prepare a written contract that clearly and legibly sets forth the terms and conditions of the agreement negotiated by the awardee and the customer and deliver such contract to the customer. Such contract must provide that it shall be effective only upon being dated and signed by the awardee and the customer's owner or authorized representative and that a change of any term or condition of such contract must be made in writing, dated, and signed by both the awardee and the customer's owner or authorized representative before such term or condition takes effect. One copy of such signed and dated contract and a copy of any signed and dated amendments must be provided to the customer's owner or authorized representative by the awardee.

(e) (1) If a customer has been assigned to the awardee by the Department pursuant to paragraph (4) of subdivision (e) of § 16-1002 of the Administrative Code or rules promulgated pursuant to such section, the standard contract that the awardee has submitted to the Department pursuant to subdivision (c) of this section shall be deemed to be in effect, and the awardee shall provide commercial waste collection service at the level of service described in paragraph (2) of subdivision (a) of 16 RCNY § 20-22 at the maximum rates the awardee is authorized to charge pursuant to the awardee's agreement with the Department pursuant to § 16-1002 of the Administrative Code, unless and until such customer and such awardee negotiate alternative terms by following the procedures in subdivision (d) of this section or the customer selects a different awardee pursuant to paragraph (4) of subdivision (e) of § 16-1002.

(2) Upon notification by the Department that it has been assigned a customer by the Department pursuant to paragraph (4) of subdivision (e) of § 16-1002 of the Administrative Code or other applicable law, the awardee shall mail the awardee's standard contract to such customer by certified mail, retain the signed returned postal receipt during the duration of service to the customer, and make available to the Department upon its request a copy of such contract and such return receipt, unless and until such customer and such awardee negotiate alternative terms by following the procedures in subdivision (d) of this section.

(f) An awardee must comply with the service and other terms set forth in such contract with the customer, including the agreed-upon frequency and schedule for the collection of commercial waste. Such schedule must not be altered without the written agreement of the customer's owner or authorized representative.

(g) No contract or contract amendment shall provide that the awardee is exempt from liability for damage caused by its negligence or the negligence of any of its agents.

(h) A contract that does not meet the requirements of federal, state or local law is voidable by either party.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-27 Billing and payment.

(a) An awardee must provide a consolidated bill, statement, or invoice at least once every month to every customer. Such bill, statement or invoice may be provided electronically, unless the customer requests a paper version. Such bill, statement or invoice must include all costs for services provided, including if an awardee uses one or more subcontractors to provide services to the customer. Such bill, statement, or invoice must conspicuously contain all of the following:

(1) The awardee's name, address, telephone number, and Business Integrity Commission license number;

(2) The customer's name and complete address;

(3) The maximum rates the awardee is authorized to charge such customer pursuant to the awardee's agreement with the Department entered into pursuant to § 16-1002 of the Administrative Code with a statement indicating that the rates so identified are maximum legal rates and that lower rates may be lawfully charged;

(4) The negotiated rate on which the bill, statement, or invoice is based, broken down into the component parts of such rate, including the rates based on frequency of collection of refuse, designated recyclable materials and source separated organic waste, if applicable, and the rates based on volume or weight of refuse, designated recyclable materials and source separated organic waste collected, if applicable;

(5) A notice to customers as follows: "NOTICE TO CUSTOMERS – The maximum rates that may be charged by your commercial waste removal business are regulated by the New York City Department of Sanitation. If you should have a question or a complaint concerning commercial waste removal, contact the New York City Department of Sanitation";

(6) An itemized list of actual charges being imposed detailing:

(i) The number of weekly pick-ups of each waste stream;

(ii) The weight or volume of refuse, designated recyclable materials and source separated organic waste, if any, removed, and the charge for such weight or volume of such waste, broken down by waste stream, or, where the customer is being charged on a "flat" or "average" billing rate, the estimated volume or weight of refuse, designated recyclable materials and source separated organic waste, if any, removed, and the charge for such estimated weight or volume of such waste, broken down by waste stream, along with a statement as to the method by which the estimated volume or weight was determined; and

(iii) Any additional charges or fees imposed; and

(7) a separate statement of sales tax collected.

(b) Such bill, statement or invoice must be on a form approved by the Department.

- (c) (1) An awardee may only accept cash payments from a customer for the collection, removal, or disposal of commercial waste:
- (i) At the awardee's primary office location or primary garage for storing commercial waste vehicles; or
 - (ii) At a customer service location that has been approved by the Department.
- (2) Under no circumstances may an awardee accept cash payments for such services at the customer's business location.
- (3) An awardee must provide a receipt to the customer for all cash payments.
- (4) An awardee may not charge a customer any additional fees or charges for processing or accepting non-cash payments for commercial waste collection, removal or disposal services, except as authorized pursuant to subparagraph (xiii) of paragraph (2) of subdivision (c) of 16 RCNY § 20-21.
- (d) An awardee may not charge new or existing customers for payments not collected from other customers.
- (e) The awardee shall not assess new customers for payments owed from a previous customer. The awardee shall not charge existing customers in full or in part for payments owed from other customers.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-28 Notifications.

- (a) An awardee must provide each customer with such informational notices as the Department shall require throughout the term of service.
- (b) An awardee must comply with the notification protocols described in the awardee's zero waste plan for notifying the customer of significant designated recyclable material content in refuse and providing recommendations for compliance with the City's recycling requirements and diversion of designated recyclable materials, in accordance with 16 RCNY § 20-33.
- (c) On a monthly basis, an awardee must provide the Department with the following information for the previous month, in the form specified by the Department:
- (1) Any non-collections and the reasons therefor;
 - (2) Any additional fees imposed and the reasons therefor; and
 - (3) A list of customers to which the awardee or any of its designated carters provided notifications of significant designated recyclable material content in refuse pursuant to subdivision (b) of this section.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-29 Commercial Waste Generation Audits

An awardee must provide to its customers commercial waste generation audit services and/or reimbursement for commercial waste generation audits by a third party in accordance with the requirements of the awardee's Zero Waste Plan.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

Subchapter C: Operations; Delivery of Service

§ 20-30 Restrictions on Operation in Multiple Zones.

- (a) For purposes of this section, the term "collection route" means a trip by a commercial waste vehicle that: (i) begins at either the garage or yard where such commercial waste vehicle is parked while not in use, or at a waste transfer station, processing facility or other location where waste is dumped from such commercial waste vehicle; (ii) includes pick-ups of commercial waste from customers; and (iii) terminates either at such garage or yard, or with the delivery of such commercial waste to such a waste transfer station, processing facility or other location where such waste is dumped.
- (b) An awardee may only provide commercial waste collection, removal or disposal service to a customer located in a zone in which the awardee is authorized to operate pursuant to an agreement with the Department entered into pursuant to § 16-1002 of the Administrative Code.
- (c) If an awardee is authorized to operate in more than one zone pursuant to an agreement with the Department entered into pursuant to § 16-1002 of the Administrative Code, neither the awardee nor any of the awardee's designated carters shall operate a collection route with pick-ups of commercial waste from customers in more than one zone, except as provided in subdivision (d).
- (d) Subdivision (c) of this section does not apply to an awardee authorized to operate in more than one zone pursuant to an agreement with the Department entered into pursuant to § 16-1002 where:
- (1) The awardee is providing commercial waste collection, removal or disposal service outside of standard service hours;
 - (2) The awardee is collecting, removing or disposing of source separated organic waste, and such awardee's agreement with the Department entered into pursuant to § 16-1002 of the Administrative Code provides that subdivision (c) of this section does not apply to such collection, removal or disposal; or
 - (3) The awardee has received prior written approval from the Department to provide service without following the requirements of subdivision (c) in specific circumstances that further the purposes of Title 16-B of the Administrative Code, provided that such awardee is operating in accordance with the terms of such approval.
- (e) This section does not apply to the collection, removal or disposal of containerized waste provided in accordance with an agreement with the Department entered into pursuant to § 16-1002 of the Administrative Code that authorizes such collection, removal or disposal of containerized commercial waste to be performed citywide.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-31 Recycling Requirements for Awardees.

- (a) *Recycling collection required.*
- (1) An awardee must provide designated recyclable materials collection service to any customer of the awardee, unless such customer is not required to arrange with a private carter for the collection of designated recyclable materials pursuant to 16 RCNY § 1-10 and § 16-306 of the Administrative Code.
- (2) This subdivision shall only apply to the collection of containerized commercial waste citywide where the agreement between the awardee and the Department so provides.
- (b) *Designated carters required to recycle.* When collecting or transporting designated recyclable materials that have been source-separated as required by subdivision (b) of § 1-10 of this title or materials that have been commingled pursuant to subdivision (c) of 16 RCNY § 1-10 and paragraph (2) of subdivision (c) of this section, a designated carter must transport such materials to putrescible or non-putrescible transfer stations or other facilities that accept such materials for recycling, reuse or sale for reuse. Such designated carter shall not bring such materials for disposal, or cause such materials to be brought for disposal, to any solid waste disposal facility, whether or not such disposal facility is operated by the Department, except in an amount that could not have been detected through reasonable inspection efforts by the designated carter.
- (c) *Collection restrictions for designated recyclable materials.*
- (1) Waste that has been source-separated for recycling by the customer.
 - (i) A designated carter collecting materials that have been source-separated by the customer may not commingle in the same vehicle compartment any of the following: (1) designated recyclable paper, (2) designated recyclable metal, glass, and plastic, (3) yard waste, (4) textiles, (5) construction and demolition debris, (6) organic waste, (7) any other materials that have special collection requirements pursuant to applicable local, state or federal law, or (8) other solid waste.
 - (ii) Designated recyclable metal, glass and plastic may be commingled together, but may not be commingled in the same vehicle compartment with designated recyclable paper unless such materials are collected using single stream collection of recyclables pursuant to paragraph (2) of this subdivision.

(2) Commingling of certain designated recyclable materials. A designated carter may only collect waste consisting of designated metal, glass, and plastic commingled with designated recyclable paper if such designated carter is operating pursuant to an agreement between an awardee and the Department that authorizes such designated carter to use single stream collection of recyclables. The Department will only authorize use of single stream collection of recyclables where the awardee has demonstrated through its waste management plan, submitted pursuant to paragraph 5 of subdivision b of § 16-1002 of the Administrative Code, that the awardee intends to tip the commingled metal glass plastic and paper at a facility that has the capability to sort such commodities appropriately into separate, marketable commodity streams.

(d) *Notice to customer.* Upon request by a customer, an awardee must inform such customer of the location where such awardee transported such customer's designated recyclable materials for recycling, reuse or sale for reuse.

(e) *Signage.* Upon request by a customer, an awardee must provide such customer with all signage and decals that the customer is required to post pursuant to 16 RCNY § 1-10, in a form and format approved by the Department.

(f) *Penalties.* Any person who violates any provision of this section will be liable for civil penalties provided for under paragraph (1) of subdivision (b) of § 16-1015 of the Administrative Code. Paragraph (1) of subdivision (b) of § 16-1015 provides for a civil penalty in the amount of \$2,500 for the first violation, and, for subsequent violations that occur within a two-year period of any previous violation, \$5,000 for the second violation and \$10,000 for any subsequent violation.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-32 Collection of Organic Waste That Has Been Source-Separated.

(a) *Organics collection required.*

(1) An awardee must provide organic waste collection services to any customer that is a designated covered establishment pursuant to subdivision b of § 16-306.1 of the Administrative Code and that has elected collection by a private carter of organic waste pursuant to subdivision c of such section.

(2) An awardee must offer organic waste collection services to any customer that is not a designated covered establishment pursuant to subdivision b of § 16-306.1 in accordance with the terms of the agreement entered into between such awardee and the Department pursuant to § 16-1002 of the Administrative Code.

(3) This subdivision shall only apply to the collection of containerized commercial waste citywide where the agreement between the awardee and the Department so provides.

(b) *No commingling of organic waste.* Organic waste shall not be commingled with any other solid waste and shall not be collected in the same truck compartment as other solid waste.

(c) *Collection restrictions for source separated organic waste.* Any source separated organic waste collected by a designated carter from a customer must be delivered by such designated carter either:

(1) directly to an organic waste processing facility for purposes of composting, aerobic digestion or anaerobic digestion; or

(2) to a putrescible transfer station that: (i) is authorized by the New York State Department of Environmental Conservation and the Department to handle source separated organic waste or is otherwise in compliance with all applicable state and local permitting requirements regarding handling of source separated organic waste, and (ii) has represented to the awardee that it will deliver such organic waste to an organic waste processing facility for purposes of composting, aerobic digestion or anaerobic digestion.

(d) *Delivery of organic waste for other uses.*

(1) For purposes of this subdivision, the term "organic waste" has the same meaning as set forth in § 16-303 of the Administrative Code.

(2) Notwithstanding any other provision of this section, a designated carter that collects organic waste from a customer may deliver such waste to:

(i) A farm or other facility for purposes of feeding animals; or

(ii) Upon approval by the Department, any other third party, for biological, chemical or mechanical processing of such waste for the production of a commodity, material or other product that has value.

(3) In no event shall a designated carter deliver organic waste to a third party to be incinerated or otherwise cause organic waste to be incinerated.

(4) No organic waste shall be collected by a designated carter from a customer that has source separated such waste, except as authorized in this section.

(5) Nothing in this section shall preclude an awardee or any of its designated carters from collecting or facilitating the collection of edible food from a customer for delivery to a food bank, soup kitchen or other entity for purposes of feeding people, provided all applicable health, safety and legal requirements are met.

(e) *Signage.* Upon request by a customer, an awardee must provide such customer with all signage and decals that the customer is required to post pursuant to 16 RCNY § 1-11, in a form and format approved by the Department.

(f) *Penalties.* Any person who violates any provision of this section will be liable for civil penalties provided for under paragraph (1) of subdivision (b) of § 16-1015 of the Administrative Code. Paragraph (1) of subdivision (b) of § 16-1015 provides for a civil penalty in the amount of \$2,500 for the first violation, and, for subsequent violations that occur within a two-year period of any previous violation, \$5,000 for the second violation and \$10,000 for any subsequent violation.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-33 Zero Waste Plan.

Each awardee and its designated carters must comply with the terms of the awardee's zero waste plan. Such plan must, at a minimum:

Detail the awardee's practices to support waste reduction, reuse and recycling among commercial establishments within the zone or zones covered by the Agreement with the Department under which the awardee is operating, including but not limited to partnerships with local organizations, waste reduction or diversion targets, customer outreach and education or other practices to further such goals;

Detail how the awardee will work with customers to promote compliance with the City's recycling laws and rules, increase the amount and quality of designated recyclable material diverted from the refuse stream, and increase overall diversion through waste reduction, reuse and recycling;

Include a protocol for notifying a customer of significant designated recyclable material content in the customer's refuse and recommending to the customer steps to improve compliance with the City's recycling requirements and to increase diversion of designated recyclable material from the refuse stream;

Include plans for offering organics collection services to a broad range of establishments within the zone, including the awardee's specific plans for providing organic waste collection services to customers that are not designated covered establishments pursuant to § 16-306.1(b) of the Administrative Code in accordance with the requirements of § 16-1002(c)(5) of such code; and include a plan to provide commercial waste generation audit services to customers and/or reimbursement to customers for commercial waste generation audits performed by a third party, including but not limited to:

A description of whether the awardee will contract directly with a third party waste audit company or offer reimbursement to customers;

The awardee's prices for third party waste audit services and/or reimbursement rates for such services;

How the awardee will promote access to commercial waste generation audit services to a broad range of commercial establishments including small businesses, in the zone or zones covered by the Agreement with the Department under which the awardee is operating; and

Specific methods, if any, of utilizing commercial waste generation audit services to support the Department's zero waste goals.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-34 Commercial Waste Diversion and Disposal; Recordkeeping; Written Agreements; Reporting.

(a) All awardees and designated carters must ensure proper disposal of all commercial waste collected, consistent with the awardee's waste management plan, Zero Waste Plan, and all other terms of the agreement entered into with the Department pursuant to § 16-1002 under which the awardee is operating, and all applicable laws, rules and regulations.

(b) *Dump tickets and other delivery receipts.*

(1) Each time a designated carter delivers commercial waste from a customer to a waste transfer station, processing facility or any other location where such waste is dumped directly from the commercial waste vehicle in which such waste was collected from such customer, such designated carter must obtain a dump ticket, delivery receipt or other written record documenting such delivery, including the amount and type of commercial waste delivered.

(2) Such records must be retained by the designated carter and the awardee for five years, and must be made available for inspection by the Department.

(c) (1) An awardee must collect and maintain information on the final processing location, final disposal location, final use, or final reuse of all commercial waste collected by such awardee and any of its designated carters, disaggregated by waste stream. Unless the awardee or its designated carters is delivering such commercial waste directly from the customer to the location of such final disposal, use or reuse, the awardee must collect and maintain information regarding where such commercial waste is sent after the awardee or its designated carters delivers the commercial waste from the customer to a waste transfer station, processing facility or other location.

(2) An awardee must collect and maintain information on the mode of transport of such commercial waste from each such transfer station, processing facility or other location.

(3) An awardee may meet the requirements of this subdivision either by following the procedures described in subdivisions (d) through (g) of this section, or by otherwise collecting and maintaining the information required pursuant to this subdivision in a verifiable form and manner approved by the Department.

(d) *Designated recyclable materials.*

(1) An awardee may fulfill the requirements of subdivision (c) of this section by entering into a written agreement with each transfer station or other facility that accepts designated recyclable materials from such awardee or any of its designated carters in accordance with 16 RCNY § 20-31.

(2) Such agreement must:

(i) Include the name and contact information of the owner of the transfer station or other facility and the address of such transfer station or facility;

(ii) Be signed by both the awardee and such owner; and

(iii) In the case of an agreement with a transfer station, provide that such transfer station must report to the awardee on an annual basis the name and address of each material recovery facility or other destination where designated recyclable materials received by such transfer station are sent, and the mode of transport of such designated recyclable materials to each such facility or destination. Such information may be provided in the aggregate for all designated recyclable materials received by such transfer station.

(e) *Organic waste.*

(1) An awardee may fulfill the requirements of subdivision (c) of this section by entering into a written agreement with each processing facility or transfer station that accepts organic waste from such awardee or any of its designated carters in accordance with 16 RCNY § 20-32.

(2) Such agreement must:

(i) Include the name and contact information of the owner of the processing facility or transfer station and the address of such facility or transfer station;

(ii) Be signed by both the awardee and such owner; and

(iii) In the case of an agreement with a transfer station, provide that such transfer station must report to the awardee on an annual basis the name and address of each final destination of organic waste received by such transfer station and the mode of transport of such organic material to each such destination. Such information may be provided in the aggregate for all organic waste received by such transfer station.

(3) Any awardee that provides for collection of waste in accordance with subdivision (d) of 16 RCNY § 20-32 shall enter into a written agreement with the entity that accepts such waste that meets the requirements of this subdivision. Such agreement must also include information regarding the final destination and the end use of such waste.

(f) *Refuse.*

(1) An awardee may fulfill the requirements of subdivision (c) of this section by entering into a written agreement with each transfer station or solid waste disposal facility that accepts refuse from such awardee or any of its designated carters after collection from the awardee's customers.

(2) Such agreement must:

(i) Include the address and name and contact information of the owner of such transfer station or solid waste disposal facility;

(ii) Be signed by both the awardee and such owner;

(iii) In the case of an agreement with a transfer station, provide that such transfer station must report to the awardee on an annual basis the name and address of each final disposal location of all refuse received by such transfer station and the mode of transport of such refuse to such location. Such information may be provided in the aggregate for all refuse received by such transfer station.

(g) Upon request by a customer, an awardee must furnish to such customer a copy of any such agreement required by this section. A copy of such agreement must also be provided to the Department upon request.

(h) Nothing in this section shall relieve the awardee from meeting any additional obligation to collect, maintain and report information regarding the final disposal locations, final processing locations, final uses, or final reuses of commercial waste collected by such awardee as set forth in this title or the agreement between such awardee and the Department entered into pursuant to § 16-1002 of the Administrative Code.

(i) *Penalties.* Any person who violates any provision of this section will be liable for civil penalties provided for under paragraph (1) of subdivision (b) of § 16-1015 of the Administrative Code. Paragraph (1) of subdivision (b) of § 16-1015 provides for a civil penalty in the amount of \$2,500 for the first violation, and, for subsequent violations that occur within a two-year period of any previous violation, \$5,000 for the second violation and \$10,000 for any subsequent violation.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-35 Exempt Waste Streams.

(a) Any awardee that collects waste that does not meet the definition of commercial waste set forth in § 16-1000 of the Administrative Code from a customer within a commercial waste zone must comply with all applicable laws, rules and regulations governing the collection, transport and disposal of such waste.

(b) *Penalties.* Any person who violates any provision of this section will be liable for civil penalties provided for under paragraph (1) of subdivision (b) of § 16-1015 of the Administrative Code. Paragraph (1) of subdivision (b) of § 16-1015 provides for a civil penalty in the amount of \$2,500 for the first violation, and, for subsequent violations that occur within a two-year period of any previous violation, \$5,000 for the second violation and \$10,000 for any subsequent violation.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-36 Sign or Decal Required.

(a) An awardee must provide each customer with a sign or decal that conspicuously and legibly displays the awardee's name, the awardee's license number issued by the business integrity commission pursuant to Title 16-A of the Administrative Code, and a unique customer identifier number created by the awardee and assigned to such customer by the awardee for purposes of assisting the Department in tracking the awardee's compliance with the requirements of Title 16-B of the Administrative Code and the Department's rules.

(b) The awardee must submit to the Department for approval a sample of the sign or decal that the awardee intends to use prior to distributing the sign or decal to customers.

(c) The awardee must inform the customer of its obligation to post the sign or decal in accordance with the requirements of subdivision (b) of § 16-116 of the Administrative Code and the rules of the Department.

(d) An awardee is prohibited from charging a fee to any customer for a sign or decal required by this section.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-37 Compliance with All Applicable Laws and Regulations.

An awardee must comply with all applicable laws, rules and regulations, including, but not limited to, applicable rules of the Business Integrity Commission, the Department of

Environmental Protection, the Department of Health and Mental Hygiene, and the Department of Transportation relating to vehicle specifications, sanitary requirements, and the handling, transport, receipt, transfer or disposal of trade waste, regulated medical waste or waste containing asbestos or other hazardous, toxic or dangerous material.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-38 Operations.

- (a) An awardee and each designated carter must maintain all premises where commercial waste vehicles and machinery are kept in a safe and sanitary condition.
- (b) All commercial waste vehicles must be loaded and operated at all times in such a manner and by such methods so as to prevent the release or discharge of dust and debris and to prevent the spilling of any materials upon sidewalks or streets.
- (c) A loading hopper and the mechanism and controls by which it is operated must be constructed, maintained, and operated so as to prevent any of the contents of such loading hopper from being released or discharged in any manner, other than into and within the totally permanently enclosed body.
- (d) Every operator of a commercial waste vehicle must immediately remove from sidewalks or streets any materials spilled, littered, or thrown thereon in loading operations, in the handling and return of receptacles, or while traveling.
- (e) Materials loaded into commercial waste vehicles must be dumped or unloaded and disposed of only at points where disposal of the particular material is allowed by applicable law.
- (f) Commercial waste vehicle operators must exercise care at all times to prevent making unnecessary or avoidable noise in the course of operating such vehicles or loading commercial waste, and must comply with § 24-225 of the Administrative Code.
- (g) Commercial waste vehicles with open top box type bodies and containers on or in platform or panel type body vehicles shall not be filled or loaded over their capacity as specified by the vehicle manufacturer. In no case shall the body or container of such vehicles be filled or loaded to a level that would allow water or solid waste to spill out from the vehicle.
- (h) Each open top box type vehicle body shall be loaded only from front to rear, and the partial load shall be kept securely and fully covered at all times. Each such vehicle shall have a heavy tarpaulin cover which shall be secured over the vehicle body at all times other than when the vehicle body is being loaded or unloaded or is empty.
- (i) Materials loaded in or upon commercial waste vehicles must not be re-worked, re-sorted, picked over, or re-handled while the vehicle is on the street, and material shall not be transferred or re-loaded from a vehicle on the street to or into any other vehicle.
- (j) Materials must not be carried at any time upon any commercial waste vehicle other than within the vehicle body, or within containers on or in the vehicle body provided such materials are to be removed in such containers.
- (k) After materials are dumped for disposal the body of the commercial waste vehicle and any container used must be emptied thoroughly and cleared of all loose materials.
- (l) Commercial waste vehicles and containers must be thoroughly cleaned inside and outside frequently so that they present a good appearance and are maintained free of dirt and offensive odors.
- (m) An awardee and each designated carter must provide for the general cleanliness of, and the control of odors and extermination of pests and rodents on and around, commercial waste vehicles and the locations where such vehicles are stored when not in use.
- (n) An awardee must provide for off-street parking for commercial waste vehicles.
- (o) An awardee and each designated carter must keep closed the doors of any garage, or the gate to any outdoor premises, from which commercial waste vehicles are dispatched except when such vehicles are entering or leaving such garage or premises. The perimeter of any outdoor location used to store vehicles shall be surrounded by a fence or wall that is at least 8 feet high.
- (p) An operator of a commercial waste vehicle must comply with all traffic laws, rules and regulations, and must not allow such vehicle to stand with the engine idling in violation of § 24-163 of the Administrative Code.
- (q) Any receptacle for the deposit of commercial waste provided by an awardee to a customer must be made of metal or other material of a grade and type acceptable to the Department, the Department of Health and Mental Hygiene and the Department of Housing Preservation and Development, as provided in § 16-120 of the Administrative Code. Receptacles provided by the awardee must be constructed so as to hold their contents without leakage, and must be maintained by the awardee in such condition. All containers provided by the awardee must be provided and maintained with tight fitting covers.
- (r) Any container provided by an awardee to a customer for the collection of organic waste must:
 - (1) Meet the labeling requirements set forth in 16 RCNY § 20-39;
 - (2) Have a lid and a latch, lock, or other fastening or sealing mechanism or cord that keeps the lid closed and is resistant to tampering by rodents or other wildlife; and
 - (3) Have the capacity to meet the disposal needs of the customer.
- (s) After removing the commercial waste of a customer from a receptacle, a designated carter must return the receptacle to a place inside or in the rear of the premises of the customer. If this is not feasible, the designated carter must place such receptacle against the building line. A designated carter must not return such receptacle to a place or in such a manner that obstructs a sidewalk or other public right of way.
- (t) When removing, collecting or disposing of commercial waste, a designated carter must keep the sidewalk, flagging, curbstone and roadway abutting any area from which such waste is removed free from obstruction, garbage, litter, debris and any other offensive material resulting from the removal by the awardee of such commercial waste.
- (u) An awardee must immediately clean up any oil, hydraulic, or other fluid that leaks or spills from the awardee's or any of its designated carters' vehicles. Upon notification of any leaks or spills, the awardee must initiate its clean-up activities within 2 hours, and must complete its clean up within 24 hours, in a manner consistent with all applicable laws and rules. The awardee must assume all costs associated with clean-up activities.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-39 Labeling of Containers.

- (a) Each container from which commercial waste is collected by a designated carter must be labeled with the container's volume capacity in either cubic yards or gallons. Such label must be conspicuous and legible on the front of the container.
- (b) If a container is provided by an awardee, the awardee must imprint and maintain on the container the awardee's name and license number and the volume of the container as required by subdivision (a). An awardee must, at no charge, mark each unmarked container provided by a customer with the name of the owner of the container and the volume of the container as required by subdivision (a).
- (c) Any container provided by an awardee to a customer for the collection of designated recyclable materials must be labeled to indicate that only designated recyclable materials may be placed in such container.
- (d) Any container provided by an awardee to a customer for the collection of organic waste must be labeled to indicate that only organic waste may be placed in such container.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-40 Routes and Schedules.

An awardee must maintain records of all collection routes and schedules for the collection of commercial waste, and must make such records available to the Department for inspection upon request.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-41 Protection of Private and Public Property.

An awardee and each designated carter must, to the greatest extent possible, prevent damage to public and private rights of way and property. If an awardee or any of its designated carters damages private property, it must immediately notify the property owner where feasible. If an awardee or any of its designated carters damages public property, it must immediately notify the Department and follow any Department directives, including any directives to notify and cooperate with other City agencies. An awardee shall be responsible for all costs associated with the repair or replacement of property that has been damaged by the equipment, employees or agents of the awardee or any of its designated carters, excluding damage from normal wear and tear. An awardee must promptly investigate and respond to any claim concerning property damage. If the Department notifies the awardee of a claim concerning any such damage, the awardee must investigate and respond to the Department within 3 business days.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-42 Emergency Services and Response Requirements.

An awardee must designate a person or persons as the emergency contact to respond to emergencies. Such person or persons must be available 24 hours per day, 7 days per week. An awardee must follow its written Emergency Action Plan included in the agreement between the awardee and the Department, as required by paragraph (11) of subdivision (c) of § 16-1002 of the Administrative Code.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-43 Vehicle Collisions.

In the event of a collision involving a commercial waste vehicle and any other vehicle, cyclist, or pedestrian, at any location, the awardee must notify the Department immediately, except where all of the following circumstances are met:

- (a) The collision does not result in injury to any person;
- (b) The collision does not involve a cyclist or pedestrian; and
- (c) The accident is not required to be reported to the New York State Department of Motor Vehicles on form MV-104 pursuant to section 605 of the New York State Vehicle and Traffic Law, or any subsequent form pursuant to such section.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-44 Vehicle Maintenance and Condition.

(a) The awardee and each designated carter must keep their commercial waste vehicles and equipment in good repair and condition so as to prevent leaks from oil and hydraulic systems, as well as to ensure waterproofing of all seals and enclosures. All commercial waste vehicles must be labeled with the name of the awardee or designated carter.

(b) The awardee must ensure that the engine particulate filter and emissions control technology required pursuant to § 24-163.11 of the Administrative Code are working properly on each commercial waste vehicle.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

Subchapter D: Safety Requirements

§ 20-50 Safety Records

(a) An awardee must maintain accurate time records for each vehicle operator and worker who handles commercial waste. Such time records must identify the worker by name and job title, and for each day reflect the time the worker reported to work; the route, truck number or other information used to identify the worker's daily work assignment; any off-duty breaks; the time the worker was released from duty; and the total number of hours worked per week.

(b) An awardee must maintain copies of all inspection and certification of repair forms required by subdivision a of 16 RCNY § 20-52 for at least five years, and copies of such forms (paper or electronic) must be available in the corresponding vehicles at all times for 6 months.

(c) An awardee must maintain copies of all daily inspection reports required by subdivision b of 16 RCNY § 20-52 for at least five years, and copies of such reports (paper or electronic) must be available in the corresponding vehicles at all times for 14 days.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-51 Safe Vehicle Operation

(a) An awardee must not permit or require any vehicle operator to drive a commercial waste vehicle unless the vehicle operator complies with the hours of service requirements set forth in Part 395.3 of Title 49 of the Code of Federal Regulations.

(b) An awardee is responsible for ensuring that the commercial waste vehicles used to perform commercial waste collection, transport and removal services under its agreement with the City are not engaging in a pattern of unsafe practices. Each such pattern of unsafe practices is a violation of this subdivision. For purposes of this subdivision, "a pattern of unsafe practices" shall be defined as four instances of prohibited conduct set forth in paragraphs (1) through (6) of this subdivision within a six month period by the awardee's commercial waste vehicles operators or the operators of the commercial waste vehicles of the awardee's designated carters, in the aggregate:

- (1) A commercial waste vehicle must not back up unless such movement can be made safely and without interfering with traffic for the minimum distance to allow for the safe collection of trade waste.
- (2) A commercial waste vehicle must not make a U turn, except where legally permitted at marked center lines and from designated lanes.
- (3) A commercial waste vehicle must stop at all steady red lights until such light turns green. A trade waste vehicle must stop at all flashing red lights and stop signs before entering an intersection.
- (4) A commercial waste vehicle must be driven only in the direction designated for the roadway.
- (5) A commercial waste vehicle must not obstruct a bike lane, bus stop, sidewalk, crosswalk, or intersection.
- (6) Under no circumstances shall an individual ride on or cling to the outside of a commercial waste vehicle while the vehicle is operating on a roadway.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-52 Vehicle Inspections.

(a) (1) A commercial waste vehicle must not be operated unless such vehicle is in safe operating condition and has passed an inspection conducted by a qualified inspector demonstrating compliance with the terms of this section at least once during the preceding six months.

(2) Each such inspection must be recorded on an inspection report form prescribed by the Department. Such inspection report must identify any safety defects discovered during the inspection and cover at a minimum, the following parts and accessories: service and parking brakes, steering mechanism, tires, wheels and rims, sideguards, coupling devices, mirrors, lighting devices and reflectors, horn, windshield wipers, and emergency equipment.

(3) Following an inspection, such vehicle may not be operated unless a qualified inspector certifies on the inspection report that all necessary repairs have been made and that such vehicle has passed the inspection.

(4) Copies of such inspection reports must be kept in the corresponding vehicle in accordance with the requirements of subdivision b of 16 RCNY § 20-50.

(b) A commercial waste vehicle must not be operated unless the operator of such vehicle is satisfied such vehicle is in safe operating condition. An awardee must require the operator of such vehicle to inspect such vehicle following each day's work and to prepare a daily inspection report that identifies such vehicle and any defect that would affect the

safety of operation of such vehicle. Such daily inspection report must cover at a minimum the following parts and accessories: service and parking brakes, steering mechanism, tires, wheels and rims, sideguards, coupling devices, mirrors, lighting devices and reflectors, horn, windshield wipers, and emergency equipment. Copies of such daily inspection reports must be kept in the corresponding vehicle in accordance with the requirements of subdivision c of 16 RCNY § 20-50. The operator of such vehicle must review the most recent daily inspection report and determine whether required repairs have been made when evaluating the condition of such vehicle.

(c) The Department or a person designated by the Department may inspect commercial waste vehicles, equipment, licenses, registrations, inspection reports, and fleet records of each awardee and each designated carter at any time at its own discretion.

(1) The Department or a person designated by the Department may order the awardee to immediately remove any commercial waste vehicle or equipment from service and, where appropriate, to take corrective action within a prescribed period of time if the Department or such person designated by the Department determines the vehicle or equipment presents an imminent threat to public health or safety or to the environment due to an issue that may include, but need not be limited to, defective brakes, tires or lighting devices, or leaking or spilling of fluids and escaping of waste. The awardee shall comply with the order within the time prescribed in the order and shall notify the Department when compliance has been achieved.

(2) Within the time specified for compliance in an order issued pursuant to this section, or as otherwise specified in such order, the awardee may submit a written statement appealing the order to the Commissioner in the manner specified in the order.

(3) Submission of an appeal pursuant to paragraph (2) of this subdivision shall relieve the awardee's obligation to take any corrective action within the time prescribed in the order pending a final determination pursuant to paragraph (4) of this subdivision, provided, however, that in the event the Department determines that failure to take corrective action within the time prescribed in the order poses a significant risk of imminent harm to public health or safety or to the environment, the awardee will be notified and will be required to take such corrective action within the specified time, or within an alternative time specified by the Department. Notwithstanding the foregoing, submission of such an appeal shall not relieve the awardee's obligation to remove a commercial waste vehicle or equipment from service during the pendency of an appeal.

(4) The Commissioner must review appeals and make a final written determination regarding the appeal within a reasonable period of time. The Commissioner will serve final determinations on the awardee by mailing the final determination to the awardee.

(5) If the Commissioner sustains an appeal in whole or in part, then the stated terms of the final determination on appeal will replace the original requirements of the order.

(6) If an appeal is denied, the final determination will specify a reasonable period of time for compliance with the order based on the circumstances, except in the case of an order where taking corrective action is required within an earlier time pursuant to paragraph (3) of this subdivision. The final determination by the Commissioner is subject to review pursuant to article 78 of the New York Civil Practice Laws and Rules.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-53 Cross-Over Mirrors; Obstructions to Windshield

(a) Each commercial waste vehicle having a gross vehicle weight rating of 26,000 pounds or more and a conventional cab configuration in which the engine is mounted in front of the operator must be equipped with a convex mirror positioned on the front of such vehicle. When such vehicle is being operated, such mirror shall be adjusted so as to enable the operator thereof to see all points on an imaginary horizontal line which is three feet above the road, is one foot directly forward from the midpoint of the front of such motor vehicle, and extends the full width of the front of such vehicle or combination of vehicles.

(b) Nothing may be placed or suspended in or on the vehicle or windshield so as to obstruct the operator's vision through the windshield or other windows. Nothing in this subdivision shall be construed to prohibit the placement or suspension of an object in or on the vehicle or windshield: (i) in order to comply with or as expressly permitted by federal, state or local law or (ii) authorized pursuant to the agreement between the awardee and the City for purposes of promoting public safety.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-54 Back-up Cameras

No later than January 1, 2026, every commercial waste vehicle must be equipped with a rear video system, rear object detection system, or other device which enables the driver of the vehicle to detect by means of a visual indicator, or visual and audible warning-indicator, persons and objects located directly behind the vehicle.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-55 Auxiliary Exterior Lighting

(a) (1) On or before January 1, 2026, every commercial waste vehicle must be equipped with one or more auxiliary exterior lights on the back of the vehicle, positioned at a height and angle so as to illuminate: (i) the vehicle's hopper; (ii) any other equipment or machinery attached to the back exterior side of the vehicle; and (iii) a work staging area of at least 6 feet behind the vehicle.

(2) Such auxiliary exterior back lights must be sufficiently bright so as to: (i) allow any workers loading waste into the hopper or otherwise working in a staging area behind the vehicle to perform their duties and (ii) make such workers and such staging area visible to other vehicles on the road.

(b) (1) On or before January 1, 2026, every commercial waste vehicle must be equipped with one or more auxiliary exterior lights on both sides of the vehicle, positioned at a height and angle so as to illuminate: (i) any equipment or machinery attached to the side of the vehicle, and (ii) a work staging area running along the length of the vehicle and outward at least 3 feet from the side of the vehicle.

(2) Such auxiliary exterior side lights must be sufficiently bright so as to: (i) allow any workers working in a staging area next to the vehicle to perform their duties and (ii) make such workers and such staging area visible to other vehicles on the road.

(c) The auxiliary exterior lighting required by this section must be turned on when a worker from the vehicle is outside the vehicle performing work at night or during poor visibility conditions, including but not limited to rain, fog or snow.

(d) The auxiliary exterior lighting required by this section must be maintained in good working condition and must be functional at all times while the vehicle is in operation, regardless of the time of day.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 20-56 Telematics Systems in Commercial Waste Vehicles

(a) An awardee must ensure that each commercial waste vehicle is equipped with a telematics system that meets the requirements of this section and such other specifications as set forth in the awardee's agreement with the Department. Such system must be approved by the Department prior to the implementation start date of the zone in which such vehicle is authorized to operate pursuant to such agreement, or prior to the date that the vehicle is first used as a commercial waste vehicle, whichever is later. Such system must also be approved prior to the date the vehicle is returned to use as a commercial waste vehicle following any replacement of or material alterations to such system.

(b) The telematics system must transmit vehicle location information to both the awardee and the Department in real time, via cellular connection.

(c) The telematics system must transmit in real time via cellular connection the following information to the awardee:

- (1) Vehicle speed;
- (2) Each instance when the vehicle travels at a speed above the applicable speed limit;
- (3) Each instance of sudden acceleration by the vehicle;
- (4) Each instance when the vehicle engages in a hard stop; and
- (5) Vehicle miles traveled.

(d) (1) On a monthly basis, the awardee must submit to the Department the information collected pursuant to paragraphs two through five of subdivision c of this section for each commercial waste vehicle, disaggregated by vehicle and, where applicable, by zone, for the previous month.

(2) Data collected pursuant to paragraphs one through six of subdivision c of this section shall be made available to the Department for inspection upon request.

(e) The awardee must ensure that the telematics system installed in each commercial waste vehicle is constantly maintained and is in good working order.

(f) (1) If any material feature of the telematics system is not functioning, an incident report must be filed by the designated carter with the Department within two hours following the discovery of the malfunction or at such time as the designated carter reasonably should have known of the malfunction.

(2) If any material feature of the telematics system of a commercial waste vehicle is not functioning, the commercial waste vehicle must not operate for more than 7 days following the start of the malfunction or the timely filing of an incident report, whichever is later, until the system is repaired. Any commercial waste vehicle in which there is a malfunction of a material feature of the telematics system more than once in a 30 day period shall be removed from service immediately until the system is repaired.

(3) During the period the telematics system is malfunctioning and the commercial waste vehicle is permitted by this subdivision to operate, the vehicle operator or operators must record the following trip record information by hand at the end of each route:

- (i) Vehicle miles traveled;
- (ii) Route start and stop locations; and
- (iii) A list of stops on each route.

(4) In the case of a partial malfunction of the telematics system, the information required pursuant to paragraph 3 of this subdivision need not be recorded by hand if the telematics system is capable of collecting and transmitting such data in real time in accordance with subdivision b of this section.

(5) Trip records required pursuant to paragraph 3 of this subdivision must be submitted to the Department in the monthly report required pursuant to subdivision d of this section.

(Added City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

**Attachment 10: Solid Waste and Recycling Legislation,
General Rules**

§ 1-01 Definitions.

- Ashes.** "Ashes" means cinders, coal and every other such substance which is left unconsumed by fire in stoves, furnaces, ranges, firepots, fireplaces and other such places.
- Beneficial Organic Waste Use.** "Beneficial organic waste use" means the processing of organic waste by composting, aerobic digestion, or anaerobic digestion.
- Beverage cartons.** "Beverage cartons" means coated cardboard cartons or boxes, including milk and juice cartons or boxes, gable-top cartons and aseptic packages.
- Bulk metal.** "Bulk metal" means metal items that are too heavy or large to lift or fit into recycling containers, including large metal appliances.
- Bulk plastic.** "Bulk plastic" means rigid plastic items that are too heavy or large to lift or fit into recycling containers.
- Bulk waste.** "Bulk waste" includes large glass, metal, rigid plastic, 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.** "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 16 RCNY § 1-08 (residential collection service of designated recyclable materials). A city-owned building, or part of a building, that is leased for non-residential purposes shall be covered by 16 RCNY § 1-10 (recycling of 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.** "Commercial occupants" means every and any occupant within a residential building who engages in or operates any business, trade or profession for profit.
- Commissioner.** "Commissioner" means the Commissioner of the Department or his/her representative.
- Compacted refuse.** "Compacted refuse" means the solid waste remaining after the application of a compacting system which is installed in accordance with § 24-119 of the Administrative Code of the City of New York.
- Comprehensive solid waste management plan.** "Comprehensive solid waste management plan" means the solid waste management plan for the City of New York, as approved by the New York State Department of Environmental Conservation pursuant to § 27-0107 of the Environmental Conservation Law, as such plan may be updated or modified from time to time.
- Construction and demolition debris.** "Construction and demolition debris" means 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.
- Covered Establishment.** "Covered establishment" shall have the same meaning as set forth in § 16-306.1(a) of the Administrative Code of the city of New York.
- Curbside collection.** "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.
- Department.** "Department" means the Department of Sanitation or its agents or contractors.
- Designated recyclable metal, glass and plastic.** "Designated recyclable metal, glass and plastic" includes: metal cans; containers made of glass; beverage cartons; rigid plastics; bulk plastic; aluminum foil and aluminum foil products; bulk metal and metal items, as such term is defined in this section.
- Designated recyclable materials.** "Designated recyclable materials" are materials that the Commissioner has designated as recyclable pursuant to §§ 16-305, 16-306, 16-306.1, 16-307, 16-308 and 16-314 of the Administrative Code of the city of New York. The materials designated as recyclable under these sections may vary from section to section.
- Designated recyclable paper.** "Designated recyclable paper" includes: high grade office paper; newspaper; magazines; catalogs; phone books; corrugated cardboard; and mixed paper, as such term is defined in this section.
- District.** "District" means sanitation districts, the boundaries of which are coterminous with the boundaries of Community Boards in the City of New York.
- Domestic Partner.** "Domestic Partner" means a person who has registered a domestic partnership in accordance with applicable law with the City Clerk, or has registered such a partnership with the former City Department of Personnel pursuant to Executive Order 123 (dated August 7, 1989) during the period August 7, 1989 through January 7, 1993. (The records of domestic partnerships registered at the former City Department of Personnel are to be transferred to the City Clerk.)
- Economic market.** "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 material less the amount received from the sale of said materials.
- Film plastic.**
- (1) "Film plastic" means non-rigid plastic items composed of a sheet of plastic material used to wrap or cover other items, or used in packaging.
 - (2) Examples of "film plastic" include, but are not limited to:
 - (i) Carry-out grocery or shopping bags, sleeves for newspapers and circulars, dry cleaning bags, and garbage bags;
 - (ii) Items used in packaging, such as plastic wrap, wrappers, bubble wrap, shrink or stretch wrap or other wrapping;
 - (iii) Food bags designed to store, refrigerate or freeze food and liquids, and household storage bags used to store household items; and
 - (iv) Any plastic label, bag, film, safety seal, or flexible inner or outer wrap that is used to cover or contain a product or a rigid plastic.
- Flexible plastic.** "Flexible plastic" means non-rigid, non-film plastic items that may be manipulated into a shape different from their original form. Such items may consist of multiple layers of material, such as plastic and metal, giving a metallic appearance. Examples of flexible plastic items may include, but are not limited to, single-serve squeezable pouches holding food or drink, tubes for toothpaste, gels, cosmetics, or lotions, or pouch-like packaging holding detergents or cleaning products that are squeezable.
- Generator of private carter-collected waste.** "Generator of private carter-collected waste" or "generator" means any owner, net lessee, lessee, agent or occupant of a premises that generates solid waste or recyclable materials that is collected by a private carter.
- Generator of regulated household waste.** "Generator of regulated household waste" means any individual who disposes of regulated household waste.
- High grade office paper.** "High grade office paper" includes: white bond paper, including, but not limited to, typing paper, letterhead and copier paper; computer printout; and computer tab cards. Carbon paper and envelopes are not included in the definition of high grade office paper.
- Home occupation(s).** "Home occupation(s)" means a dwelling unit located within a residential portion of a building that is used in part for the purpose of engaging in an occupation authorized by law to be practiced at such location in addition to residential use.
- Hospital.** "Hospital" means a facility or institution engaged in providing medical or medical and surgical services primarily to in-patient; by or under the supervision of a physician on a twenty-four hour basis with provisions for admission or treatment of persons in need of emergency care and with an organized medical staff and nursing service, including facilities providing services relating to particular diseases, injuries, conditions, or deformities. This term shall not include a public health center, diagnostic center, treatment center, out-patient lodge, dispensary and laboratory or central service facility serving more than one institution.
- Household.** "Household" means dwelling or residential building unit within a residential building as defined in this section.
- Institution.** "Institution" includes non-profit organizations and other facilities or organizations 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.
- Laboratory waste.** "Laboratory waste" means all matter, other than regulated medical waste, that is discarded from clinical, pathological or research laboratory areas at which activities are required to be conducted or supervised by persons licensed by the city or state to provide health, medical, pharmaceutical, or laboratory services.
- Mechanized collection.** "Mechanized collection" means collection service where building solid waste and/or designated recyclable materials collected by the Department are placed in containers for mechanized collection which, on collection day, are in an area accessible to Department vehicles. Containers are then mechanically lifted by and emptied into collection vehicles. The commencement of mechanized collection service for designated recyclable materials shall be scheduled on a building by building basis.
- Medical office(s)/Group medical center(s).** "Medical office(s)/Group medical center(s)" means an office located within a residential portion of a building that is used for the purpose of practicing a medical profession authorized by law to be practiced at such location.

Metal items. "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. "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 hard-cover books.

Non-putrescible solid waste. "Non-putrescible solid waste" means solid waste, whether or not contained in receptacles, that does not contain organic matter having the tendency to decompose with the formation of malodorous by-products.

Nursing home. "Nursing home" means a facility, institution, or portion thereof, subject to Article 28 of the New York State Public Health Law, providing lodging therein for 24 or more consecutive hours to three or more nursing home residents who are not related to the operator by marriage or by blood within the third degree of consanguinity, nor are the domestic partner, as such term is defined in this section, of the operator, who need regular nursing home services or other professional services and do not require the services of a hospital.

Organic Waste. "Organic Waste" shall have the same meaning as set forth in § 16-303 of the Administrative Code of the city of New York, except that organic waste shall not include food that is donated to a third party, food that is sold to farmers for feedstock, and meat byproducts that are sold to a rendering company.

Organic Waste Processing Facility. "Organic waste processing facility" means a combination of managed processes, structures, machinery or devices utilized to alter the physical characteristics of organic waste by turning it into a product, at which source-separated organic waste is received and processed through a beneficial organic waste use for the purpose of reuse or sale, that is authorized to operate by the New York state department of environmental conservation if located in the state of New York, or authorized to operate by the applicable state or local authority, if located outside of the state of New York.

Other Residential Office(s). "Other Residential Office(s)" means an office, other than a medical office/group medical center, located within a residential portion of a building that is authorized by law to be used as an office by virtue of such use having been established prior to December 15, 1961.

Person. "Person" means any individual, partnership, company, corporation, association, firm, organization, or any other group of individuals, or any officer or employee or agent thereof, provided that person shall not mean any individual who generates regulated household waste.

Private carter. "Private carter" means any person required to be licensed or permitted pursuant to Title 16-A of the Administrative Code of the city of New York.

Public building. "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.

Puncture resistant container. "Puncture resistant container" means any metal container which has a secured lid that is taped closed and which cannot be pierced by regulated household waste (e.g., coffee can).

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

Recyclable materials. "Recyclable materials" means materials 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, rigid 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. "Recycler" means any person who lawfully collects, accepts, or otherwise processes recyclable materials who is not required to be licensed or registered pursuant to Title 16-A of the Administrative Code of the city of New York.

Recycling processing facility. "Recycling Processing Facility" means a facility that is registered or permitted by the New York State of Department of Environmental Conservation and/or the department at which: 1) designated recyclables, other than organic waste, are delivered separately from solid waste; or, 2) source-separated designated recyclables, other than organic waste, are processed for the purpose of reuse or sale.

Regulated household waste. "Regulated household waste" means any item that may cause punctures or cuts that is used in the administration of medication and is disposed of with residential solid waste, including but not limited to intravenous tubing and syringes with needles attached. Regulated household waste shall not include such items generated by persons licensed by the city or state to provide health, medical, pharmaceutical or laboratory services at facilities where such services are performed, but shall include any such items generated in the course of home health care.

Regulated medical waste. "Regulated medical waste" shall have the meaning set forth in title 15 of article 27 of the New York State environmental conservation law, in title 13 of article 13 of the New York State public health law, or in § 16-120.1 of the Administrative Code of the City of New York or any rules and regulations promulgated pursuant to such provisions of law.

Residential building. "Residential building" means any building used and occupied for residential purposes by a person or persons (other than and in addition to the owner, superintendent, janitor, or caretaker) including all single-family and two-family residential buildings, excepting, however, hotels.

Residential solid waste. "Residential solid waste" means solid waste generated by a residential building.

Rigid plastic.

(1) "Rigid plastic" means any item that: (i) is composed predominantly of plastic resin; (ii) has a relatively inflexible fixed shape or form; and (iii) is capable of maintaining its shape or form, whether empty or full, under normal usage, independent of any product that it contains or other external support.

(2) Examples of rigid plastic items may include, but are not limited to: bottles, jars, jugs, fruit cups, pudding cups, yogurt cups, other dairy cups, dairy tubs, pails, "clamshell" or other take-out containers, boxes, bulk items, baskets, buckets, crates, beverage bottle carriers, flower or other gardening pots, toys, bulky housewares, small and large household appliances, furniture and decorations, single-use plates, cups, bowls, platters, and cutlery, trays that have sidewalls designed to contain a product in the tray, lids, caps, handles and hinges, and any durable plastic packaging that holds a food, household product, or consumer product for sale, re-sale or reuse.

(3) Notwithstanding paragraph (1) of this definition, the term "rigid plastic" does not include the following:

- (i) "Foam" items, including expanded polystyrene, expanded polypropylene or other "foam" containers, boxes, insulated coolers, toys, trays or single-use plates and cups;
- (ii) Flexible plastic;
- (iii) Film plastic;
- (iv) Cigarette lighters and butane gas lighters;
- (v) Cassette and VHS tapes;
- (vi) Pens and markers;
- (vii) Three-ring binders;
- (viii) Umbrellas;
- (ix) Garden hoses;
- (x) Luggage;
- (xi) Sponges; and
- (xii) Sports balls, including, but not limited to, basketballs, bowling balls, soccer balls, footballs, or yoga balls.

Single stream collection and recycling. "Single stream collection and recycling" means a system in which designated recyclable metal, glass and plastic, and designated recyclable paper, are placed in the same bags or bins by the generator. Such bags and/or the contents of such bins are placed into one waste hauling truck, separate from solid waste and organic waste, and are delivered directly to a recycling processing facility. Such recycling processing facility must be designed to receive, separate and process for reuse or sale commingled loads of designated recyclable metal, glass and plastic, and designated recyclable paper.

Solid waste. "Solid waste" means all putrescible and non-putrescible materials or substances, except as described in paragraph (3) of this definition, that are discarded or rejected, as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris that is not designated as recyclable pursuant to this chapter, discarded automobiles and offal.

- (1) A material is discarded if it is abandoned by being:
 - (i) disposed of;
 - (ii) burned or incinerated, including material being burned as a fuel for the purpose of recovering useable energy; or
 - (iii) accumulated, stored or physically, chemically or biologically treated (other than burned or incinerated) instead of or before being disposed of.
- (2) A material is disposed of if it is discharged, deposited, injected, dumped, spilled, leaked, or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water.
- (3) The following are not solid waste for the purpose of this definition:
 - (i) domestic sewage;
 - (ii) any mixture of domestic sewage and other waste that passes through a sewer system to a publicly owned treatment works for treatment, except (A) any material that is introduced into such system in order to avoid the provisions of this chapter or the state regulations promulgated to regulate solid waste management facilities pursuant to part 360 of title 6 of the New York Code, Rules and Regulations or (B) food waste;
 - (iii) industrial wastewater discharges that are actual point source discharges subject to permits under article 17 of the New York state environmental conservation law; industrial wastewaters while they are being collected, stored or treated before discharge and sludges that are generated by industrial wastewater treatment are solid wastes;
 - (iv) irrigation return flows;
 - (v) radioactive materials that are source, special nuclear, or by-product material under the federal Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2011 et seq.;
 - (vi) materials subject to in-situ mining techniques which are not removed from the ground as part of the extraction process;
 - (vii) hazardous waste as defined in section 27-0901 of the New York state environmental conservation law; and
 - (viii) regulated medical waste or other medical waste as described in § 16-120.1 of the Administrative Code of the city of New York. Nothing in this provision shall omit the requirement to be licensed or registered pursuant to Title 16-A of the Administrative Code of the city of New York.

Source separation. "Source separation" means the separation of designated recyclable materials from each other or the separation of designated recyclable materials from solid waste at the point of generation.

Special Use Building. "Special Use Building" means any premise or structure during the period in which any such premise or structure is or shall be exempt from real estate taxation by the City of New York; excepting, however, any and all such premises or structures owned, possessed or occupied by the government of the United States and/or by interstate agencies, such as, and including, but not limited to, the Port Authority of New York and New Jersey.

Surgical Waste. "Surgical Waste" means all materials, other than regulated medical waste, discarded from surgical procedures and includes, but is not limited to, disposable gowns, shoe covers, masks, headcovers, gloves and sponges.

Yard waste. "Yard waste" means leaves, grass clippings, garden debris, and vegetative residue that is recognizable as part of a plant or vegetable, small or chipped branches, and similar material.

(Amended City Record 12/18/2015, eff. 1/17/2016; amended City Record 2/5/2016, eff. 3/6/2016; amended City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 1-02.2 Waste Management Plan.

- (a) For the purposes of this section:
 - (1) A "**new multiple dwelling building**" means a multiple dwelling for which plans that include design drawings have been submitted to the Department of Buildings on or after the effective date of this rule. A new multiple dwelling building also includes those buildings for which plans that include design drawings have been submitted to, but have not been approved by, the Department of Buildings as of the effective date of this rule. A new multiple dwelling does not include an existing multiple dwelling, unless any alteration increases the amount of floor surface area by more than 110% over the amount of existing floor surface area.
 - (2) A "**newly altered commercial building**" means (i) any commercial building that is altered, enlarged or otherwise modified from its original physical design in order to be classified by the Department of Buildings as a multiple dwelling building on or after the effective date of this rule or (ii) any commercial building having 50 percent or more of its floor area renovated in order to be classified by the Department of Buildings as a multiple dwelling building on or after the effective date of this rule. A newly altered commercial building also includes those buildings for which plans that include design drawings have been submitted to, but have not been approved by, the Department of Buildings as of the effective date of this rule.
 - (b) An owner of a new multiple dwelling building that contains at least 150 dwelling units or a newly altered commercial building that contains at least 150 dwelling units, or his or her agent, must submit a waste management plan for such building in accordance with this section.
 - (c) An owner, or his or her agent, of any building for which a waste management plan is required pursuant to this section, must submit such waste management plan to the Department in a form prescribed by the Department and made available on its website. Such waste management plan must include:
 - (1) the name and contact information of the owner of such building, and his or her agent, if applicable;
 - (2) the number of dwelling units in such building;
 - (3) the estimated amount of refuse, designated recyclable material, and organic waste that would be generated if the building were fully occupied;
 - (4) storage plans for such estimated amount of refuse, designated recyclable material, and designated organic waste that would ensure sanitary storage of 150 percent of all such materials that would be accumulated or generated between regularly scheduled collections;
 - (5) a plan to ensure that designated recyclable materials and organic waste that are required to be source-separated are kept separate for recycling collection;
 - (6) a plan for educating tenants as to proper set-out requirements for refuse and recyclable materials, including the placement of applicable signage as required by all rules and regulations;
 - (7) confirmation of compliance with the provisions relating to refuse and recyclable storage space, refuse chutes and refuse chute access rooms as required by the Department of Buildings pursuant to sections 1213.1, 1213.1.1, 1213.1.2, 1213.2 and 1213.3 of the New York City Building Code;
 - (8) how and where the refuse and recyclable material will be placed out for collection by the Department, which placement must be in accordance with all rules and regulations and may not impede the flow of pedestrian traffic or otherwise constitute a sidewalk obstruction, including maintaining, where practicable, eight feet of clear pedestrian space; and
 - (9) any additional information deemed necessary by the Department.
 - (d) A waste management plan required by this section must be submitted to the Department no later than when plans that include design drawings are submitted to the Department of Buildings or the effective date of this rule, whichever is later.
 - (e) Upon submission of a waste management plan, the Department shall have 90 days to review such plan for conformance with the requirements of subdivision (c) of this section. Upon review, if such plan is disapproved, the Department shall provide details to the applicant of the plan's deficiency. If such plan is not disapproved within 90 days, it shall be deemed approved by the Department.
 - (f) If a waste management plan required by this section is disapproved by the Department, the applicant will then have an additional 60 days to submit an amended waste management plan for approval. The Department shall have 90 days to review such amended waste management plan for approval and shall make its final determination as to the adequacy of such waste management plan. The Department may deny collection service to any building that receives a certificate of occupancy from the Department of Buildings prior to having an approved waste management plan.
 - (g) At the time a building applies for collection service from the Department, the Department may deny collection service to any building that fails to submit a waste management plan in accordance with this section or fails to certify that an approved waste management plan has been properly implemented.

(Added City Record 12/20/2021, eff. 4/1/2022)

§ 1-02.3 Multiunit Building Collection Program.

(a) *Definitions.* For the purposes of this section:

1. A "**multiunit building**" means a multiple dwelling that receives Department collection service and has nine or more dwelling units; and
2. The "**program application period**" means the period of time beginning January 1 and ending January 31 of each calendar year.

(b) *Program Requirements.* An owner, or their agent, of a multiunit building may apply to the Department for enrollment in the multiunit building collection program to allow approved multiunit buildings to place their receptacles or bags containing solid waste or recyclables out at the curb for collection by the Department as follows:

1. Materials must be placed out at the curb no earlier than 4:00 a.m. on the day of collection and no later than 7:00 a.m. on the day of collection.
2. Receptacles containing solid waste that are set out at the curb must not exceed fifty-five gallons in size; and
3. Receptacles containing designated recyclable materials that are set out at the curb must comply with the container specifications found in 16 RCNY § 1-08.

(c) *Application and Enrollment Process.* The multiunit building program shall be an ongoing program providing an annual application period for new enrollees and an automatic annual renewal for multiunit buildings already enrolled in the program in compliance with program requirements. The multiunit building program enrollment and approval process is as follows:

1. An owner, or their agent, of a multiunit building may submit a new application to the Department to enroll in the multiunit building collection program during the program application period in accordance with the requirements of subdivision (d) of this section.
2. The Department shall have until March 1 to review any new multiunit building applications submitted during the program application period. The Department may deny an application for the multiunit building collection program if participation by a multiunit building in such program would constitute a public nuisance, or if such building has failed to comply with the requirements of this program during a prior enrollment in the three years preceding an application.
3. Applicants denied by the Department for enrollment in the multiunit building collection program shall be notified in writing no later than March 1 of the calendar year in which the application is submitted. Buildings denied by the Department shall set out materials for collection pursuant to the requirements in 16 RCNY § 1-02.1. If an application or renewal is denied by the Department, the applicant will have 30 days to submit an appeal in writing to the Commissioner. The Commissioner shall respond to this appeal in a reasonable time, and such decision will be deemed a final determination. Those buildings that are currently enrolled in the multiunit building collection program shall be allowed to continue participation in such program pending a final determination by the Department.
4. Applicants approved by the Department for enrollment in the multiunit building collection program shall be notified in writing no later than March 1 of the calendar year in which the application is submitted. Such approved multiunit buildings shall comply with the requirements set forth in subdivision (b) of this section beginning on April 1 of the calendar year in which the application is submitted.
5. Approved enrollment in the multiunit building collection program shall renew automatically each subsequent year, unless terminated by an owner, or their agent, or by the Department pursuant to subdivision (e) of this section. If a renewal is denied by the Department, the applicant will have 30 days to submit an appeal in writing to the Commissioner. The Commissioner shall respond to this appeal in a reasonable time, and such decision will be deemed a final determination. Those buildings that are currently enrolled in the multiunit building collection program shall be allowed to continue participation in such program pending a final determination by the Department.

(d) *Application Requirements.* New applications to enroll in the multiunit building collection program must be submitted by the owner, or their agent, of a multiunit building to the Department in a form and format determined by the Department during the program application period. There is no fee to enroll. Such application shall include:

1. the name and contact information of the owner of such building, and their agent, if applicable;
2. the number of dwelling units in such building;
3. an attestation that the owner of such building, or their agent, agrees to place receptacles or bags containing solid waste or recyclables at the curb consistent with subdivision (b) of this section; and
4. any additional information deemed necessary by the Department.

(e) *Termination of enrollment.*

1. At any point, upon 30 days written notice to an owner, or their agent, the Department may terminate the participation in the multiunit building collection program of any building that causes a public nuisance or who fails to comply with the requirements of this program.
2. An owner, or their agent, of a building enrolled in the multiunit building collection program may opt to terminate participation in this program only during the program application period. Such termination shall be effective beginning April 1 thereafter.
3. When a building enrolled in the multiunit building collection program has a change in ownership, the owner that enrolled the building in the program shall notify the Department in writing to cancel enrollment in the program thirty days prior to the closing of the sale of the building. Cancellation of enrollment in the program shall be effective upon receipt of the notice. The enrollment cancellation notice to the Department shall include the name and contact information of the new building ownership.

(f) *Annual notification.* The Department shall notify, in writing, the owners, or their agents, of multiunit buildings enrolled in this program of their obligations under this program no later than December 31 each year that they are enrolled.

(Added City Record 12/1/2022, eff. 12/31/2022)

§ 1-09 City Agency and Institutional Recycling.

(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 § 16-307 of the Administrative Code of the city of New York, the following materials are designated as recyclable materials: metal cans, metal items, aluminum foil, aluminum foil products, metal components of bulk waste, bulk metal, containers made of glass, beverage cartons, rigid plastics and bulk plastic (collectively referred to as designated recyclable metal, glass and plastic); and newspaper, magazines, corrugated cardboard, high grade office paper, catalogs, phone books, and mixed paper (collectively referred to as designated recyclable paper).

(c) *Designation of additional materials.* The Commissioner may require that a facility within an agency/institution source separate, an additional material for recycling if it is determined by the Commissioner, in consultation with the facility, that the facility generates a recyclable material that has not been designated pursuant to § 16-307 of the Administrative Code of the city of New York in a sufficient quantity to make collection for recycling reasonably practicable. Thereafter, such additional recyclable materials shall be considered designated recyclable materials for that facility and shall be subject to the requirements of this section.

(d) *Establishment of recycling program.* Each agency/institution shall be responsible for establishing a recycling program in accordance with the requirements set forth in this section. Such recycling program shall be outlined in an implementation plan which shall include:

- (1) the location of facilities within the agency/institution and whether each facility receives Department curbside or mechanized collection service, private carter collection service, provides its own collection service or receives a combination of collection services;
- (2) the name, title and telephone number of each recycling coordinator required under this subdivision, paragraph (h)(2) and paragraphs (i)(2) and (j)(2) of this section;
- (3) a survey of the type of solid waste generated at each facility or type of facility listed; and
- (4) the number of employees at each facility, identified as either full-time or part-time employees, and in addition: for schools, the number of students; for jails, the number of inmates; for hospitals, the number of patients; and for shelters, the number of temporary residents, at each facility.

In lieu of submitting information specified in paragraph (4), agencies/institutions may, with Department approval, develop and submit other criteria for estimating the amount of waste generated at a facility. For facilities within agencies/institutions that receive Department collection service, implementation plans shall include, in addition to paragraphs (1), (2), (3) and (4) of this subdivision, the location of the central collection area or areas required in subparagraph (g)(2)(i). For facilities within agencies/institutions that receive private carter service, implementation plans shall include, in addition to paragraphs (1), (2), (3) and (4) of this subdivision, the name of the private carter or private carters, and must identify, by type, each designated recyclable material that will be collected by each private carter, and if applicable, whether the private carter will be utilizing single stream collection of recyclables. Each agency/institution shall appoint an agency/ institution recycling coordinator who shall be responsible for overseeing the establishment and operation of the agency's/institution's recycling program. Each agency/institution shall submit one plan to the Department for approval within three months of the effective date of this section and shall update such plan within a reasonable time if there are any significant changes, including changes in the information required to be supplied under paragraphs (3) and (4) of this subdivision.

(e) *Implementation of recycling programs.*

- (1) Curbside collection: Implementation of recycling requirements for designated recyclable materials that are or will be collected through Department curbside collection service

shall be scheduled on a district by district basis. However, facilities located in districts in which residential source separation of a specific material is mandatory prior to the effective date of this section shall have three months from such effective date to implement a recycling program for such material. A facility may receive curbside collection service for specific designated recyclable materials and mechanized collection service for other designated recyclable materials.

(2) Mechanized collection service: Implementation of recycling requirements for designated recyclable materials that are or will be collected through Department mechanized collection service shall be implemented on a building by building basis as scheduled by the Department. A facility may receive mechanized collection service for specific designated recyclable materials and curbside collection service for other designated recyclable materials. The Commissioner may require pursuant to subdivision (f) of this section that a specific designated recyclable material be collected through mechanized collection service.

(3) Implementation of recycling programs in facilities within agencies/institutions that receive private carter collection service shall be scheduled no later than required by rules promulgated under § 16-306 of the New York City Administrative Code for private carter-collected waste.

(4) Implementation of recycling programs in facilities within agencies/institutions that provide their own collection service shall be scheduled as soon as is practicable for each designated recyclable material so long as recycling programs are implemented for all materials no later than one year from the effective date of this section. Notwithstanding any other provision of this paragraph, the Department may require at any time as a condition of receiving free dump privileges at Department solid waste disposal facilities that an agency/institution implement a recycling program for specific designated recyclable materials.

(f) *Determination of mechanized collection service.* The Commissioner may require, after consultation with the facility, that specific designated recyclable materials be collected from such facility through mechanized collection service. Factors to be considered in imposing this requirement include, but are not limited to:

- (1) availability of space for the storage of containers for mechanized collection;
- (2) feasibility of departmental access to such containers; and

(3) whether the quantity of a specific designated recyclable material that is required to be source separated is sufficient to warrant mechanized collection service. Any facility not receiving mechanized collection service for a designated recyclable material that is located in a district in which curbside collection of such material has commenced shall receive curbside collection for such material.

(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 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 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.

(h) *Recycling programs in facilities within agencies/institutions that receive private carter collection service.* Recycling programs in facilities that receive private-carter collection service shall comply with rules promulgated under § 16-306 of the New York City Administrative Code for private-carter collected waste, unless the private carter receives free dump privileges at Department solid waste disposal facilities. This subdivision shall only apply to institutions and their facilities if their private carter receives free dump privileges at Department solid waste disposal facilities.

(1) Recycling programs in facilities in agencies/institutions that receive private carter collection service shall provide for source separation of designated recyclable materials from solid waste and organic waste, if applicable.

(2) All facilities that receive private carter collection service shall appoint a facility recycling coordinator to ensure compliance with the facility's recycling program and to notify his/her agency/institution recycling coordinator and the Department within a reasonable time of any change in such program.

(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.

(j) *Recycling programs in facilities within institutions that provide their own collection service and receive free dump privileges at Department solid waste disposal facilities:*

(1) Recycling programs in facilities within institutions that provide their own collection service and receive free dump privileges at Department solid waste disposal facilities shall provide for source separation of designated recyclable materials from solid waste and organic waste, if applicable.

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

(3) Facilities shall make provisions to ensure that designated recyclable materials that are required to be source separated are recycled. Upon request, a facility shall provide the Department with reasonable documentation that such provisions have been made.

(k) *Agency/Institution contractors.* Agencies/institutions or their facilities that contract for services that result in the generation of designated recyclable materials shall make provisions to recycle those materials. This subdivision shall only apply to institutions and their facilities if the contractor receives free dump privileges at Department solid waste disposal facilities.

(l) *State Agencies.* New York State agencies shall comply with the provisions of this section as a condition of receiving Department collection service or free dump privileges at Department solid waste disposal facilities.

(m) *Institutions.* Institutions shall comply with the provisions of this section as a condition of receiving Department collection service or free dump privileges at New York City solid waste disposal facilities. In addition, non-governmental institutions shall be subject to civil penalties as provided for in § 16-324 of the New York City Administrative Code for violation of the provisions of this section.

(n) *Health care facilities.* Notwithstanding any other provision of this section, nothing in this section shall be interpreted to apply to patient care areas in health care facilities, including in-patient care units and other clinical areas, in which regulated medical waste or other medical waste, as such terms are defined in § 16-120.1 of the New York City Administrative Code, is generated on a regular basis. However, health care facilities shall make reasonable efforts to minimize the amount of designated recyclable materials that are disposed of in patient care areas.

(Amended City Record 2/5/2016, eff. 8/1/2016; amended City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

§ 1-10 Recycling of Private Carter-collected Waste.

(a) *Designated recyclable materials.*

(1) Pursuant to § 16-306 of the Administrative Code of the city of New York, the following materials are designated as recyclable materials for purposes of this section:

- (i) metal cans, metal items, aluminum foil, aluminum foil products, metal components of bulk waste, bulk metal, containers made of glass, beverage cartons, rigid plastics and bulk plastic (collectively referred to as designated recyclable metal, glass and plastic);
- (ii) high grade office paper, newspaper, magazines, catalogs, phone books, mixed paper and corrugated cardboard (collectively referred to as designated recyclable paper);
- (iii) textiles generated by establishments whose solid waste during any monthly period is comprised of at least 10% textiles;
- (iv) yard waste generated by establishments whose solid waste during any monthly period is comprised of at least 10% yard waste;
- (v) construction and demolition waste generated by entities that exclusively engage in an activity that generates construction waste during the ordinary course of business, except that such construction waste shall exclude plaster, wall coverings, drywall, roofing shingles and glass window panes; and
- (vi) organic waste, if designated as a recyclable material pursuant to § 16-306.1 of the Administrative Code of the City of New York;

(2) Notwithstanding paragraph (1) of this subdivision, if there exists any amount of paint, solvents, or hazardous substances contained in a designated recyclable container, such container must not be deemed a designated recyclable material. Instead, such containers must be disposed of in accordance with applicable local, state or federal law.

(b) *General source separation, set-out and collection requirements for private carter-collected waste.*

(1) Generators of private carter-collected waste must source separate the materials designated in subdivision (a) as follows:

- (i) Designated recyclable paper must be tied and bundled securely, or placed out separately for collection in transparent or translucent bags, or labeled bins;
- (ii) Designated recyclable metal, glass, and plastic must be placed out together, for collection in transparent or translucent bags or labeled bins, provided that bulk metal and bulk plastic items that do not fit in transparent or translucent bags or labeled bins may be placed out separately;
- (iii) Yard waste must be placed out separately for collection from all other designated recyclable materials and solid waste, and must be disposed of in accordance with § 16-308 of the Administrative Code of the City of New York;
- (iv) Textiles must be placed out separately for collection from all other designated recyclable materials, solid waste and organic waste; and
- (v) Construction and demolition debris must be placed out separately for collection from all other designated recyclable materials, solid waste and organic waste.

(2) Designated recyclable metal, glass and plastic, which may be commingled together, must not be placed in the same bags with designated recyclable paper. The provisions of this paragraph will not apply if such materials are collected pursuant to single stream collection and recycling as allowed by paragraph (3) of subdivision (c) of this section.

(3) Any materials that have special collection requirements pursuant to applicable local, state or federal law must be disposed of accordingly, and must not be commingled with solid waste, designated recyclable materials or organic waste.

(c) *Commingling of solid waste with designated recyclable materials.*

(1) The commingling of any designated recyclable materials with solid waste is prohibited.

(2) The commingling of organic waste that has been designated pursuant to § 16-306.1 of the Administrative Code of the City of New York, with solid waste or other designated recyclable materials is prohibited.

(3) Notwithstanding the source separation provisions of subdivision (b) of this section, a generator of private-carter collected waste may commingle designated metal, glass, and plastic with designated recyclable paper if:

(i) the private carter that collects such material operates as a designated carter pursuant to an agreement that was entered into pursuant to § 16-1002 of the Administrative Code and that authorizes such carter to use single stream collection of recyclables; or

(ii) such generator obtains a registration from the business integrity commission pursuant to paragraph (b) of § 16-505 of the Administrative Code of the city of New York to transport its own designated recyclable materials and is authorized by the business integrity commission to use single stream collection of recyclables.

(d) *Generator requirements.*

(1) All generators of private carter-collected waste must ensure that the separation of materials as set forth in subdivisions (b) and (c) of this section is maintained prior to the collection of such materials by a private carter or recycler. However, such requirements do not apply if single stream collection and recycling is used by a private carter or recycler pursuant to paragraph (3) of subdivision (c) of this section. All generators of private carter-collected waste must ensure that designated recyclable materials as set forth in subdivision (a) of this section are kept separate from solid waste and organic waste, if designated pursuant to § 16-306.1 of the Administrative Code of the city of New York.

(2) As required by § 16-116 of the Administrative Code of the city of New York, generators must post a decal identifying each private carter approved to provide collection and/or recycling services for such generators. Such decal must use lettering of a conspicuous size and be prominently displayed by attaching 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. Such decal must display the private carter's name, the private carter's license number issued by the business integrity commission pursuant to Title 16-A of the Administrative Code, and the unique customer identifier number assigned to the customer by the private carter pursuant to 16 RCNY § 20-36(a).

(e) *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 private carter or recycler of solid waste or designated recyclable materials generated by such premises must:

(i) arrange with a private carter or recycler for the recycling, reuse or sale for reuse of designated recyclable materials in accordance with subdivisions (b) and (c) of this section, except where such materials are managed pursuant to the returnable container act, also known as the bottle bill, found in title 10 of article 27 of the environmental conservation law. This provision will not apply if an establishment obtains a registration issued by the business integrity commission pursuant to subdivision b of § 16-505 of the Administrative Code of the city of New York.

(ii) Notify his or her tenants, occupants, and/or employees, at least annually, 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 made available to the Department upon request, provided that any penalty imposed for a violation of this subparagraph shall be reduced to zero dollars if, on or before the initial return date stated on the notice of violation, the owner, lessee or person-in-charge of the premises submits proof of having cured such violation.

(iii) Post and maintain one or more signs in maintenance areas where refuse and recycling are collected and/or stored, which describe what materials are required to be source separated and collection procedures for such materials; and

(iv) Post and maintain one or more such signs 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 private carter-collected waste must, at a minimum:

(i) source separate materials in accordance with subdivisions (b) and (c) of this section, except where such materials are managed pursuant to the returnable container act, also known as the bottle bill, found in title 10 of article 27 of the environmental conservation law;

(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.

(3) Any sign posted pursuant to this paragraph must be posted in a common area or areas routinely visited by such employees, customers, clients, and/or others lawfully on the premises.

(4) Containers for the collection of designated recyclable materials to be used by customers, clients, or others lawfully on the premises must be labeled to indicate what materials may be properly placed therein.

(5) Nothing in this subdivision will 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.

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

(1) remove any translucent plastic bags containing source separated designated recyclable metal, glass and plastic that are intended for recycling, reuse, or sale for reuse, or transfer to a recycling processing facility; and

(2) maintain any separated designated recyclable paper materials apart from all other solid waste and other designated recyclable materials before their transfer to another location.

(g) *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 of solid waste and/or designated recyclable materials placed out for collection by a generator to determine whether such materials have been placed out for collection in accordance with subdivisions (b), (c) and (d) of this section;

(ii) inspections of solid waste brought to Department solid waste disposal facilities;

(iii) inspections of non-putrescible and putrescible solid waste transfer stations; and

(iv) inspections of any other facilities required to be registered or licensed by the department.

(2) Any person who violates any provision of this section will be liable for civil penalties as provided for under § 16-324 of the Administrative Code of the city of New York. Section 16-324 provides for a civil penalty in the amount of \$100 for the first violation, \$200 for the second violation committed on a different day within a period of twelve months, and \$400 for the third and each subsequent violation committed on a different day within a period of twelve months. Any person who receives four or more violations that were committed on different days within a period of six months shall be classified as a persistent violator and would be subject to the additional penalties as set forth in § 16-324 of the Administrative Code of the city of New York. In addition, operators of non-putrescible or putrescible solid waste transfer stations will be liable for civil penalties as provided for in § 16-133(a)(2) of the Administrative Code of the city of New York and rules promulgated thereunder. Section 16-133(a)(2) provides for a civil penalty in the amount of \$2,500 to \$10,000 for the first violation, \$5,000 to \$10,000 for the second violation committed within a three year period, and \$10,000 for a third and each subsequent violation committed within a three year period.

(h) *Severability.* The provisions of these Rules shall be severable and if any word, 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.

(Amended City Record 2/5/2016, eff. 8/1/2016; amended City Record 11/16/2021, eff. 12/16/2021*)

* **Editor's note:** For specific effective date provisions, see the editor's note at 16 RCNYCh. 20.

Chapter 19: Penalty Schedule

§ 19-101 Definitions.

Default penalty. "Default penalty" shall mean the penalty imposed by the Office of Administrative Trials and Hearings acting pursuant to Section 1049-a of the Charter in accordance with subparagraph (d) of paragraph one of subdivision d of Section 1049-a of the Charter.

RCNY. "RCNY" shall mean the Rules of the City of New York.

(Added City Record 5/5/2017, eff. 6/4/2017; amended City Record 10/15/2021, eff. 11/14/2021)

§ 19-102 General.

- (a) Unless otherwise indicated, all citations are to the New York City Administrative Code.
- (b) Sections marked with an asterisk (*) indicate that a repeat violation is:
 - (1) a violation by the same respondent of the same section of law; and
 - (2) a violation that occurred within 12 months of the dates of 12 or more violations issued to the same respondent; and
 - (3) a violation that occurred at the same place of occurrence as the previous 12 violations.
- (c) Sections marked with two asterisks (**) indicate that a second or third violation is:
 - (1) a violation by the same respondent of the same section of law as the previous violation(s); and
 - (2) a violation that occurred within 12 months of the date of the last violation issued to the same respondent.
- (d) Sections marked with three asterisks (***) indicate that a second or third violation is:
 - (1) a violation by the same respondent of the same section of law as the previous violation(s); and
 - (2) a violation that occurred within 12 months of the date of the last violation issued to the same respondent; and
 - (3) the violation was issued to a natural person.
- (e) Sections marked with five asterisks (*****) indicate that second or third violation is:
 - (1) a violation by the same respondent of the same section of law as the previous violation(s); and
 - (2) a violation that occurred within 18 months of the date of the last violation issued to the same respondent.
- (f) A second or third violation for those violations found in 16 RCNY § 19-104, shall be:
 - (1) a violation by the same respondent of the same section of law as the previous violation(s); and
 - (2) a violation that occurred within three years of the date of the last violation issued to the same respondent.
- (g) A second or third violation for those violations found in 16 RCNY § 19-106, shall be:
 - (1) a violation by the same respondent of any provisions of the rules found in 16 RCNY Chapter 8, or of § 16-117.1 of the New York City Administrative Code, and
 - (2) where the date of occurrence of the current violation is within two years of the date of the prior violation.
- (h) For those violations found in 16 RCNY § 19-106, where a hearing officer finds that the respondent is a worker, defined as an individual employee working under the direction of another whose job duties permit no exercise of judgment or discretion), the penalty will be \$500.

(Added City Record 5/5/2017, eff. 6/4/2017; amended City Record 10/15/2021, eff. 11/14/2021)

§ 19-103 Sanitation Penalty Schedule.

Section of Law	Description	Offense	Penalty	Default Penalty
16-116(b)	Posting of sign/permit		50	50
16-118(1)(a)**	Littering	1st	75	112
		2nd	300	375
		3rd	400	400
16-118(1)(a)**	Sweep-out	1st	75	112
		2nd	300	375
		3rd	400	400
16-118(1)(a)**	Throw-out	1st	75	112
		2nd	300	375
		3rd	400	400
16-118(1)(b)**	Spitting	1st	75	112
		2nd	300	375
		3rd	400	400
16-118(2)(a)**	Dirty sidewalk	1st	50	300
		2nd	100	300
		3rd	100	300
16-118(2)(a)**	Dirty Area	1st	50	300
		2nd	100	300
		3rd	100	300
16-118(2)(a)**	Failure to Clean 18" Into Street	1st	50	300
		2nd	100	300
		3rd	100	300
16-118(2)(a)**	Sidewalk obstruction	1st	50	300
		2nd	100	300
		3rd	100	300
16-118(2)(b)*	Dirty Sidewalk (Vacant Lot)*		100	300
16-118(2)(b)*	Dirty Area (Vacant Lot)*		100	300
16-118(2)(b)*	Sidewalk Obstruction (Vacant Lot)*		100	300
16-118(2)(b)*	Failure to Clean 18" Into Street (Vacant Lot)*		100	300
16-118(2)(b)*	Repeat Violation		250	300
16-118(3)**	Dust or substances flying	1st	50	450
		2nd	100	450
		3rd	100	450
16-118(4)**	Spillage from receptacle	1st	100	450
		2nd	250	450
		3rd	350	450
16-118(4)**	Spillage from truck	1st	200	200
		2nd	350	350
		3rd	450	450
16-118(4)***	Littering from a Motor Vehicle	1st	200	200
		2nd	350	350
		3rd	450	450
16-118(6)**	Noxious liquids	1st	100	450
		2nd	250	450
		3rd	350	450
16-118(6)**	Public Urination	1st	75	112
		2nd	250	375
		3rd	350	400
16-118(7)	Preventing or otherwise interfering with work of DSNY employee		100	300
16-120(a)**	Improper Disposal	1st	50	300
		2nd	100	300
		3rd	200	300

16-120(a)**	Insufficient Receptacles	1st	50	300
		2nd	100	300
		3rd	200	300
16-120(a)**	Broken Receptacles	1st	50	300
		2nd	100	300
		3rd	200	300
16-120(a)**	Uncovered Receptacles	1st	50	300
		2nd	100	300
		3rd	200	300
16-120(a)**	Improper Disposal – Bedding	1st	50	300
		2nd	100	300
		3rd	200	300
16-120(a)**	Improper receptacles	1st	50	300
		2nd	100	300
		3rd	200	300
16-120(b)**	Separation and weight	1st	50	300
		2nd	100	300
		3rd	200	300
16-120(c)**	Storage of receptacles	1st	50	300
		2nd	100	300
		3rd	200	300
16-120(d)**	Loose rubbish	1st	50	300
		2nd	100	300
		3rd	200	300
16-120(e)(1)**	Improper Disposal (DSNY Litter Basket)	1st	100	100
		2nd	250	250
		3rd	350	350
16-120(e)(2)**	Improper Disposal	1st	75	75
		2nd	300	300
		3rd	400	400
16-122(b)	Street obstruction		100	150
16-122(c)	Disabled vehicle		100	150
16-123**	Snow, ice and dirt removal	1st	100	350
		2nd	150	350
		3rd	250	350
16-127(a)	Earths, rocks and rubbish		50	100
16-327(a)	Failure to dispose of solid waste and recyclable materials properly (street events)		\$100 per violation. Maximum: Up to \$500 per day or \$2,000 per street event.	\$100 per violation. Maximum: Up to \$500 per day or \$2,000 per street event.
16-327(b)(1)	Failure to provide sufficient number of refuse and recycling receptacles for street event		\$100 per violation. Maximum: Up to \$500 per day or \$2,000 per street event.	\$100 per violation. Maximum: Up to \$500 per day or \$2,000 per street event.
16-327(b)(2)	Spillage condition from overflowing receptacle (Street events)		\$100 per violation. Maximum: Up to \$500 per day or \$2,000 per street event.	\$100 per violation. Maximum: Up to \$500 per day or \$2,000 per street event.
16-327(b)(3)	Failure to properly bag and/or bundle refuse and recyclables		\$100 per violation. Maximum: Up to \$500 per day or \$2,000 per street event.	\$100 per violation. Maximum: Up to \$500 per day or \$2,000 per street event.
16-327(b)(4)	Failure to place bagged and/or bundled refuse and recyclables at predetermined location		\$100 per violation. Maximum: Up to \$500 per day or \$2,000 per street event.	\$100 per violation. Maximum: Up to \$500 per day or \$2,000 per street event.
16 RCNY § 1-04.2	Improper disposal of electronic waste		100	100
16 RCNY § 5-06(a)(3)	Vehicle Body – Improper color		250	500
16 RCNY § 5-06	Misc. Violation of vehicle body specifications		250	500
10-117(a)	Illegal placement of stickers or decals on public or private property		150	500
10-117.3(b)	Failure to remove graffiti		150	300
10-119**	Illegal posting of handbill / notice	1st	75	200
		2nd	150	200
10-119**	Posting on a tree	1st	150	200
		2nd	300	550
10-120*	Defacement of City handbill / notice	1st	75	200
		2nd	150	200
NYS General Business Law § 397-a	Placement of unsolicited advertisements on private property in a manner contrary to sign authorized by General Business Law § 397-a.		250	250
NYS Public Health Law § 1310	Failure to remove canine waste		250	250
NYS Vehicle and Traffic Law § 375(1)*****	Unlawful Placement of Handbills on Vehicles	1st	75	100
		2nd	150	200
NYS Vehicle and Traffic Law § 1224(7)	Abandoned Vehicle		250	1,000
NYS Environmental Conservation Law § 27-1701(3)	Improper disposal of lead acid battery		50	50
16-117.1	Improper transport/storage/disposal of asbestos waste		1,000	10,000
16-117.1	Hazardous transportation/storage/disposal of asbestos waste		10,000	10,000

(Added City Record 5/5/2017, eff. 6/4/2017; amended City Record 10/15/2021, eff. 11/14/2021)

§ 19-104 Sanitation Solid Waste Transfer Station and Intermodal Penalty Schedule.

Section of Law	Description	Offense	Penalty	Default Penalty
Section of Law	Description	Offense	Penalty	Default Penalty
16-130(b)	Operating a non-putrescible solid waste transfer station without a permit	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY §§ 4-01 et seq.	Commissioner's transfer station rule (non-putrescible waste)	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16-130(b)	Operating a putrescible waste transfer station without a permit.	1st	2,500	10,000
		2nd	5,000	10,000

		3rd	10,000	10,000
16 RCNY §§ 4-11 et seq.	Commissioner's transfer station rule (putrescible waste)	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16-130(b)	Operating dump or fill material operation without a permit	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY §§ 3-02 et seq.	Commissioner's rule (dump and fill material operation)	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY §§ 4-32, 4-33, 4-34	Violation of transfer station Rules re: siting / hours / reports plans	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16-130(b)	Operating an intermodal solid waste container facility without a registration	1st	2,500	10,000
		2nd	5,000	10,000
		3rd and sub.	10,000	10,000
16 RCNY § 4-44(c)	Failure to handle intermodal containers in a safe and sanitary manner	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY § 4-44(g)	Failure to maintain solid waste received at the facility for transports in intermodal containers	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY § 4-44(h)	Failure of intermodal containers to meet the specification requirements set forth in 16 RCNY § 4-43	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY § 4-44(i)	Failure to maintain and/or provide records	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY § 4-44(j)	Failure to remove intermodal containers containing putrescible waste within 72 hours of receipt.	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY § 4-44(l)	Failure to store equipment within the property lines.	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000

(Added City Record 10/15/2021, eff. 11/14/2021)

§ 19-105 Sanitation Medical Waste Penalty Schedule.

Section of Law	Description	Offense	Penalty	Default Penalty
16-120.1****	Improper disposal of infectious/medical waste	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16-120.1(d)	Improper disposal of regulated household waste		100	250
16-120.1(e)****	Failure to file DEC medical waste plans	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16-120.1(f)****	Failure to file DEC medical waste plans/amended plans	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16-120.1(e) or (f)	Late filing of medical waste plans or reports within 30 days as per 16-120.1(i)(6)		100	250
16 RCNY § 11-02(a) ****	Failure to file DEC Medical Waste Plans	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY § 11-02(b) ****	Failure to File Medical Waste Plans / Amended Plans	1st	2,500	10,000
		2nd	5,000	10,000
		3rd	10,000	10,000
16 RCNY § 11-02(a), (b)	Late Filing of Medical Waste Plans or Reports Within 30 days as per 16 RCNY § 11-02(c)		100	250
16 RCNY § 1-04	Improper disposal of regulated household waste		100	250

(Added City Record 10/15/2021, eff. 11/14/2021)

§ 19-106 Sanitation Asbestos Waste Penalty Schedule.

Section of Law	Violation Description	Offense	Penalty	Aggravating Circumstance: Visible Emission or Adult Exposure	Aggravating Circumstance: Child Exposure	Mitigation: No Knowledge	Mitigation: Small Quantity
	PRESENT FOR STORAGE OF ASBESTOS WASTE:						
16 RCNY § 8-03(a)(1)	Not Wet	1st	4,000	8,000	9,000	-1,000	-500
		2nd	5,000	10,000	11,000	N/A	-1,000
16 RCNY § 8-03(a)(2)	Uncontained, unsealed	1st	7,000	14,000	15,000	-2,000	N/A
		2nd	8,000	16,000	18,000	N/A	N/A
16 RCNY § 8-03(a)(2)	Not 6 mil	1st	5,000	10,000	11,000	-2,000	-1,000
		2nd	6,000	12,000	14,000	N/A	-1,000
16 RCNY § 8-03(a)(2)	No Warning Label	1st	1,000	N/A	N/A	-500	-200
		2nd	1,500	N/A	N/A	N/A	-500
16 RCNY § 8-03(a)(3)	Mixed w/ other waste	1st	5,000	10,000	11,000	-2,000	-1,000
		2nd	6,000	12,000	14,000	N/A	-1,000
	STORAGE OF ASBESTOS WASTE:						
16 RCNY § 8-04(a)(1)	Uncontained, unsealed	1st	12,000	24,000	25,000	-4,000	N/A
		2nd	14,000	25,000	25,000	N/A	N/A
16 RCNY § 8-04(a)(1)	Not wet, not 6 mil	1st	10,000	20,000	22,000	-4,000	-2,000
		2nd	11,000	22,000	24,000	N/A	-2,000
16 RCNY § 8-04(a)(1)	No warning label	1st	2,000	N/A	N/A	-1,000	-500
		2nd	3,000	N/A	N/A	N/A	-500
16 RCNY § 8-04(a)(2)	No 24 hour inspection	1st	2,000	4,000	N/A	-1,000	-500

		2nd	3,000	6,000	N/A	N/A	-500
16 RCNY § 8-04(a)(3)	Inadequate spare leak-tight containers	1st	3,000	N/A	N/A	-1,000	-500
		2nd	4,000	N/A	N/A	N/A	-500
16 RCNY § 8-04(a)(4)	Inadequate water supply	1st	3,000	N/A	N/A	-1,000	-500
		2nd	4,000	N/A	N/A	N/A	-500
16 RCNY § 8-04(a)(5)	Mixed with other waste	1st	7,000	14,000	15,000	-2,000	-1,000
		2nd	8,000	16,000	18,000	N/A	-1,000
16 RCNY § 8-04(a)(6)	Unsecured area	1st	6,000	N/A	N/A	-2,000	-1,000
		2nd	7,000	N/A	N/A	N/A	-1,000
16 RCNY § 8-04(b)	50 cu. Yds/no authorization	1st	3,000	N/A	N/A	-1,000	N/A
		2nd	4,000	N/A	N/A	N/A	N/A
16 RCNY § 8-04(b)(1)(i)	50 cu. Yds/ no inspection records	1st	2,000	5,000	N/A	-1,000	N/A
		2nd	3,000	6,000	N/A	N/A	N/A
	PRESENT FOR TRANSPORT ASBESTOS WASTE:						
16 RCNY § 8-05(a)	Uncontained, unsealed	1st	14,000	25,000	25,000	-4,000	N/A
		2nd	16,000	25,000	25,000	N/A	N/A
16 RCNY § 8-05(a)	Not wet, not 6 mil	1st	12,000	24,000	25,000	-4,000	-2,000
		2nd	14,000	25,000	20,000	N/A	-2,000
16 RCNY § 8-05(a)	No warning label	1st	3,000	N/A	N/A	-1,000	-500
		2nd	4,000	N/A	N/A	N/A	-500
16 RCNY § 8-05(b)	Without inspection	1st	3,000	6,000	7,000	-1,000	-500
		2nd	4,000	8,000	9,000	N/A	-500
16 RCNY § 8-05(c)	Mixed with other waste	1st	8,000	16,000	18,000	-2,000	-1,000
		2nd	9,000	18,000	20,000	N/A	-2,000
16 RCNY § 8-05(d)(1)	Transporter w/o DEC permit	1st	3,000	N/A	N/A	N/A	N/A
		2nd	4,000	N/A	N/A	N/A	N/A
16 RCNY § 8-05(d)(2)	Transporter w/o DCA permit	1st	3,000	N/A	N/A	N/A	N/A
		2nd	4,000	N/A	N/A	N/A	N/A
	TRANSPORT ASBESTOS WASTE:						
16 RCNY § 8-06(a)	Uncontained, unsealed	1st	16,000	25,000	25,000	-5,000	N/A
		2nd	18,000	25,000	25,000	N/A	N/A
16 RCNY § 8-06(a)	Not wet, not 6 mil	1st	12,000	24,000	25,000	-4,000	-2,000
		2nd	14,000	25,000	25,000	N/A	-2,000
16 RCNY § 8-06(a)	No warning label	1st	4,000	N/A	N/A	-1,000	-500
		2nd	5,000	N/A	N/A	N/A	-1,000
16 RCNY § 8-06(b)	No examination, unsafe packaging	1st	4,000	8,000	9,000	-1,000	-500
		2nd	5,000	10,000	11,000	N/A	-1,000
16 RCNY § 8-06(c)	Inadequate spare leak-tight containers	1st	4,000	N/A	N/A	-1,000	-500
		2nd	5,000	N/A	N/A	N/A	-1,000
16 RCNY § 8-06(d)	Inadequate water supply	1st	4,000	N/A	N/A	-1,000	-500
		2nd	5,000	N/A	N/A	N/A	-1,000
16 RCNY § 8-06(e)	Mixed with other waste	1st	9,000	18,000	20,000	-4,000	-2,000
		2nd	10,000	20,000	22,000	N/A	-2,000
16 RCNY § 8-06(f)	Unprotected container	1st	9,000	18,000	20,000	-4,000	-2,000
		2nd	10,000	20,000	22,000	N/A	-2,000
16 RCNY § 8-06(g)	Lacking DEC permit	1st	4,000	N/A	N/A	N/A	N/A
		2nd	5,000	N/A	N/A	N/A	N/A
16 RCNY § 8-06(h)	Lacking DCA permit	1st	4,000	N/A	N/A	N/A	N/A
		2nd	5,000	N/A	N/A	N/A	N/A
	PRESENT FOR DISPOSAL ASBESTOS WASTE						
16 RCNY § 8-07(a)	Unapproved site	1st	10,000	20,000	22,000	-4,000	-2,000
		2nd	12,000	24,000	25,000	N/A	-2,000
16 RCNY § 8-07(b)	Non-compliance w/ order	1st	9,000	18,000	20,000	N/A	N/A
		2nd	10,000	20,000	22,000	N/A	N/A
16 RCNY § 8-07(c)	Uncontained, unsealed	1st	18,000	25,000	25,000	-6,000	N/A
		2nd	20,000	25,000	25,000	N/A	N/A
16 RCNY § 8-07(c)	Not wet, not 6 mil	1st	16,000	25,000	25,000	-5,000	-3,000
		2nd	18,000	25,000	25,000	N/A	-3,000
16 RCNY § 8-07(c)	No warning label	1st	5,000	N/A	N/A	-2,000	-1,000
		2nd	6,000	N/A	N/A	N/A	-1,000
16 RCNY § 8-07(d)	No examination, unsafe repackaging	1st	5,000	10,000	11,000	-2,000	-1,000
		2nd	6,000	12,000	14,000	N/A	-1,000
16 RCNY § 8-07(e)	Mixed with other waste	1st	10,000	20,000	22,000	-4,000	-2,000
		2nd	12,000	24,000	25,000	N/A	-2,000
	ABANDONMENT:						
16 RCNY § 8-08	Abandonment of Asbestos waste	1st	20,000	25,000	25,000	-6,000	-4,000
		2nd	22,000	25,000	25,000	N/A	-4,000

(Added City Record 10/15/2021, eff. 11/14/2021)

**Attachment 10: Solid Waste and Recycling Legislation,
Local Laws**

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 57

Introduced by Council Members Rivera, Kallos, Ayala, Gibson, Lander, Van Bramer, Rosenthal, Yeger, Adams, Ampy-Samuel, Gennaro and Louis.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to city agency food waste prevention plans

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-307.2 to read as follows:

§ 16-307.2 City agency food waste prevention plans. a. Definitions. As used in this section, the following terms have the following meanings:

Covered agency. The term “covered agency” means an agency that has entered into at least one food purchase contract within the previous 12 months.

Food purchase contract. The term “food purchase contract” means: (i) a contract entered into by an agency in excess of the small purchase limits established by the procurement policy board, the principal purpose of which is to provide food, provided that such contract authorizes purchases only by the agency that entered into such contract, or (ii) a purchase order for food the value of which exceeds \$100,000, made by an agency against an existing contract.

Surplus food. The term “surplus food” means any food obtained through a food purchase contract that is not used for the purpose for which it was purchased and that would otherwise be discarded.

b. Agency food waste prevention plan. Every covered agency shall, no later than October 1, 2021, prepare and submit to the commissioner for approval, a food waste prevention plan. Any agency that becomes a covered agency after October 1, 2021 shall prepare and submit to the commissioner for approval, a food waste prevention plan within 90 days of becoming a covered agency. The commissioner shall submit each approved agency food waste prevention plan to the speaker of the council not later than seven days after such approval. Such plan shall conform to all applicable provisions of law and, at a minimum:

- 1. Establish guidelines for how to identify surplus food that may be safely donated;*
- 2. Identify methods to reduce the amount of surplus food, including the utilization of the food donation web portal described in section 16-497, when appropriate;*
- 3. Set forth procedures for the safe, efficient donation of surplus food; and*
- 4. Include any other provisions necessary to facilitate the reduction of surplus food and the donation of surplus food.*

c. Food waste prevention coordinator. Upon approval of an agency’s food waste prevention plan by the commissioner, each covered agency shall designate a coordinator to oversee implementation of the plan required by subdivision b.

d. Report. 1. On or before October 1, 2022, for the period between the effective date of the local law that added this section through January 1, 2022, and annually thereafter for the previous

12-month reporting period, each covered agency shall submit a report to the commissioner. Such report shall include, at a minimum:

- i. A summary of the actions taken to implement the agency's food waste prevention plan;*
- ii. Any proposed additional actions to be taken to implement such plan; and*
- iii. Any updates or changes to any information included in such plan.*

2. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 22, 2021 and returned unsigned by the Mayor on May 24, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 57 of 2021, Council Int. No. 1673-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 64

Introduced by Council Members Rosenthal, Grodenchik, Levine, Lander, Moya, Ayala, Ampry-Samuel, Rivera, Chin, Powers, Van Bramer, Koslowitz, Gibson, Brannan, Adams, Reynoso, Gjonaj, Kallos, Dromm, Salamanca, Cabrera, Rodriguez, Holden, Vallone, Perkins, Treyger, Cornegy, Eugene, Barron, Maisel, Rose, Menchaca, Koo, Cumbo, Louis and Gennaro.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to restricting single-use plastic beverage straws, beverage stirrers and beverage splash sticks, and to repeal chapter 4 of title 16 of such code, relating to rechargeable batteries

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 16 of the administrative code of the city of New York is REPEALED and a new chapter 4 of title 16 is added to read as follows:

Chapter 4. SINGLE-USE ITEMS

§ 16-401 Restrictions on providing single-use plastic beverage straws, beverage stirrers and beverage splash sticks.

a. Definitions. As used in this section, the following terms have the following meanings:

Beverage splash stick. The term “beverage splash stick” means a device primarily intended to be used to keep heat and liquid from escaping a lidded cup.

Beverage stirrer. The term “beverage stirrer” means a device primarily intended to be used by a person for the purpose of stirring beverages.

Beverage straw. The term “beverage straw” means a tube primarily intended to be used for transferring a beverage from its container to the mouth of a person.

Compostable. The term “compostable” means: (i) capable of undergoing biological breakdown in an industrial composting process, (ii) degradable into biomass that results in a material that is safe and desirable as a soil amendment and (iii) where applicable, as set forth in rules of the department: (A) compliant with ASTM D6400, ASTM D6868 or successor standards or other applicable standards developed by ASTM or other international standards organizations that specify criteria relating to the degradation of manufactured items into safe and environmentally beneficial material and (B) approved by a third-party field testing organization that has tested the item at issue to ensure that it is degradable into biomass that results in a material that is safe and desirable as a soil amendment.

Food service establishment. The term “food service establishment” means a premises or part of a premises where food is provided directly to a person, whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle. Food service establishment shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, bars, nightclubs, grocery stores, vending trucks or carts and cafeterias.

Plastic. The term “plastic” means a synthetic material made from organic polymers, including, but not limited to, polypropylene and polystyrene, that can be molded into shape while soft, and then set into a rigid or slightly elastic form.

Self-serve station. The term “self-serve station” means a designated area or mechanical dispenser in a food service establishment where consumers may help themselves to eating or drinking utensils such as napkins, cups, knives, forks, straws, stirrers or splash sticks.

Single-use. The term “single-use” means designed and intended to be used only once for drinking, eating or to serve a food or beverage.

b. No food service establishment in the city shall provide to any person any single-use beverage stirrer or single-use beverage splash stick made of plastic. Nothing in this chapter shall preclude food service establishments from providing compostable beverage stirrers or compostable beverage splash sticks that are not made from plastic.

c. 1. No food service establishment in the city shall provide to any person a single-use plastic beverage straw that is not compostable except upon request. Nothing in this chapter shall preclude food service establishments from providing compostable beverage straws that are not made from plastic.

2. All food service establishments shall maintain a sufficient supply of single-use plastic beverage straws that are not compostable. If a person specifically requests a plastic beverage straw, such food service establishment shall provide a single-use plastic beverage straw that is not compostable free of charge and shall make no inquiry into the reason for such request. A violation of this paragraph may also violate the reasonable accommodation provisions of title 8 of this code and be subject to enforcement by the city commission on human rights.

3. All food service establishments that have one or more self-serve stations shall display a sign at each such station that states: “Plastic straws available upon request.” Such signs shall be unobstructed in their entirety. Such signs must be at least two inches by seven inches, in no less

than 20 point font. A sample sign that satisfies the requirements of this paragraph shall be made available in a downloadable format on the department's website.

d. Notwithstanding subdivision c of this section, food service establishments may provide compostable beverage straws that are made from plastic upon request only if such straws are used by persons on such food service establishments' premises and such food service establishments dispose of all such straws through a commercial composting provider or in accordance with paragraph 1 of subdivision c of section 16-306.1 if such establishments are covered establishments pursuant to such section. Food service establishments that are not covered under section 16-306.1 that provide compostable beverage straws that are made of plastic pursuant to this subdivision shall maintain distinct and clearly labeled bins indicating where such compostable beverage straws that are made from plastic are to be separated for purposes of disposal.

e. This section does not apply to single-use beverage straws, beverage stirrers or beverage splash sticks that are packaged in bulk by a manufacturer and offered for retail sale. This section does not apply to pre-packaged beverage straws attached to individual beverage boxes, including but not limited to juice boxes, by the beverage manufacturer.

f. In consultation with other city agencies, the department shall conduct outreach and education about the requirements of this section. Such outreach and education shall be offered in multiple languages and shall employ best practices for accessibility for people with disabilities. Additionally, the department shall provide information about available compostable single-use beverage splash sticks, beverage stirrers and beverage straws on its website.

g. The department, the department of health and mental hygiene and the department of consumer and worker protection shall have the authority to enforce the provisions of this section.

h. Any person who violates this section or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer and worker protection, or in a proceeding before the office of administrative trials and hearings, pursuant to section 1049-a of the charter, or in the case of a food service establishment within the jurisdiction of the commissioner of health and mental hygiene or the commissioner of consumer and worker protection, in a proceeding before the office of administrative trials and hearings pursuant to section 1048 of the charter. Such penalties shall be in the amount of one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that such departments shall not issue a notice of violation, but shall issue a warning for any first violation that occurs before November 1, 2022.

§ 2. This local law takes effect on November 1, 2021, except that the commissioner of sanitation, the commissioner of consumer and worker protection and the commissioner of health and mental hygiene may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 12, 2021 and returned unsigned by the Mayor on June 14, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 64 of 2021, Council Int. No. 936-A of 2018 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 65

Introduced by Council Members Van Bramer, Kallos, Ayala, Gibson, Lander, Louis, Rosenthal, Holden, Cornegy, Riley, Rose, Barron, Brannan, Feliz, Gennaro, Rivera and Yeger.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to school food waste prevention plans

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-307.3 to read as follows:

§ 16-307.3 School food waste. a. Definitions. As used in this section, the following terms have the following meanings:

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.

Food purchase contract. The term “food purchase contract” means any purchase order or contract entered into by the department of education, the principal purpose of which is to provide food, and the value of which exceeds \$100,000.

School. The term “school” means a school of the city school district of the city of New York.

Surplus food. The term “surplus food” means any food obtained through a food purchase contract that is not used for the purpose for which it was purchased and that would otherwise be discarded.

b. Food waste prevention plan. No later than October 1, 2021, the chancellor shall prepare and submit to the commissioner a food waste prevention plan. Preparation of such food waste prevention plan shall provide school sustainability coordinators designated pursuant to subdivision c of section 16-307.1 an opportunity to offer ideas concerning food waste prevention. Such plan shall conform to all applicable provisions of law and include, but need not be limited to, the following information:

- 1. Guidelines for how to identify surplus food that may be safely donated;*
- 2. Any methods the chancellor has identified to reduce the amount of surplus food in schools;*
- 3. Any procedures the chancellor has identified that would allow the department of education or a school to donate surplus food safely and efficiently; and*
- 4. Any barriers the chancellor has identified that would prevent the safe and efficient donation of surplus food.*

c. Review by commissioner. The commissioner shall review the plan required pursuant to subdivision b of this section within 90 days of its submission and shall submit recommendations on the plan to the chancellor. The commissioner shall simultaneously submit a copy of the chancellor's plan and the commissioner's recommendations to the speaker of the council.

d. Report. On or before February 1, 2022, the chancellor shall submit a report to the commissioner. Such report shall include, at a minimum:

- 1. A summary of actions taken to implement the food waste prevention plan;*
- 2. A summary of actions that the chancellor proposes be taken to implement such plan; and*
- 3. Any updates or changes to any information included in such plan.*

e. The department shall include the information contained in the report prepared pursuant to subdivision d of this section as part of the department's March 1, 2022 annual recycling report required pursuant to subdivision k of section 16-305.

§ 2. This local law takes effect 90 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 12, 2021 and returned unsigned by the Mayor on June 14, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 65 of 2021, Council Int. No. 1681-A of 2019 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 72

Introduced by Council Members Maisel, Holden, Chin, Adams, Kallos, Miller, Ayala, Rose, Rodriguez, Yeger, Gennaro, Koslowitz and Ulrich.

A LOCAL LAW

In relation to creating an interagency task force on removing certain vehicles from public streets

Be it enacted by the Council as follows:

Section 1. Vehicle removal task force. a. There shall be an interagency task force to examine existing procedures or requirements for removing from city streets vehicles that are abandoned or parked without a license plate or valid registration. Such task force shall develop recommendations to improve existing removal practices in response to complaints from local residents, including, but not limited to, recommendations for rules or legislation regarding removing such vehicles from public streets.

b. The task force shall consist of the commissioner of transportation, the commissioner of sanitation, and the police commissioner, or the respective designee of each such commissioner, and two additional members appointed by the mayor. The mayor shall designate one member to serve as the chair of the task force. Any vacancy on the task force shall be filled in the same manner as the original appointment. All members of the task force shall serve without compensation, except that each member shall be allowed actual and necessary expenses, to be audited in the same manner as other city expenses.

c. The task force shall invite representatives from the New York state department of motor vehicles, the New York state department of transportation or any other relevant state agency identified by the task force, to participate in at least one task force meeting or to review the report required by subdivision e of this section.

d. The task force shall meet at least five times and shall convene at least one public hearing in each of the five boroughs. The chair of the task force shall convene the first meeting no later than 90 days after the date this local law takes effect.

e. No later than one year after the date this local law takes effect, the task force shall submit a report to the mayor and the speaker of the council setting forth its recommendations as described in subdivision a of this section.

f. The task force shall terminate upon the submission of the report required by subdivision e of this section.

§ 2. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 27, 2021 and returned unsigned by the Mayor on June 28, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 72 of 2021, Council Int. No. 176-A of 2018 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 80

Introduced by Council Members Gibson, The Speaker (Council Member Johnson), Gjonaj, Holden, Ayala, Brannan, Rosenthal, D. Diaz, Brooks-Powers, Yeger, Gennaro, Moya, Adams, Lander, Dinowitz, Rivera, Ampy-Samuel, Louis and Borelli.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reducing penalties and allowing opportunities to cure for certain violations, to repeal chapter 4-B of title 16 of such code, relating to the recycling of plastic carryout bags and film plastic, to repeal section 20-117 of such code, relating to disclosure of a security breach by a licensee of the department of consumer and worker protection, to repeal section 20-118 of such code, relating to notification of the department of consumer and worker protection by a licensee of a judgment regarding identity theft, to repeal section 20-212 of such code, relating to the licenses required to operate an amusement device, gaming café, and amusement arcade, to repeal 20-213 of such code, relating to the fees for such licenses, to repeal subchapter 13 of chapter 2 of title 20 of such code, relating to the licensing of auctioneers by the department of consumer and worker protection, to repeal sections 20-297.2, 20-297.3, and 20-297.4 of such code, relating to the licensing of laundries, to repeal subdivision e of section 20-634 of such code, relating to the collection of written statements from applicants for a license by the commissioner of the department of consumer and worker protection to the advisory task force, to repeal subchapter 16 of chapter 2 of title 20 of such code, relating to the licensing of persons who are conducting a sale of goods, wares or merchandise, to repeal section 20-348 of such code, relating to permitting conduct of games of bingo after 6 p.m. on Sundays, to repeal subchapter 2 of chapter 4 of title 20 of the administrative code of the city of New York, relating to the sale of charcoal, to repeal subchapter 4 of chapter 4 of title 20 of such code, relating to the sale of chopped meat, to repeal subchapter 6 of chapter 4 of title 20 of such code, relating to the sale of processed meats or meat products, to repeal subchapter 9 of chapter 4 of title 20 of such code, in relation to the sale of plumbing fixtures that do not comply with section 604.4 of the New York city plumbing code, to repeal subchapter 10 of chapter 4 of title 20 of such code, in relation to the sale of water supply control valves, to repeal subchapter 11 of chapter 4 of title 20 of such code, in relation to the sale of gauges that utilize mercury, to repeal section 20-713 of such code, in relation to the display of the current selling price of prescription drugs

Be it enacted by the Council as follows:

Section 1. Section 10-121 of the administrative code of the city of New York, subdivision a of such section as amended by local law number 2 for the year 2003, subdivision b of such section as amended by local law number 29 for the year 2003, subdivision e of such section as added by local law number 111 for the year 1993 and subdivision g of such section as added by local law number 2 for the year 2003, is amended to read as follows:

§ 10-121 Violation. a. Any person convicted of a violation of any of the provisions of section 10-119 or 10-120 of the code shall be punished by a fine of not less than seventy-five dollars nor more than one hundred fifty dollars, for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period, plus the cost of the removal of the unauthorized signs, imprisonment for not more than ten days, or both; provided, however, that subdivision b of section 10-119 of the code shall not apply with respect to criminal prosecutions brought pursuant to this subdivision.

b. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-119 [or 10-120] of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties of [not less than] seventy five dollars [nor more than one hundred fifty dollars] for the first offense and [not less than] one hundred fifty dollars [nor more than two hundred fifty dollars] for the second and each subsequent offense within a twelve month period. Anyone found to have violated the provisions of section 10-119 [or 10-120], in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized signs. Anyone found to have violated section 10-119 of this chapter by affixing any

handbill, poster, notice, sign or advertisement to a tree by means of nailing or piercing the tree by any method shall have an additional penalty imposed equal to the amount of the original penalty.

c. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-120 of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose a civil penalty of not less than seventy five dollars nor more than one hundred fifty dollars for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period. Anyone found to have violated the provisions of section 10-120, in addition to any penalty imposed, shall be responsible for the cost of the removal of the signs that were torn down, defaced or destroyed.

d. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of the environmental control board, he or she shall become liable for additional penalties. The additional penalties shall not exceed fifty dollars for each violation.

[d]e. Any person found in violation of any of the provisions of section 10-119 or 10-120 of the code shall be liable for a civil penalty as provided for in [subdivision] *subdivisions b and c* of this section.

[e]f. Liability and responsibility for any civil penalty imposed pursuant to this section for any violation of section 10-119 or 10-120 of the code shall be joint and severable on the part of any corporation found to be liable and responsible and its officers, principals, and stockholders owning more than ten percent of its outstanding voting stock.

g. For the purposes of imposing a criminal fine or civil penalty pursuant to this section, every handbill, poster, notice, sign or advertisement pasted, posted, painted, printed or nailed in violation of section 10-119 of the code or torn down, defaced or destroyed in violation of section 10-120 of the code, shall be deemed to be the subject of a separate violation for which a separate criminal fine or civil penalty shall be imposed.

§ 2. Subdivision b of section 10-127 of the administrative code of the city of New York is amended to read as follows:

b. Vehicles, markings of. Every commercial vehicle operating on the streets of the city shall at all times display permanently, plainly marked on both sides in letters and *any* numerals [not less than three inches in height] *in accordance with section 390.21 of title 49 of the code of federal regulations*, the name [and address] of the owner thereof. *The commissioner of transportation may promulgate rules imposing requirements or prohibitions relating to such markings, or both, applicable to such commercial vehicles, provided that any such requirements or prohibitions imposed by such commissioner shall not be more restrictive than any requirements or prohibitions applicable to such vehicles set forth in section 390.21 of title 49 of the code of federal regulations.*

§ 3. Subdivisions c and d of section 10-169 of the administrative code of the city of New York, as added by local law number 67 for the year 2014, are amended to read as follows:

c. Any person who violates the provisions of paragraph two of subdivision b of this section shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of [two hundred fifty] *one hundred* dollars for the first offense and [five] *three hundred fifty* dollars for each subsequent offense within any eighteen-month period. Any person who violates the provisions of paragraph two of subdivision b of this section *or any rules promulgated pursuant*

thereto by attaching or enclosing by any means any publicly accessible collection bin to or on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of [five hundred] *three hundred fifty* dollars for the first offense and [one thousand] *eight hundred fifty* dollars for each subsequent offense within any eighteen-month period. For purposes of this section, each publicly accessible collection bin placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be deemed a separate violation.

d. Any person who violates the provisions of paragraphs one, four or five of subdivision b of this section or any rules promulgated pursuant thereto shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of fifty dollars for the first offense and one hundred dollars for each subsequent offense within any eighteen-month period.

§ 4. Subdivision i of section 11-208.1 of the administrative code of the city of New York, as added by local law number 157 for the year 2019, is amended to read as follows:

i. The owner of a ground floor or second floor commercial premises, including of a designated class one property, as such terms are defined in subdivision a of section 11-3001, shall be required to file registration statements and supplemental registrations pursuant to subdivisions b, c and d of such section, [as part of] *with* the income and expense statement required to be submitted pursuant to this section.

§ 5. Subdivision f of section 11-3001 of the administrative code of the city of New York, as added by local law number 157 for the year 2019, is amended to read as follows:

f. The department of finance shall require the registration statements and supplemental registration required to be filed pursuant [this] *to* subdivisions b, c and d of this section to be filed

[as part of] *with* the income and expense statement required to be submitted to such department pursuant to section 11-208.1.

§ 6. Paragraph (i) of subdivision d of section 16-116 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

(i) Except as provided in paragraph (ii) of this subdivision, violation of any of the provisions of this section or any rules promulgated pursuant thereto shall be punishable by a civil penalty of not less than fifty nor more than one hundred dollars, provided that a [first-time] violation of subdivision (b) of this section or any rules promulgated *pursuant* thereto by any owner, lessee or person in control of a commercial establishment shall be [mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the violation at the hearing of such notice of violation. Any notice of violation, appearance ticket or summons issued for a violation of this section shall be returnable before the environmental control board which shall impose the penalty herein provided] *punishable by a civil penalty of fifty dollars.*

§ 7. Paragraph a of subdivision 9 of section 16-118 of the administrative code of the city of New York, as amended by local law number 137 for the year 2018, is amended to read as follows:

a. (1) not less than 50 and not more than 250 dollars for a first violation, except that the civil penalty shall be not less than 250 and not more than 350 dollars for a second violation of subdivision [3,] 4 or 6 of this section within any 12 month period, and not less than 350 and not more than 450 dollars for a third or subsequent violation of subdivision [3,] 4 or 6 of this section within any 12 month period;

(2) notwithstanding subparagraph (1) of paragraph a of this subdivision, 50 dollars for a first violation of paragraph (a) of subdivision 2 or of subdivision 3 of this section, or of any rules promulgated pursuant thereto, 100 dollars for a second violation of such paragraph or subdivision or of any rules promulgated pursuant thereto within any 12 month period, and 100 dollars for a third or subsequent violation of such paragraph or subdivision or of any rules promulgated pursuant thereto within any 12 month period;

§ 8. Subdivision f of section 16-120 of the administrative code of the city of New York, as amended by local law number 135 for the year 2018, is amended to read as follows:

f. Any person violating the provisions of this section, except subdivision e, shall be liable for a civil penalty of [not less than \$25 nor more than \$100] \$50 for the first violation, [not less than] \$100 [nor more than \$200] for a second violation within any twelve-month period, and [not less than] \$200 [nor more than \$300] for a third or subsequent violation within any twelve-month period. Any person violating the provisions of paragraph (1) of subdivision e of this section shall be liable for a civil penalty of \$100 for the first violation, \$250 for a second violation within any twelve-month period, and \$350 for a third or subsequent violation within any twelve-month period. Any person violating the provisions of paragraph (2) of subdivision e of this section shall be liable for a civil penalty \$75 for the first violation, \$300 for a second violation within any twelve-month period, and \$400 for a third or subsequent violation within any twelve-month period.

§ 9. Subdivision e of section 16-127 of the administrative code of the city of New York is amended to read as follows:

e. Any person violating the provisions of this section shall be liable and responsible for a civil penalty of [not less than twenty-five dollars nor more than one hundred] *fifty* dollars.

§ 10. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

§ 16-143. Corrective action request program. a. Definitions. For purposes of this section, the term “corrective action request” or “CAR” means a formal notice by the department that a condition is in violation of this title and that a request is being made for action to be taken by the respondent to whom such notice is addressed to correct the condition so described.

b. No later than October 1, 2021, the commissioner shall create a program for the issuance of corrective action requests for certain first-time violations of this title.

c. Corrective action request. 1. The corrective action request shall provide notice of the nature of the violation and that the law authorizes civil penalties for such violation.

2. The department shall issue a corrective action request to a person in lieu of a notice of violation for a condition that would violate, for the first time, the following sections of this chapter:

(a) Paragraphs (1), (2), (4) and (5) of subdivision b of section 10-169;

(b) Subdivision b of section 16-116; and

(c) Subdivision g of section 16-308.

3. A corrective action request may be served by either of the following means:

(a) Personal service; or

(b) Service in accordance with clause (ii) of subparagraph (a) of paragraph 2 of subdivision d of section 1049-a of the charter of the city of New York. Notwithstanding any inconsistent

provision of law, service pursuant to this subparagraph shall be complete on the date a copy of the corrective action request is mailed to the respondent.

4. Any corrective action requested by a corrective action request shall be performed within 30 days of service of such request pursuant to paragraph 3 of this subdivision, unless issuance of such corrective action request is protested as provided herein.

5. Within 14 days after the date of service of the corrective action request pursuant to paragraph 3 of this subdivision, unless a different time is specified on such request, the respondent may protest the issuance of such request in the manner described on such request.

6. Protests shall be reviewed by the department and a final determination of the protest shall be made within a reasonable period of time.

d. On or before July 1, 2022, the commissioner shall report to the speaker of the council and the mayor about the program established pursuant to this section. Such report shall include, but not be limited to, the following information:

1. The number of corrective action requests issued and the resolution of such requests;

2. The number of notices of violations issued for the violations described in paragraph 2 of subdivision c.

3. The impact of the program on operations of the department, street cleanliness, and quality of life; and

4. Any recommendations for improvement of such program.

§ 11. Subdivisions b and f of section 16-324 of the administrative code of the city of New York, subdivision b as amended by local law number 77 for the year 2013 and subdivision f as added by local law number 142 for the year 2013, are amended to read as follows:

b. Any person who violates subdivision g of section 16-308 of this chapter *or any rules promulgated pursuant thereto* shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, [one thousand] *five hundred* dollars for the second violation committed within a twelve-month period, and [two thousand five hundred] *one thousand* dollars for the third and each subsequent violation committed within a twelve-month period.

f. Any person who violates section 16-329 of this chapter or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer affairs, or in a proceeding before the environmental control board, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of [two] *one* hundred fifty dollars for the first violation, [five] *two* hundred *fifty* dollars for the second violation committed on a different day within a period of twelve months, and [one thousand] *five hundred* dollars for the third and each subsequent violation committed on different days within a period of twelve months[, except that the department, the department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning and provide information on replacement material, for any violation that occurs before January first, two thousand sixteen].

§ 12. Chapter 4-B of title 16 of the administrative code of the city of New York is REPEALED.

§ 13. Section 17-144 of the administrative code of the city of New York is amended to read as follows:

§ 17-144 Nuisances; who is liable. *a.* It is hereby declared to be the duty, of which there shall be a joint and several liability, of every owner, part owner, person interested, and every lessee,

tenant, and occupant, of, or in, any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter and thing in the city, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground or street therein, and of every person, public officer, and board having charge of any ground, place, building or erection therein, to keep, place and preserve the same and every part, and the sewerage, drainage and ventilation thereof in such condition, and to conduct the same in such manner that it shall not be dangerous or prejudicial to life or health, subject to the health code and orders of the department.

b. A food service establishment that violates this section or any rule promulgated thereunder in a manner that does not present an imminent health hazard or public health hazard, as such terms are defined in section 81.03 of the health code of the city of New York, shall be subject to a civil penalty of \$500; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service

establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 14. Section 17-192 of the administrative code of the city of New York is amended by adding new subdivisions d, e and f to read as follows:

d. Labels required. Food service establishments and mobile food unit commissaries shall comply with the requirements set forth in subdivision (c) of section 81.08 of the health code of the city of New York regarding labeling for food products containing artificial trans fat.

e. Penalties. Any food service establishment or mobile food unit commissary that violates any of the provisions of this section or any rule promulgated pursuant thereto by the department shall be liable for a civil penalty of \$100. Where a food service establishment or mobile food unit commissary is found to have violated this section or any rule promulgated pursuant thereto by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

f. Cure permitted. Any food service establishment or mobile food unit commissary that violates this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such establishment or commissary proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the

department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 15. Subdivision d of section 17-199.11 of the administrative code of the city of New York, as added by local law number 75 for the year 2019, is amended to read as follows:

d. Any food service establishment that violates any of the provisions of this section or any rule promulgated *thereunder* by the department shall be liable for a civil penalty [not to exceed \$200] of \$100. Where a person is found to have violated this section or any rule promulgated *thereunder* by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

§ 16. Section 17-199.11 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. Any food service establishment that violates this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the

department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17. Subdivision c of section 17-325 of the administrative code of the city of New York, paragraph 2 as amended by local law number 38 for the year 2013, is amended to read as follows:

c. 1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of subdivision a, b, or c of section 17-307 of this subchapter shall be liable for a civil penalty of not less than one hundred fifty dollars nor more than one thousand dollars together with a penalty of one hundred dollars per day for every day during which the unlicensed business operated.

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than subdivision a, b, or c of section 17-307, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of [not less than] twenty-five [nor more than fifty] dollars.

(b) For the second violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] fifty dollars [nor more than one hundred dollars].

(c) For the third violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] one hundred dollars [nor more than two hundred and

fifty dollars], in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.

(d) For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a penalty of [not more than five hundred] *two hundred fifty* dollars.

3. Notwithstanding paragraph 2 of this subdivision, any person that violates subdivision c of section 17-311 by failing to firmly affix a current letter grade or letter grade pending card to a vending vehicle or pushcart in a conspicuous place as required by rules of the department shall be liable for a civil penalty of five hundred dollars.

4. Any person that violates section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated thereunder, shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 18. Section 17-377 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

[§17-377] § 17-377 Permit to be kept on premises; mutilation prohibited. *a.* A permit shall be kept on the premises designated on the permit.

[It] *b. Such permit* shall be placed in a clean, transparent cover or frame and displayed in such a manner as to be clearly visible to the public.

[It] *c. Such permit* shall be available for inspection at all times by the department.

d. No person shall mutilate, obstruct or tear down [a] *such* permit.

§ 19. Section 17-381 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

[§17-381] § 17-381 Penalties. *a.* Any person found in violation of any provision of this subchapter, *other than subdivision b of section 17-377*, or any provision of any rule promulgated thereunder shall be subject to a civil penalty of five hundred dollars per day for each such violation. Each violation in connection with the sale of more than one animal shall be deemed a separate violation with respect to each animal offered for sale. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

b. Any person found in violation of subdivision b of section 17-377 or any provision of any rule promulgated thereunder shall be subject to a civil penalty of one hundred dollars per day for each such violation.

c. Any person that violates subdivision b of section 17-377 or any rule promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 17-377 or any rules promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 20. Subdivision e of section 17-508 of the administrative code of the city of New York, as amended by local law number 147 for the year 2017, is amended to read as follows:

e. 1. Every person who violates subdivisions a or b of this section shall, for a first violation thereof, be liable for a civil penalty of not less than two hundred dollars nor more than four hundred dollars; for a second violation, both of which were committed within a period of twelve months, be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars; and for a third or subsequent violation, all of which were committed within a period of twelve months, be liable for a civil penalty of not less than one thousand dollars nor more than two thousand dollars. Notwithstanding any provision of law in this paragraph to the contrary, where a person prohibits smoking and the use of electronic cigarettes in all indoor places of

employment pursuant to subdivision a of section 17-504, and such person is in compliance with subdivision a of section 17-506 of this chapter, a violation of subdivision b of this section by such person for failure to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy in the workplace shall, for a first violation thereof, make such person liable for a civil penalty of fifty dollars; for a second violation thereof, both of which were committed within a period of twelve months, liable for a civil penalty of one hundred dollars; and for a third or subsequent violation thereof, all of which were committed within a period of twelve months, liable for a civil penalty of one hundred fifty dollars.

2. Where a person prohibits smoking and the use of electronic cigarettes in all indoor places of employment pursuant to subdivision a of section 17-504, and such person is in compliance with subdivision a of section 17-506 of this chapter, such person shall not be subject to a civil penalty for a violation of subdivision b of this section for failure to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of this section by failing to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A

person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

3. Every person who violates subdivision d of this section shall be liable for a civil penalty of one hundred dollars for each violation, except that every person who violates subdivision d of this section by smoking, or using an electronic cigarette, in a pedestrian plaza as prohibited by paragraph seven of subdivision c of section 17-503 or in a park or other property under the jurisdiction of the department of parks and recreation as prohibited by paragraph three of subdivision d of section 17-503 shall be liable for a civil penalty of fifty dollars for each violation. Every owner of a class A multiple dwelling who violates subdivision d-1 of this section, and every tenant-shareholder, condominium unit owner and tenant who violates subdivision d-2 of this section, shall be liable for a civil penalty of one hundred dollars for each violation, provided that a violation of paragraph two, three or four of subdivision d-1 shall be considered a single violation regardless of whether such owner failed to disclose a smoking policy, to provide notification of adoption of such policy or a material change to such policy, or to make available copies of such policy to more than one person.

§ 21. Subdivision b of section 17-513.2 of the administrative code of the city of New York, as added by local law number 147 for the year 2017, is amended to read as follows:

b. Class A multiple dwelling smoking policy requirement. The civil penalty provided in *paragraph 3 of* subdivision e of section 17-508 shall be the sole remedy for violation of subdivision d-1 or d-2 of such section.

§ 22. Chapter 13 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1307 to read as follows:

§ 17-1307 Penalties. a. Any child care service found in violation of section 17-1303 or any provision of any rule promulgated thereunder shall be subject to a civil penalty of \$500 for each such violation.

b. Any applicant for a new or renewal permit to operate a child care service found in violation of section 17-1304, or of any provision of any rule promulgated thereunder, for failing to disclose whether a serious injury or the death of a child in its care shall be subject to a civil penalty of \$1,000 for each such violation.

c. Any child care service that violates section 17-1303 or any rule promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such child care service proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a child care service that has received, for the first time, a notice of violation of section 17-1303 or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A child care service may seek review, in the office of administrative trials and hearings, of the determination that the child care service has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 23. Section 17-1501 of the administrative code of the city of New York, as added by local law number 90 for the year 2013, is amended to read as follows:

§ 17-1501 Definitions. As used in this [Chapter] *chapter*, the following terms [shall] have the following meanings:

[a. “Consultative inspection”] *Consultative inspection. The term “consultative inspection”* means an educational sanitary inspection of a food service establishment that shall not result in fines or a grade.

[b. “Covered languages”] *Covered languages. The term “covered languages”* means Chinese, English, Haitian Creole, Korean, Bengali, Russian and Spanish, and any other language determined by the department.

[c. “Critical violations”] *Critical violations. The term “critical violations”* [shall have] *has* the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

[d. “Food service establishment”] *Food service establishment. The term “food service establishment”* means any establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the health code of the city of New York.

[e. “Food service establishment inspector”] *Food service establishment inspector. The term “food service establishment inspector”* means any individual employed by the department who as part of his or her duties conducts inspections of food service establishments pursuant to subdivision a of section 81.51 of the health code of the city of New York.

Food worker. The term “food worker” has the meaning it is given in section 81.03 of the health code of the city of New York.

[f. “General violations”] *General violations.* The term “general violations” [shall have] has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

Grade card. The term “grade card” has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

Grade pending card. The term “grade pending card” has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

[g. “Imminent health hazard or public health hazard” shall have] *Imminent health hazard or public health hazard.* The term “imminent health hazard or public health hazard” has the meaning it is given in section 81.03 of the health code of the city of New York.

[h. “Initial inspection”] *Initial inspection.* The term “initial inspection” means the first sanitary inspection within an inspection cycle.

[i. “Inspection cycle”] *Inspection cycle.* The term “inspection cycle” means a series of related inspections of food service establishments consisting of at least an initial inspection and including, if triggered by the initial or any subsequent inspections within that cycle, a reinspection and any compliance inspections conducted by the department because of a previous inspection score in that cycle.

[j. “Notice of violation”] *Notice of violation.* The term “notice of violation” means a written notice issued by a food service establishment inspector alleging that there was a violation of law or regulation at the food service establishment on the day of the food service establishment inspection.

[k. “Sanitary inspection”] *Sanitary inspection.* The term “sanitary inspection” means any on-site review by the department of a food service establishment's physical facilities, food

handling operations, equipment, sanitary condition, maintenance, and worker hygiene practices. The term may include, but shall not be limited to include, initial, reinspection, compliance and pre-permit inspections.

§ 24. Section 17-1507 of the administrative code of the city of New York, as added by local law number 138 for the year 2019, is amended to read as follows:

§ 17-1507 Required healthy eating information. a. Every food service establishment that sells food for consumption on its premises shall display public information messaging created by the department pursuant to subdivision b of this section in a conspicuous location within such establishment.

b. The department shall create public information messaging on healthy eating for all consumer, including but not specific to, individuals with diet-related conditions such as diabetes, heart disease and hypertension. Such messaging shall include, but not be specific to, the risks of excessive sugar and carbohydrate intake. The department shall make such messaging available to food service establishments in each of the designated citywide languages as defined in section 23-1101.

c. Any [person who] *food service establishment that* violates subdivision a of this section, or any rules promulgated pursuant to this section, shall be liable for a civil penalty of not more than \$500, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings.

d. *Any food service establishment that violates subdivision a of this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such food*

service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 25. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1508 to read as follows:

§ 17-1508 Posting, signage and display violations. a. A food service establishment shall post a grade card or grade pending card in accordance with the requirements set forth in subdivision (b) of section 81.51 of the health code of the city of New York.

b. A food service establishment that fails to display or conspicuously display a grade card or grade pending card in violation of subdivision a of this section shall be subject to a civil penalty of \$500.

c. Except as provided by subdivision b of this section, a food service establishment that violates this chapter, chapter 1 of this title or any rule or provision of the health code of the city of New York promulgated pursuant to either chapter, failing to post or conspicuously post a sign, poster,

image, card or other required information, or by failing to display or conspicuously display any permit, license or certification, shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

d. Subdivision c of this section does not apply to any violation by a food service establishment of this chapter, or chapter 1 of this title, or any rule or provision of the health code of the city of New York promulgated pursuant to either chapter, for failure to post a sign, poster, image, card or other required information to the extent the department determines that the posting of such sign, poster, image, card or other required information is required in order to mitigate a risk of immediate death or serious injury to the general public or patrons of such establishment.

§ 26. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding new sections 17-1509, 17-1510, 17-1511, 17-1512, 17-1513, 17-1514, 17-1515, 17-1516, 17-1517 and 17-1518 to read as follows:

§ 17-1509 Food protection. a. A person who is charged with the management or supervision of the operations of a food service establishment shall comply with the requirements set forth in subdivision (a) of section 81.15 of the health code of the city of New York regarding a food protection course and certification.

b. A food service establishment that violates subdivision a of this section or any rule promulgated pursuant thereto shall be subject to a civil penalty of \$400.

§ 17-1510 Personal hygiene and other food protection. a. Hair coverings. 1. A food worker shall comply with the requirements set forth in subdivision (b) of section 81.13 of the health code of the city of New York regarding hair restraints.

2. A food service establishment that violates this subdivision or any rule promulgated thereunder shall be subject to the following penalties: for one or two such employees observed without hair coverings, \$100; for three such employees observed without hair coverings, \$125; and for four or more such employees observed without hair coverings, \$150; except that there shall be a civil penalty of \$0 imposed upon a food service establishment for a first-time violation of this subdivision or any rule or regulation issued thereunder. The notice of violation for such first-time violation shall inform the food service establishment of the provision of law or rule that the department believes the food service establishment violated, describes the conditions or activity that is the basis for the notice of violation, and advise the food service establishment that

the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

b. Eating and drinking. 1. A food worker shall comply with the requirements of subdivision (h) of section 81.13 of the health code of the city of New York regarding eating and drinking.

2. A food service establishment that violates this subdivision or any rule promulgated thereunder shall be subject to the following penalties: for one or two such employees observed to be in violation of this subdivision, \$100; for three such employees observed to be in violation of this subdivision, \$125; and for four or more such employees observed to be in violation of this subdivision, \$150; except that there shall be a civil penalty of \$0 imposed upon a food service establishment for a first-time violation of this subdivision or any rule or regulation issued thereunder. The notice of violation for such first-time violation shall inform the food service establishment of the provision of law or rule that the department believes the food service establishment violated, describe the conditions or activity that is the basis for the notice of violation, and advise the food service establishment that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

c. Storage of sanitizing cloths. 1. A food service establishment shall store cloths used for the sanitizing of food contact and non-food contact surfaces in accordance with the requirements set forth in subdivision (c) of section 81.27 of the health code of the city of New York.

2. A food service establishment that violates this subdivision or any rule promulgated thereunder shall be subject to a civil penalty of \$100; except that there shall be a civil penalty of \$0 imposed upon a food service establishment for a first-time violation of this subdivision or any rule or regulation issued thereunder. The notice of violation for such first-time violation shall inform

the food service establishment of the provision of law or rule that the department believes the food service establishment violated, describe the conditions or activity that is the basis for the notice of violation, and advise the food service establishment that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

§ 17-1511 Pests and garbage. a. Food service establishments shall conduct daily inspections for pests, as defined in subdivision (d) of section 151.01 of the health code of the city of New York, in accordance with the requirements set forth in subdivision (b) of section 81.23 of the health code of the city of New York.

b. Food service establishments shall comply with the requirements set forth in subdivisions (a) and (c) of section 81.24 of the health code of the city of New York pertaining to garbage and waste disposal.

c. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may

seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1512 Food packages. a. A food service establishment shall comply with the requirements set forth in subdivision (b) of section 81-07 of the health code of the city of New York regarding food packaging.

b. A food service establishment that violates this section or any rule promulgated thereunder shall be subject to a civil penalty of \$200.

c. Notwithstanding subdivision b of this section, a food service establishment that violates this section or any rule promulgated thereunder by failing to discard or return to the package distributor, or to segregate from other food packages, food packages that are dented but not swollen, leaking, rusted or otherwise damaged, shall be subject to a civil penalty of \$50; except that there shall be a civil penalty of \$0 imposed upon a food service establishment for such a violation that occurs for the first time. The notice of violation for such first-time violation shall inform the food service establishment of the provision of law or rule that the department believes the food service establishment violated, describe the conditions or activity that is the basis for the notice of violation, and advise the food service establishment that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

§ 17-1513 Food contact surfaces. a. A food service establishment shall comply with the requirements set forth in paragraph (1) of subdivision (d) of section 81.17 of the health code of the city of New York pertaining to food contact surfaces.

b. A food service establishment that violates this section or any rule promulgated pursuant thereto shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1514 Plumbing. a. A food service establishment shall comply with the requirements set forth in section subdivisions (a) and (b) of section 81.20 regarding potable waste and disposal of sewage and liquid waste.

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has

been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1515 Lighting. a. A food service establishment shall comply with the requirements set forth in subdivision (a) of section 81.19 of the health code of the city of New York regarding lighting.

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall

permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of cure within 15 days of receiving written notification of such determination.

§ 17-1516 Non-food contact surfaces. a. A food service establishment shall comply with the requirements set forth in subdivision (e) of section 81.17 of the health code of the city of New York regarding non-food contact surfaces.

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1517 Bulbs. a. A food service establishment shall comply with the requirements set forth in subdivision (b) of section 81.19 regarding light bulb shielding.

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1518 Rules. The commissioner may promulgate rules as necessary to implement the provisions of this chapter.

§ 27. Section 17-1707 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

§ 17-1707 Violations and fines. *a. Any person found in violation of any provision of this chapter, other than subdivision c of section 17-1703 of this chapter, or any provision of any rule*

promulgated thereunder shall be subject to a civil penalty of five hundred dollars per day for each such violation. Each violation in connection with the sale of more than one animal shall be deemed a separate violation with respect to each animal offered for sale. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

b. Any person found in violation of subdivision c of section 17-1703 of this chapter or any provision of any rule promulgated thereunder shall be subject to a civil penalty of one hundred dollars per day for each such violation. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

c. Any person that violates subdivision c of section 17-1703 or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision c of section 17-1703 or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of

administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 28. Section 19-108 of the administrative code of the city of New York, as added by local law number 104 for the year 1993, is amended to read as follows:

§ 19-108 Display of permit. *a.* A copy of any permit issued pursuant to this subchapter shall be kept on the site of the opening or use or at the designated field headquarters of the work with respect to which the permit was issued and shall be presented upon demand of a police officer or any authorized officer or employee of the department or of any other city agency.

b. Corrective action request. If the commissioner finds that a permittee has violated this section or any rules promulgated pursuant thereto for the first time, the commissioner shall notify the permittee of such violation and request that action be taken to correct such violation in such a manner within 30 days and shall afford such permittee an opportunity to contest the commissioner's finding in a manner set forth in the rules of the department. The commissioner may assess a fee for the administrative expense and the expense of additional inspections which the department may incur as a result of such violation.

§ 29. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-124.1 to read as follows:

§ 19-124.1 Banners. *a. Permit required. It shall be unlawful to install, place, affix or attach a banner on any property within the jurisdiction of the department without first obtaining a permit from the commissioner.*

b. Permit conditions. The commissioner may issue permits for the display of banners promoting cultural exhibits and events or public or historical events which foster tourism or

enhance the image of the city. The commissioner may issue permits to business improvement districts, local development corporations or other organizations that have received commercial revitalization program funds from the department of small business services, otherwise known as CRP fund recipients, within the past year for the display of banners within the areas of the business improvement district, local development corporation or CRP fund recipient that are designed to provide information about such areas to the general public.

c. Advertising prohibited. Banners shall contain no advertisements. The trade name or logo of the sponsor of the event may be placed on the banner but shall occupy no more than ten percent of the banner in total. It shall be unlawful to install, place, affix or attach a banner on any property within the jurisdiction of the department which contains a sponsor trade name or logo without the specific prior authorization of the commissioner.

d. Obstruction of egress prohibited. No part of any banner shall be located beneath a fire escape or so located as to obstruct operation of fire escape drop ladders or counterbalanced stairs or so as to obstruct any exit from a building.

e. Rules. The commissioner may, except as otherwise provided by law, promulgate rules pertaining to banner permit conditions, permit fees, permit transferability and permit revocation, and for the design, installation, inspection, maintenance, and removal of banners on any property within the jurisdiction of the department as the commissioner may deem necessary for the safety and convenience of the public.

f. Corrective action request. If the commissioner finds that any person has violated subdivision c of this section or any rules promulgated pursuant thereto for the first time, the commissioner shall notify such person of such violation and request that action be taken to correct such violation

in such a manner within 30 days and shall afford such person an opportunity to contest the commissioner's finding in a manner set forth in the rules of the department. The commissioner may assess a fee for the administrative expense and the expense of additional inspections which the department may incur as a result of such violation.

§ 30. Section 19-127 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

§ 19-127 Use of hand trucks on the streets. *a.* It shall be unlawful for any person to use hand trucks for commercial purposes upon any street unless each hand truck shall have attached thereon a sign or plate displaying the name and address of the owner of the hand truck, in letters not less than one inch in size.

b. Corrective action request. If any person violates subdivision a of this section or any rules promulgated pursuant thereto for the first time, the commissioner shall notify such person of such violation and request that action be taken to correct such violation in such a manner within 30 days and shall afford such person an opportunity to contest the commissioner's finding in a manner set forth in the rules of the department. The commissioner may assess a fee for the administrative expense and the expense of additional inspection which the department may incur as a result of such violation.

§ 31. Subparagraph (b) of paragraph 6 of subdivision f of section 19-128.1 of the administrative code of the city of New York, as amended by local law number 36 for the year 2004, is amended to read as follows:

(b) Any owner or person in control of one or more newsracks found by the board to have failed to certify, or to have failed to accurately demonstrate that such owner or person repainted or used

best efforts to remove graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions, as required by paragraph one of subdivision e of this section, or failed to comply with any other requirements of such paragraph, or failed to comply with any provision of paragraph two of subdivision c of this section, or failed to maintain insurance as required by subdivision d of this section, shall be liable for a civil penalty determined in accordance with the number of newsracks such person owns or controls as follows:

Number of newsracks owned or controlled by such person	A violation of paragraph one of subdivision e, paragraph two of subdivision c or subdivision d of this section
Up to and including ninety-nine [newsracks] <i>newsracks</i>	Two hundred fifty [to five hundred] dollars
More than ninety-nine and less than two hundred fifty newsracks	Three hundred seventy-five to seven hundred fifty dollars
More than two hundred forty-nine and less than five hundred newsracks	Seven hundred fifty to one thousand five hundred dollars
More than four hundred ninety-nine and less than seven hundred fifty newsracks	One thousand one hundred twenty-five to two thousand two hundred fifty dollars
More than seven hundred forty-nine and less than one thousand newsracks	One thousand five hundred to three thousand dollars
One thousand or more newsracks	Two thousand to four thousand dollars

§ 32. Subdivision a of section 19-150 of the administrative code of the city of New York, as amended by local law number 4 for the year 2011, is amended to read as follows:

a. In addition to or as an alternative to the penalties set forth in section 19-149, any person who violates any of the provisions of this subchapter, or of section 24-521 of the code, or any order issued by or rule promulgated by the commissioner pursuant thereto or the terms or conditions of any permit issued pursuant thereto, or who causes, authorizes or permits such violation shall be liable for a civil penalty for each violation *as provided in subdivision b*. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense[, except that in the case of

a violation of section 19-133.1, failure to remove an ATM booth pursuant to an order issued in accordance with subdivision c of section 19-133.1 shall be subject to a civil penalty of not less than two thousand five hundred dollars nor greater than five thousand dollars for the first day of such violation and a civil penalty of five thousand dollars for every five days beyond the first day that such violation shall be in effect, and provided further that there shall be rebuttable presumption that the ATM booth has remained in place during each such five-day period] *unless otherwise provided in this subchapter.*

§ 33. Paragraph 1 of subdivision b of section 19-150 of the administrative code of the city of New York, as amended by local law number 5 for the year 2018, is amended to read as follows:

1. Except as *otherwise* provided in [subdivision c of this section] *this subchapter*, such civil penalty shall be determined in accordance with the following schedule:

Section of the Administrative Code	Maximum Civil Penalty (dollars)
19-102	10,000
19-107	10,000
<i>19-108</i>	<i>75</i>
19-109	10,000
19-111	5,000
19-112	5,000
19-113	5,000
19-115	5,000
19-116	5,000
19-117 [subd](a)	10,000
19-119	10,000
19-121	10,000
19-122	5,000
19-123	10,000
<i>19-124 (a)</i>	<i>300</i>
<i>19-124 (b)</i>	<i>75</i>
<i>19-124 (e)</i>	<i>75</i>
<i>19-124.1 (a)</i>	<i>450</i>
<i>19-124.1 (c)</i>	<i>75</i>
<i>19-125 (a)</i>	<i>300</i>

19-125 (c)	150
19-126	10,000
19-127	75
19-128	5,000
19-133	5,000
19-133.1	10,000
19-135	5,000
19-136 (j)	300
19-137	5,000
19-138	5,000
19-139	10,000
19-141	5,000
19-144	10,000
19-145	10,000
19-146	5,000
19-147	10,000
19-148	5,000
24-521	10,000
All other [Provisions] <i>provisions</i> of this subchapter and rules or orders relating thereto	5,000

§ 34. Sections 20-117 and 20-118 of the administrative code of the city of New York are REPEALED.

§ 35. Chapter 1 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-119 to read as follows:

§ 20-119 Penalties. Except as otherwise provided in this chapter, any person who violates any provision of this chapter or any rules promulgated pursuant to this chapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of paragraph 2 of subdivision d of section 20-104 or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department,

within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of paragraph 2 of subdivision d of section 20-104 or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal or the tribunal to which the department has delegated its adjudicatory authority, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 36. Subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York is renumbered as subchapter 3-A of chapter 4 of title 20 of such code, and sections 20-211, 20-214, 20-215, and 20-216 are renumbered as sections 20-626, 20-627, 20-628, and 20-629 respectively, and the heading of subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law 72 for the year 1995, is amended to read as follows:

SUBCHAPTER [3]3-A

AMUSEMENT DEVICES, ARCADES AND OPERATORS

§ 37. Sections 20-212 and 20-213 of the administrative code of the city of New York are REPEALED.

§ 38. Subdivisions h and i of section 20-626 of the administrative code of the city of New York, section 20-626 as renumbered by section thirty-six of this local law, subdivision h as added by local law number 72 for the year 1995 and subdivision i as added by local law number 58 for the year 2005, are amended to read as follows:

[h. “Affected community board” means the community board in which an amusement device or amusement arcade would be located if a license were to be granted pursuant to this subchapter.]

[i.] *h.* “Gaming cafe” is a place where, for a fee charged directly or indirectly, persons are provided access to three or more computers or electronic devices in which game software has been installed by or for the owner or operator for the purpose of playing a game on the premises.

§ 39. Section 20-627 of the administrative code of the city of New York, as added by local law number 72 for the year 1995, paragraphs (2) and (3) of subdivision a and subdivisions c and d as amended by local law number 58 for the year 2005, paragraph (3) of subdivision c as amended by local law number 45 for the year 2013 and paragraph (4) of subdivision c as added by local law number 59 for the year 2005, and as renumbered by section thirty-six of this local law, is amended to read as follows:

§ 20-627 [License requirements. a. Generally. (1) The application shall be made on a form to be provided by the commissioner and shall include such information as the commissioner shall deem pertinent.

(2) Every amusement device owner, gaming cafe owner or amusement arcade owner must submit to the department either a valid certificate of occupancy or an equivalent document duly issued by the department of buildings stating that the premises in which such amusement device, gaming cafe or amusement arcade is to be located is situated in an area which is zoned to permit

such use or a valid, current permit or special permit has been granted by the appropriate city agency permitting such use at the given location. If such permit or special permit shall expire or be terminated for any reason during the pendency of any license, the licensee shall present to the department a new permit or special permit authorizing such continued use of the premises for an amusement device, gaming cafe or amusement arcade. If such new permit or special permit is not presented within ten days of the expiration of the prior permit or special permit, such amusement device license, gaming cafe or amusement arcade license shall be terminated automatically and without any requirement of notice or hearing by the department.

(3) Within fifteen days of receipt of a new application for a license to operate an amusement device, gaming cafe or an amusement arcade, the commissioner shall give notice of such new application to the affected community board and the council member for that district. The affected community board shall have fifteen days from receipt of the notification to comment on such application to the department.

(4) The commissioner shall promptly notify the affected community board and the council member for that district of the final disposition of any license application that was subject to comment by the community board under paragraph three of this subdivision.

b. Amusement Devices] *Amusement devices. a. Requirements for amusement devices.*

(1) [In order to apply for an amusement device license, the amusement device owner must present to the department a completed application at least thirty days before the amusement device is to be operated.

(2) Every amusement device owner must [submit with his or her license application for an amusement device proof that he or she has purchased] *purchase* insurance or [posted] *post* cash or

other security in an amount not less one million dollars (\$1,000,000) per occurrence or a bond in an amount not less than two million five hundred thousand dollars (\$2,500,000) in the aggregate against liability for injury to persons arising out of the use of the amusement device. In addition, [the application must be accompanied by the] *every amusement device_owner must maintain in such owner's possession for display at the commissioner's request* certificates of insurance for workers' compensation and disability coverage.

[(3)] (2) Every amusement device owner must [submit proof that] *ensure that all such amusement devices have undergone* an inspection [of the amusement device was made] by the department of buildings, and that such amusement [device] *devices have* passed an elevator and/or electrical control inspection, prior to the [issuance or renewal of a license] *first instance of operation of any such amusement devices.*

[(4)] (3) Every portable amusement device shall be equipped with a stairway on either or both sides thereof so that the stairway in use at any time for access to or egress from such portable amusement device shall at all times be within a reasonable distance from the sidewalk, such distance to be determined at the discretion of the commissioner. The operator of such portable amusement device shall not at any time permit any person to be admitted to the portable amusement device or to depart therefrom except by the stairway.

(4) Notification of accidents. Every amusement operator shall provide notice to the department of any accident relating to an amusement device within twenty-four hours after the occurrence of such accident, or immediately after such accident if any person sustains an injury requiring medical treatment or dies as a result of such accident. The commissioner shall set by rule

the form and content of such notice and the manner in which such notice shall be transmitted to the department.

[c.] *b.* Amusement [Arcades and Gaming Cafes] *arcades and gaming cafes.*

(1) [The commissioner, at the time an amusement arcade or gaming cafe license application is made, may prescribe conditions for the operation of such amusement arcade or gaming cafe in order to minimize adverse effects on the surrounding area, including, but not limited to, prescribing hours of operation and requirements for security and supervision. After a license is granted, the commissioner may prescribe such conditions from time to time upon notice and opportunity to be heard.

(2) Each player-operated amusement device located within an amusement arcade or gaming cafe shall display a sign or signs, located and designed so as to be discernible by all players and prospective players, setting forth the rules of play, including the price of each game.

[(3)] (2) Where the amusement arcade or gaming cafe owner or the amusement operator in the amusement arcade or gaming cafe offers free games or prizes, signs shall be required to set out with clarity the number of wins or the score required to obtain a free game or prize; provided, however, that no amusement arcade or gaming cafe owner or amusement operator in the amusement arcade or gaming cafe shall offer money prizes or awards or such other prizes or awards which are redeemable or may be redeemed in money at the amusement arcade or gaming cafe or any other establishment, or which may be used as a credit or allowance or which may be exchanged for any money, credit or allowance. [Any license to operate an amusement arcade or gaming cafe issued pursuant to subdivision c of section 20-212 of this subchapter shall be revoked, after notice and hearing, where (i) the department finds that the owner or operator of such arcade or

cafe or an employee thereof has permitted on the premises of such arcade or cafe the offering or distribution of such prizes or awards; or (ii) the owner or operator of such arcade or cafe, or an employee thereof, is convicted of violating any section of article 225 of the penal law or of a lesser offense in satisfaction of a criminal charge pursuant to article 225 of the penal law, for conduct occurring on the premises of such arcade or cafe.]

[(4)] (3) No amusement arcade or gaming cafe owner or operator shall permit persons under the age of eighteen, unless such persons are otherwise exempt under New York State Education Law, to enter or remain in an amusement arcade or gaming cafe between the hours of nine a.m. through three p.m. on weekdays during the regularly scheduled school year for public schools. Such owners shall prominently display a sign stating that, unless exempt by New York State Education Law, persons under eighteen years of age are not to enter or remain on the premises at such times and that the truancy laws of the state of New York will be enforced.

[d.] c. Placement and [Operation] *operation*. No amusement device or player-operated amusement device or group of amusement devices and/or player-operated amusement devices shall be placed or operated in such a manner as to obstruct, or cause by the congregating of persons, an obstruction to, or interfere with, any public corridor or passageway, or to obstruct the entrance or exit to any premises. No amusement device or player-operated amusement device or group of amusement devices and/or player-operated amusement devices shall be placed on a public sidewalk in front of or adjacent to an amusement arcade or gaming cafe.

§ 40. Subdivision e of section 20-629 of the administrative code of the city of New York, section 20-629 as renumbered by section thirty-six of this local law, and subdivision e as amended by local law number 86 for the year 2009, is amended to read as follows:

e. Any person who violates the provisions of this section or any rules promulgated hereunder shall be guilty of a class B misdemeanor. In addition, the commissioner may, upon due notice, hold hearings to determine whether violations of the provisions of this section have occurred. Such notice shall contain a concise statement of the facts constituting the alleged violation and shall set forth the date, time and place of the hearing. Upon a finding of a violation of the provisions of this section, the commissioner shall be authorized to impose a civil penalty [of not more than five hundred dollars] *as provided in section 20-630 of this subchapter.*

§ 41. Subchapter 3-A of chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-630 to read as follows:

§ 20-630 Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or d of 20-629 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or d of section 20-629 of this subchapter or any rule or regulation promulgated thereunder. The

department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

b. Notwithstanding any inconsistent provision of law, a civil penalty of zero dollars shall be imposed for a first violation of subdivision c of section 20-629 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first-time violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision c of section 20-629 of this subchapter or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

c. Notwithstanding subdivision a of this section, any person who violates paragraph (4) of subdivision a of section 20-627 or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of five hundred dollars.

§ 42. Subdivisions a and b of section 20-227.1 of the administrative code of the city of New York, as added by local law number 8 for the year 2003, are amended to read as follows:

a. Any person found to be operating an unlicensed sidewalk cafe shall be liable for a civil penalty of [at least] two hundred [and not more than one thousand] dollars for the first violation, [at least] *and* two hundred [and not more than one thousand] dollars for each additional violation

occurring on the same day; and [at least] five hundred [and not more than two thousand] dollars for the second violation and each subsequent violation at the same place of business within a two-year period. For purposes of this section, any violation for operating an unlicensed sidewalk cafe shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises.

b. Any holder of a license found to be operating a sidewalk cafe in violation of this subchapter, the terms and conditions of such license and/or a revocable consent or rules promulgated by the commissioner pursuant to this subchapter, shall be liable for a civil penalty of [at least] two hundred [and not more than one thousand] dollars for the first violation, [at least] *and* two hundred [and not more than one thousand] dollars for each additional violation occurring on the same day; and [at least] five hundred [and not more than two thousand] dollars for the second violation, and [at least] one thousand [and not more than four thousand] dollars for each subsequent violation at the same place of business within a two-year period. In addition, for a third violation occurring on a different day and all subsequent violations occurring on different days at the same place of business within a two-year period, any person licensed to operate a sidewalk cafe at such place of business shall be subject to suspension or revocation of his or her sidewalk cafe license for such place of business. For purposes of this section, any such violation by any license holder at a place of business shall be included in determining the number of violations by any subsequent license

holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises. A sidewalk cafe license shall be suspended or revoked at the same hearing at which a person is found liable for a third violation or subsequent violations at the same place of business within a two-year period.

§ 43. Section 20-227.1 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

i. Notwithstanding any inconsistent provision of this section, any person found to be operating an unlicensed sidewalk café or any holder of a license found to be operating a sidewalk cafe in violation of this subchapter, the terms and conditions of such license or a revocable consent, or rules promulgated by the commissioner pursuant to this subchapter shall be subject to a civil penalty of zero dollars for a first violation, if such person or holder of a license proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to such person or holder of a license who has received, for the first time, a notice of violation of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. Such person or holder of a

license may seek review, in the department's administrative tribunal, of the determination that such person or holder of a license has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 44. Section 20-232 of the administrative code of the city of New York is amended to read as follows:

§ 20-232 Revocation. In addition to any other basis for revoking, a newsstand license may be revoked upon a finding by the commissioner that the location listed in [the] *such* license was not utilized for a period of two consecutive months or more or that the *newsstand* licensee is not using the stand primarily for the sale of newspapers and periodicals. *If the commissioner chooses to exercise such power of revocation, the commissioner shall first notify the licensee of an anticipated revocation in writing and afford the licensee thirty days from the date of such notification to correct the condition. The commissioner shall notify the licensee of such thirty-day period in writing. If the licensee proves to the satisfaction of the commissioner that the condition has been corrected within such thirty-day period, the commissioner shall not revoke such license. The commissioner shall permit such proof to be submitted to the commissioner electronically or in person. The licensee may seek review by the commissioner of the determination that the licensee has not submitted such proof within fifteen days of receiving written notification of such determination.*

§ 45. Subdivision d of section 20-240.1 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

d. Any person who violates the provisions of this section or section 20-237 shall be considered to be an unlicensed general vendor or an unlicensed food vendor and shall be subject to the penalty

and enforcement provisions of either subchapter [twenty-five] *twenty-seven* of chapter two of this title or subchapter two of chapter three of title seventeen of the code, whichever is applicable; except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision b of section 20-237 and any rule or regulation [issued] *promulgated* thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured*, shall be deemed an admission of liability for all purposes. The option of presenting proof of compliance shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section [20-327] 20-237 or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted to the department electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 46. Subchapter 7 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-241.2 to read as follows:

§ 20-241.2 *Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation.*

b. Notwithstanding any inconsistent provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of (i) restrictions imposed pursuant to section 20-231 relating to the display or offering for sale of merchandise from any public space adjacent to a newsstand or from any portion of a newsstand exterior, the affixation of materials to a newsstand or the location of sales made at a newsstand; (ii) paragraph 1 of subdivision h of section 20-231 or any rule or regulation promulgated thereunder; (iii) subdivision i of section 20-231 or any rule or regulation promulgated thereunder; (iv) subdivision b of section 20-233 of this subchapter or any rule or regulation promulgated thereunder, or (v) subdivision (a) of section 2-66 of title 6 of the rules of the city of New York, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation for any violation described in (i) through (v). The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

c. Notwithstanding any inconsistent provision of this section, a civil penalty of zero dollars shall be imposed for a first violation of subdivision b of section 20-231 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first-time violation

shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision b of section 20-231 of this subchapter or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 47. Subchapter 8 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-247.1 to read as follows:

§ 20-247.1 Penalties. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed.

§ 48. Section 20-249 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, subdivision j of such section as added by local law number 53 for the year 2009, is amended to read as follows:

§ 20-249 Definitions. Whenever used in this subchapter:

[a. “Family member” shall mean] *Family member. The term “family member” means a member of the immediate family, including, but not limited to, a spouse, domestic partner, sibling, child, grandchild, parent or grandparent.*

[b. “Owned” or “owns” shall mean] *Owned or owns. The term “owned” or “owns” means possession with good legal title, or possession under a lease, reserve title contract, conditional sales agreement or vendor's agreement or similar agreement.*

[c. “Pedicab” shall mean] *Pedicab. The term “pedicab” means a bicycle as defined in the vehicle and traffic law or other device that is designed and constructed to transport or carry passengers, that is solely propelled by human power, and that is operated to transport passengers for hire.*

[d. “Pedicab owner” or “owner” shall mean] *Pedicab owner or owner. The term “pedicab owner” or “owner” means any person who owns one or more pedicabs in the city of New York.*

[e. “Pedicab business” or “business” shall mean] *Pedicab business or business. The term “pedicab business” or “business” means a pedicab owner who operates or authorizes the operation of one or more pedicabs in the city of New York.*

[f. “Pedicab business license” shall mean] *Pedicab business license. The term “pedicab business license” means a license issued by the commissioner pursuant to section 20-250.*

[g. “Pedicab driver” shall mean] *Pedicab driver. The term “pedicab driver” means any natural person who propels and operates a pedicab in the city of New York.*

[h. “Pedicab driver license” shall mean] *Pedicab driver license. The term “pedicab driver license” means a license issued by the commissioner to a pedicab driver to operate a pedicab.*

[i. “Person” shall mean] *Person. The term “person” means any natural person, firm, partnership, joint venture, corporation or association.*

[j. “Registration plate” shall mean] *Registration plate. The term “registration plate” means a unique identification tag issued by the commissioner pursuant to section 20-255.*

§ 49. Subdivision b of section 20-263 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

b. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty [that shall not be] *of*: (1) [less than] two hundred [nor more than five hundred] dollars for the first violation and for each additional violation committed on the same day; (2) [less than] five hundred [nor more than one thousand] dollars for the second violation committed, and each additional violation committed on the same day, within a [one year] *one-year* period; *and* (3) [less than] one thousand [nor more than four thousand] dollars for the third *and any subsequent* violation committed, and each additional violation committed on the same day, within a [one year] *one-year* period; *provided that any person who violates section 20-253, paragraph 6 or 7 of subdivision b or subdivision d or e of section 20-259, or any rule or regulation promulgated thereunder, shall be subject to a civil penalty of: (1) five hundred dollars for the first violation; (2) one thousand dollars for the second violation committed, and each additional violation committed on the same day, within a one-year period; and (3) four thousand dollars for the third and any subsequent violation committed, and each additional violation committed on the same day, within a one-year period; and provided further that a person shall be subject to a civil penalty of zero dollars for a first violation of paragraph 13, 14 or 15 of subdivision a of section 20-254 or subdivision d or e of section 20-255 or any rule or regulation promulgated thereunder, or any rule or regulation promulgated pursuant to subdivision b of section 20-265 of this subchapter, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured.*

submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of paragraph 13, 14 or 15 of subdivision a of section 20-254 or subdivision d or e of section 20-255 of this subchapter or any rule or regulation promulgated thereunder, or any rule or regulation promulgated pursuant to subdivision b of section 20-265 of this subchapter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. The pedicab business that authorizes the operation of such pedicab shall be jointly and severally liable with the pedicab driver thereof, for the penalties imposed by this section.

§ 50. Subdivision b of section 20-275 of the administrative code of the city of New York, as amended by local law number 197 for the year 2017, is amended to read as follows:

b. Except as otherwise provided in this subchapter, any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of [not more than] *\$175 for the first violation, \$300 for the second violation and \$500 for [each] the third and any subsequent violation*; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-270 or 20-271 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, *if accepted by*

the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-270 or section 20-271 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 51. Subchapter 12 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding new sections 20-277.1 and 20-277.2 to read as follows:

§ 20-277.1 *Tickets. a. Every pawn ticket issued by a pawnbroker shall include a notation in either of the following forms: “not accountable for loss of goods by fire or theft” or “protected against loss by fire or theft.” The commissioner may adopt such rules and regulations to permit words having practically the same meaning as the foregoing.*

b. Every pawnbroker shall, in every possible way, call attention to the contents of the pawn ticket, including the placing in a prominent position in such pawnbroker’s place of business of a sign reading: “Read your ticket.”

c. In every case where a charge is made or a fee exacted for extra care, the pawnbroker shall specifically call the pledgor's attention to the said charge at the time the loan is made, and no such charge or fee shall be allowed unless such pledgor shall sign an agreement to pay such extra charge and the fee for such extra charge, as agreed upon, shall be plainly written on the face of the pawn ticket.

d. Every pawnbroker shall place in a prominent position in such pawnbroker's place of business a reproduction of the application for the pawn ticket and the front of the pawn ticket which have been enlarged to twice their normal size, and a reproduction of the back of the pawn ticket which has been enlarged to three times its normal size.

§ 20-277.2 Penalties. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b or d of section 20-277.1 of this subchapter, or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b or d of section 20-277.1, or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 52. Subchapter 13 of chapter 2 of title 20 of the administrative code of the city of New York is REPEALED.

§ 53. Subchapter 14.1 of chapter 2 of title 20 of the administrative code of the city of New York is renumbered as subchapter 3-B of chapter 4 of title 20 of such code, and sections 20-297.1, 20-297.5, 20-297.6, and 20-297.7 are renumbered as 20-631, 20-632, 20-633, and 20-634 respectively, and the heading of subchapter 14.1 of chapter 2 of title 20 of such code, as added by local law number 87 for the year 2016, is amended to read as follows:

SUBCHAPTER [14.1]3-B

LAUNDRIES

§ [20-297.1] 20-631 Definitions.

§ [20-297.2 License required.]

§ [20-297.3 Application.]

§ [20-297.4 Fee; bond.]

§ [20-297.5] 20-632 General provisions.

§ [20-297.6] 20-633 Additional provisions for industrial laundries and industrial laundry delivery.

§ [20-297.7] 20-634 Advisory task force.

§ 54. Sections 20-297.2, 20-297.3 and 20-297.4 of the administrative code of the city of New York are REPEALED.

§ 55. Section 20-631 of the administrative code of the city of New York, as added by local law number 87 for the year 2016 and as renumbered by section fifty-three of this local law, is amended to read as follows:

§ 20-631 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

Industrial laundry. The term “industrial laundry” means (i) a facility used to provide laundry services to commercial clients, including but not limited to hotels, hospitals, restaurants, gyms and retail laundries, or (ii) a facility used to provide laundry services maintained or operated in connection with any commercial institution, including but not limited to any hotel, restaurant or gym. The term “industrial laundry” does not include the laundry facilities of any hospital or the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling.

Industrial laundry delivery. The term “industrial laundry delivery” means:

1. To transport laundry from a commercial client within the city to an industrial laundry within or outside the city for laundry services;

2. To transport laundry from a commercial client outside the city to an industrial laundry within the city for laundry services;

3. To transport laundry from an industrial laundry within the city to a commercial client within or outside the city after laundry services have been performed; or

4. To transport laundry from an industrial laundry outside the city to a commercial client within the city after laundry services have been performed.

Laundry. The term “laundry” means clothing, apparel, sheets, towels, linens and other fabrics that are intended for laundry services.

Laundry operator. The term “laundry operator” means any person who operates an industrial laundry, a retail laundry or a business that engages in industrial laundry delivery.

Laundry service. The term “laundry service” means washing, drying, starching or ironing laundry for a fee, and includes such services when they are provided along with or as an incident to the rental of clothing, apparel or other fabrics. The term “laundry service” does not include dry cleaning.

Retail laundry. The term “retail laundry” means (i) a business that provides laundry services to the general public; (ii) a business that stores or collects laundry for laundry services or delivery for the general public; or (iii) a business that offers self-service laundry machinery for direct use by the general public. The term “retail laundry” does not include the laundry facilities of any hospital or the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling.

[Successor. The term “successor” means any applicant for a license to operate an industrial laundry that satisfies two or more of the following criteria:

1. The applicant uses the same facility or workforce to offer substantially the same services as the predecessor industrial laundry.
2. The applicant shared in the ownership or otherwise exercised control over the management of the predecessor industrial laundry.
3. The industrial laundry employs in a managerial capacity any person who controlled the wages, hours or working conditions of the employees of the predecessor industrial laundry.
4. At least one of the principals of the applicant is a spouse, domestic partner, parent, stepparent, foster parent, adoptive parent, sibling, stepsibling, foster sibling, adoptive sibling, child, stepchild, foster child or adopted child of any owner, partner, officer or director of the

predecessor industrial laundry, or of any person who had a financial interest in the predecessor industrial laundry.]

§ 56. Section 20-632 of the administrative code of the city of New York, as added by local law number 87 for the year 2016 and as renumbered by section fifty-three of this local law, is amended to read as follows:

§ 20-632 General provisions. a. [Each licensee shall attach to all handcarts and pushcarts a label or tag that displays, in letters not less than two inches in height, such licensee's name, address and license number.

b.] Bills, tickets, cards, advertising or stationery issued or distributed by any [licensee] *laundry operator* shall contain such [licensee's] *laundry operator's* name[,] *and* address [and license number].

[c.] *b.* Charges to laundry consumers shall state accurately and clearly the [name and address of the consumer and] computation of the laundry charge.

[d. Each retail laundry licensee, industrial laundry licensee and industrial laundry delivery licensee shall notify the commissioner within 30 days of any sale, assignment or change in ownership of such retail laundry, industrial laundry or business that engages in industrial laundry delivery.]

[e.] *c.* Each retail laundry where the general public may use self-service laundry machinery shall have on premises an attendant from 8:00 P.M. until closing or 6:00 A.M. the following day, whichever is earlier.

[f.] d. Each vehicle used for retail or industrial laundry delivery shall display, in letters no less than two inches in height, the [licensee's] *laundry operator's* name, business address and business telephone number [and the license number assigned by the commissioner].

§ 57. Section 20-633 of the administrative code of the city of New York, as added by local law number 87 for the year 2016 and as renumbered by section fifty-three of this local law, is amended to read as follows:

§ 20-633 Additional provisions for industrial laundries and industrial laundry delivery.

a. Minimum standards of cleanliness and hygiene.

1. In addition to complying with section [20-297.5] 20-632, each *operator of an* industrial laundry [licensee] shall:

(a) Launder all laundry using a detergent that is appropriate for each type of fabric;

(b) Handle, store and process laundered and unlaundered laundry in a manner that minimizes the spread of contaminants and keeps laundered articles clean; and

(c) Clean all work surfaces at regular intervals. Work surfaces include all surfaces in rooms where laundry is exposed to open air, including but not limited to laundry equipment, work stations, and floors, whether or not it is expected that laundry will come into direct contact with such surfaces.

2. No *operator of an* industrial laundry [licensee] may represent that laundry services have been provided when such laundry services in fact have not been provided.

3. Each *operator of an* industrial laundry [licensee] shall develop procedures for complying with the minimum standards of cleanliness and hygiene set forth in paragraph 1 of this subdivision

and shall post such procedures in a conspicuous manner in all places where laundry services are processed.

b. Functional separation of laundered and unlaundered laundry. 1. In addition to complying with section [20-297.5] 20-632, each *operator of an industrial laundry* [licensee] and *each laundry operator engaged in industrial laundry delivery* [licensee] shall maintain functional separation of laundered and unlaundered laundry in accordance with the following requirements:

(a) Each *operator of an industrial laundry* [licensee] and *each laundry operator engaged in industrial laundry delivery* [licensee] shall enclose laundry in suitable containers before and after laundering and shall not allow containers that hold unlaundered laundry to be subsequently used for laundered laundry without first having been thoroughly cleaned and sanitized; and

(b) Each *operator of an industrial laundry* [licensee] shall store laundered laundry and unlaundered laundry in separate, clearly marked areas of the facility when such laundry is not actively being processed.

2. Each *operator of an industrial laundry* [licensee] and *each laundry operator engaged in industrial laundry delivery* [licensee] shall develop procedures for maintaining functional separation of laundered and unlaundered laundry as required by this subdivision and shall post such procedures in a conspicuous manner in all places where laundry services and industrial laundry delivery are provided.

§ 58. Subdivision e of section 20-634 of the administrative code of the city of New York is REPEALED.

§ 59. Subchapter 3-B of chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-635 to read as follows:

§ 20-635 Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or d of section 20-632 of this subchapter, or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or d of section 20-632 of this subchapter, or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

b. Notwithstanding any inconsistent provision of this section, there shall be a civil penalty of zero dollars imposed for a first violation of subdivision b of section 20-632 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of

violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision b of section 20-632 of this subchapter or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 60. Subchapter 16 of chapter 2 of title 20 of the administrative code of the city of New York is REPEALED.

§ 61. Section 20-332 of the administrative code of the city of New York, as added by local law number 153 for the year 2013, is amended to read as follows:

§ 20-332 Violation. *a.* Any person who violates any of the provisions of this subchapter or any rule or regulation [issued] *promulgated* thereunder shall be subject to a civil penalty of [not more than] *one hundred seventy-five dollars for the first violation, three hundred dollars for the second violation and five hundred dollars for [each] the third and any subsequent violation*; except that a person shall [not] be subject to [such] *a civil penalty of zero dollars* for a first-time violation of subdivision b of section 20-324, *paragraph 1 of subdivision b of section 20-327.1, or subdivision g of section 20-327.1* of this subchapter and any rule or regulation [issued] *promulgated* thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured,* shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of

violation of subdivision b of section 20-324, *paragraph 1 of subdivision b of section 20-327.1, or subdivision g of section 20-327.1* of this subchapter or any rule or regulation [issued] *promulgated* thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

b. Notwithstanding any inconsistent provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-326 or paragraph 2 of subdivision b of section 20-327.1 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates section 20-326 or paragraph 2 of subdivision b of section 20-327.1 of this subchapter shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 62. Section 20-348 of the administrative code of the city of New York is REPEALED.

§ 63. Subchapter 19 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-359 to read as follows:

§ 20-359 Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred

seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-346 of this subchapter or any rule or regulation promulgated thereunder by failing to conspicuously display a license upon the premises where a game is to be conducted at all times during the conduct thereof, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-346 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

b. Notwithstanding any other provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-349 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent

violations may result in the imposition of such civil penalties. Any person who violates such section 20-349 or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 64. Subchapter 24 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-415 to read as follows:

§ 20-415 Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation.

b. Notwithstanding subdivision a of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision 6 of section 20-417 of this subchapter or any rule or regulation promulgated thereunder if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision 6 of section 20-417 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's

administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

c. Notwithstanding subdivision a of this section, the civil penalty for a violation of subdivision 7 of section 20-417 or any rule promulgated pursuant thereto shall be five hundred dollars.

§ 65. Section 20-417 of the administrative code of the city of New York is amended by adding new subdivisions 6 and 7 to read as follows:

6. A service dealer shall display in the area where electronic and home appliances are accepted for repair a sign that contains the identity of the service dealer, informs the customer of the customer's right to a written estimate of all repairs and indicates that no repair work may be done without the customer's authorization, in addition to any other information required by the commissioner. The commissioner shall promulgate such regulations as the commissioner determines necessary and appropriate for the proper implementation and enforcement of this subdivision.

7. A licensee shall at all times carry insurance which in the opinion of the commissioner is adequate to protect the public. The commissioner shall promulgate such regulations as the commissioner determines necessary and appropriate for the proper implementation and enforcement of this subdivision.

§ 66. Subdivision c of section 20-472 of the administrative code of the city of New York, paragraph 1 of subdivision c as amended by local law number 40 for the year 1988 and paragraph 2 of subdivision c as amended by local law number 38 for the year 2013, is amended to read as follows:

c. 1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of section 20-453 of this subchapter shall be liable for a civil penalty of [not less than] two hundred fifty dollars [nor more than one thousand dollars] together with a penalty of two hundred fifty dollars per day for every day during which the unlicensed business operated; *except that a person who violates, or any person aiding another to violate, the provisions of section 20-453 of this subchapter by engaging in continued unlicensed activity as defined by the commissioner, considering factors including but not limited to the frequency and duration of such unlicensed activity, shall be liable for a civil penalty of one thousand dollars together with a penalty of two hundred fifty dollars per day for every day during which the unlicensed business operated.*

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than section 20-453, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of [not less than] twenty-five [nor more than fifty] dollars.

(b) For the second violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] fifty dollars [nor more than one hundred dollars].

(c) For the third violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] one hundred dollars [nor more than two hundred and fifty dollars].

(d) For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a penalty of [not more than five] *two hundred and fifty* dollars.

§ 67. Subdivision c of section 20-472 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. Notwithstanding any inconsistent provision of this subdivision, a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-461 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision b of section 20-461 or any rule or regulation promulgated thereunder shall be subject to a civil penalty of twenty-five dollars for a second violation and a civil penalty of fifty dollars for a third or subsequent violation.

§ 68. Paragraph 3 of subdivision b of section 20-485.5 of the administrative code of the city of New York, as added by local law number 38 for the year 1992, is amended to read as follows:

3. Notwithstanding the provisions of section 20-485.6 of this subchapter, the civil penalties imposed for a violation of this subdivision shall be those provided for violations of section 20-708 of this title; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of

liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 69. Section 20-485.6 of the administrative code of the city of New York, as added by local law number 38 for the year 1992, is amended to read as follows:

§ 20-485.6 Violations. a. The civil penalties imposed pursuant to this section shall be in addition to any other sanctions and orders which may be imposed by the commissioner pursuant to this title including but not limited to such sanctions and orders which may be imposed pursuant to section 20-105 of this code.

b. Notwithstanding the provisions of subdivisions a and b of section 20-106 *and except as provided in paragraph 3 of subdivision b of section 20-485.5*, any person who violates any provision of this subchapter or any rules promulgated thereunder shall be subject to a civil penalty of [not less than two hundred and fifty dollars nor more than two thousand dollars for each violation,] *one hundred seventy-five dollars for the first violation, three hundred dollars for the second violation and five hundred dollars for the third and any subsequent violation*, to be recovered in a civil action; *except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty*

days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

c. Notwithstanding any other provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision c of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first-time violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision c of section 20-485.5 or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 70. Subdivisions b and c of section 20-574 of the administrative code of the city of New York are amended to read as follows:

b. [Punishment. Any person who shall violate any such rules and regulations shall be liable to forfeit and pay a civil penalty in the sum of not more than one hundred dollars for each violation.

c.] Violations. Any person who shall violate any of such rules and regulations shall be guilty of an offense triable by a judge of the New York city criminal court, and punishable by a fine of not less than twenty-five dollars and not more than two hundred fifty dollars for each offense or by imprisonment not exceeding ten days, or by both.

§ 71. Section 20-593 of the administrative code of the city of New York is amended to read as follows:

§ 20-593 Punishment. Any person who shall violate any of the foregoing provisions for the regulation of *weights and measures or any rule or regulation promulgated thereunder shall forfeit and pay a penalty of fifty dollars for the first violation, seventy-five dollars for the second violation and one hundred dollars for [each and every such offense] the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of section 20-595 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-595 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek*

review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 72. Chapter 3 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-595 to read as follows:

§ 20-595 Labels and signage. a. All information required by this chapter, or by rules and regulations promulgated thereunder, to appear on a container, as such term is used in this chapter and in any rules and regulations promulgated thereunder, shall be represented in the English language. A translation in any language other than English of such information may supplement the representation to provide fuller consumer information.

b. Whenever it is required by law or rule that a scale, weighing or measuring device be provided for customer use, a prominent and conspicuous sign or poster shall be posted on or above the scale, weighing or measuring device stating that the device is for customer use and may be used to reweigh customer purchases, in language and in accordance with any other specifications that the commissioner shall set by rule.

§ 73. Subchapter 2 of chapter 4 of title 20 of the administrative code of the city of New York is REPEALED.

§ 74. Subchapter 4 of chapter 4 of title 20 of the administrative code of the city of New York is REPEALED.

§ 75. Section 20-672 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. Every gasoline or diesel motor fuel dispensing device that is not in proper working order shall be marked with a sign, placard or other display according to specifications that the commissioner shall set by rule.

§ 76. Paragraph 3 of subdivision a of section 20-674 of the administrative code of the city of New York, as added by local law number 31 for the year 1988, is amended to read as follows:

(3) In addition to the penalties prescribed by paragraph one of subdivision a of this section, any person who violates the provisions of this subchapter or any rules or regulations promulgated thereunder, other than sections 20-673.1 and 20-673.2 and any rules or regulations promulgated thereunder, shall be liable for a civil penalty of not less than five hundred dollars nor more than ten thousand dollars; *except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-672 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-672 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 77. Subchapter 6 of chapter 4 of title 20 of the administrative code of the city of New York is REPEALED.

§ 78. Section 20-683 of the administrative code of the city of New York is amended to read as follows:

§ 20-683 Punishment. Any person who shall violate any of the provisions of this subchapter shall be liable to forfeit and pay a civil penalty in the sum of [not more than] *three hundred dollars for the first violation, four hundred dollars for the second violation and five hundred dollars for [each violation] the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-682 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-682 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 79. Section 20-688 of the administrative code of the city of New York is amended to read as follows:

§ 20-688 Penalties. Any person, firm, corporation or association or agent or employee thereof, who shall violate any of the provisions of this subchapter or of the regulations promulgated pursuant to section 20-686 shall pay a civil penalty of [not less than twenty-five dollars nor more than two hundred fifty dollars for each violation] *one hundred dollars for the first violation, one hundred seventy-five dollars for the second violation and two hundred twenty-five dollars for the third and any subsequent violation*; and shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than two hundred fifty dollars for each such violation.

§ 80. Subchapter 9 of chapter 4 of title 20 of the administrative code of the city of New York, as added by local law number 29 for the year 1989, is REPEALED.

§ 81. Subdivision a of section 20-692 of the administrative code of the city of New York, as added by local law number 94 for the year 1989, is amended to read as follows:

a. Any person who shall violate any of the provisions of subdivisions a or b of section 20-691 shall be subject to a civil penalty of [not less than one hundred dollars nor more than one hundred] *fifty dollars for the first violation, one hundred dollars for the second violation and one hundred fifty dollars for [each violation] the third and any subsequent violation, except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or b of section 20-691 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation*

has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or b of section 20-691 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 82. Subchapters 10 and 11 of chapter 4 of title 20 of the administrative code of the city of New York are REPEALED.

§ 83. Subparagraph (a) of paragraph 2 of subdivision f of section 20-708.1 of the administrative code of the city of New York, as amended by local law number 5 for the year 2017, is amended to read as follows:

(a) upon inspection, up to \$25 for the first 20 violations and up to \$50 for each successive violation, total violations not to exceed \$2,000, except that a retail store shall not be subject to the civil penalty described above for a first-time violation or first-time violations of subdivision b of this section or any rule promulgated thereunder if such retail store proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation or notices of violation and prior to the commencement of an adjudication of such notice or notices, that the violation or violations have been cured. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured,* shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation or violations have been cured shall be offered as

part of any settlement offer made by the department to a retail store that has received a notice of violation or notices of violation for a first-time violation or first-time violations of subdivision b of this section or any rule promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A retail store may seek review, in the department, of the determination that proof of a cure was not submitted within 15 days of receiving written notification of such determination.

§ 84. Section 20-711 of the administrative code of the city of New York, as amended by local law number 84 for the year 1991, is amended to read as follows:

§ 20-711 Penalties. Any person who shall violate the provisions of section 20-708 or section 20-709 hereof or rules promulgated pursuant to this subchapter, other than the provisions of section 20-708.1 or rules promulgated under such section, shall pay a civil penalty of [not less than twenty-five dollars nor more than] *fifty dollars for the first violation, one hundred and seventy-five dollars for the second violation and two hundred fifty dollars for [each] the third and each subsequent violation* and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than two hundred fifty dollars for each violation; *except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-708 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the*

department to a person who has received, for the first time, a notice of violation of section 20-708 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. For the purposes of this section, each group of identical consumer commodities for which on any single day the total selling price or price per measure is not displayed in accordance with section 20-708 or section 20-709 or rules promulgated pursuant to this subchapter, other than the provisions of section 20-708.1 or rules promulgated under such section, shall be considered a single violation.

§ 85. The title of subchapter 3 of chapter 5 of title 20 of the administrative code of the city of New York, as amended by local law number 25 for the year 2003, is amended to read as follows:

[POSTING OF PRESCRIPTION DRUG PRICES AND NOTICES] *EMERGENCY CONTRACEPTION*

§ 86. Section 20-712 of the administrative code of the city of New York, subdivision (d) as added by local law number 25 for the year 2003, is amended to read as follows:

§ 20-712 Definitions. [(a) “Current selling price” means the price to be paid by the purchaser to the pharmacy for a listed drug.

(b) “Prescription drugs”] *As used in this subchapter, the following terms have the following meanings:*

Prescription drugs. The term “prescription drugs” means any drug which may be dispensed only with a physician’s prescription.

[(c) “Pharmacy”] *Pharmacy*. The term “*pharmacy*” means any retail outlet selling prescription drugs within the city.

[(d) “Emergency contraception”] *Emergency contraception*. The term “*emergency contraception*” means one or more prescription drugs, used separately or in combination, to be administered to or self-administered by the patient in a dosage and manner for preventing pregnancy when used after intercourse, found safe and effective for that use by the United States food and drug administration, and dispensed for that purpose in accordance with professional standards of practice.

§ 87. Section 20-713 of the administrative code of the city of New York is REPEALED.

§ 88. Section 20-714 of the administrative code of the city of New York is amended to read as follows:

§ 20-714 Regulations. [(a) The commissioner shall promulgate regulations designating those prescription drugs which, because of the frequency with which they are prescribed, shall be posted pursuant to section 20-713. The commissioner may except from such regulation such drugs to the extent that, and under such conditions as are consistent with the policy of this subchapter whenever the commissioner shall find that, because of the nature of such prescription drugs, compliance with section 20-713 is unreasonably burdensome or unnecessary for adequate protection of consumers.

(b) The commissioner shall promulgate such [other] regulations as shall be necessary to effectuate the purposes of this subchapter[, including, but not limited to, requirements as to the manner of display of prescription drug prices].

§ 89. Section 20-715 of the administrative code of the city of New York, as amended by local law number 25 for the year 2003, is amended to read as follows:

§ 20-715 Penalties. Any person who shall violate the provisions of [section 20-713,] section 20-713.1[,], or regulations promulgated pursuant to this subchapter shall pay a civil penalty of [not less than two] *one* hundred [fifty] *seventy-five* dollars [nor more than five hundred dollars] for the first offense, [and for each succeeding offense a penalty of not less than five hundred dollars nor more than seven hundred fifty dollars for each such violation] *five hundred dollars for the second offense and seven hundred and fifty dollars for the third offense and each succeeding offense* and shall, upon conviction thereof, be punished by a fine of not less than two hundred fifty dollars nor more than five hundred dollars for the first offense and for each succeeding offense a fine of not less than five hundred dollars nor more than seven hundred fifty dollars for each such violation. For the purposes of this section, if on any single day [the current selling price list is not displayed in accordance with section 20-713 or regulations promulgated pursuant to this subchapter, or] the required signage is not displayed in accordance with section 20-713.1 or regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 90. Section 20-722 of the administrative code of the city of New York is amended to read as follows:

§ 20-722 Penalties. Any person or agent or employee thereof who shall violate any provision of this subchapter or of the regulations promulgated pursuant thereto shall be subject to a civil penalty of [not less than] twenty-five dollars [nor more than two hundred fifty dollars] for each day in which a violation occurs, *except that any person or agent or employee thereof shall be subject to a civil penalty of zero dollars for a first violation of any provision of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has*

violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

§ 91. Section 20-728 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-728[.] Penalties. Violation of this subchapter or any rule or regulation promulgated thereunder, shall be punishable by payment of a civil penalty in the sum of [not less than] *twenty-five dollars for the first violation, fifty dollars for the second violation and* [nor more than] one hundred dollars for [each] *the third and any subsequent* violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of any provision of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured,* shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any provision of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 92. Section 20-743 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-743[.] Penalties. Any person, partnership, corporation or other business entity who violates any provision of this subchapter or any of the regulations promulgated hereunder shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars; except that a person, partnership, corporation or other business entity shall not be subject to the civil penalty described above for a first-time violation of subdivision [(a)] *a* of section 20-740 of this subchapter or any rule or regulation promulgated thereunder, if such person, partnership, corporation or other business entity proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured*, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person, partnership, corporation or other business entity who has received, for the first time, a notice of violation of subdivision [(a)] *a* of section 20-740 of this subchapter or any rule or regulation [issued] *promulgated* thereunder. The department shall permit such proof to be submitted electronically or in person. A person, partnership, corporation or other business entity may seek review, in the department's administrative tribunal, of the determination that the person or entity has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 93. Section 20-748 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-748[.] Penalties. Violation of this subchapter, or any regulation promulgated pursuant to it, shall be punishable by payment of a civil penalty [not to exceed two hundred fifty dollars] of one hundred fifty dollars; except that a person shall not be subject to a civil penalty described above for a first-time violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder *or pursuant to section 20-747*, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured*, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 94. Section 20-753 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-753[.] Penalties. Any person who shall violate the provisions of this subchapter or the regulations promulgated pursuant to this subchapter shall, upon conviction thereof, pay a civil penalty [or not less than] of fifty dollars [and not more than two hundred and fifty dollars] for the

first offense [and for each succeeding offense a penalty of not less than one hundred dollars nor more than five hundred dollars for each such violation]; *one hundred dollars for the second offense; and two hundred fifty dollars for the third offense and any subsequent offense*; except that a person shall not be subject to the civil penalty described above for a first-time violation of [subdivision c of] section 20-750 *or 20-751* of this subchapter or any rule or regulation promulgated thereunder *or pursuant to section 20-753*, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, *if accepted by the department as satisfactory proof that the violation has been cured*, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of [subdivision c of] section 20-750 *or 20-751* of this subchapter or any rule or regulation [issued] *promulgated* thereunder *or pursuant to section 20-753*. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. For the purposes of this section, if on any single day the current selling price list is not displayed in accordance with this subchapter or the regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 95. Section 20-810 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-810[.] Violations. A person violating sections 20-808 or 20-809 of this subchapter shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured,* shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 96. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 24 to read as follows:

SUBCHAPTER 24

CAR RENTALS

§ 20-861 Reservations. A motor vehicle rental business that reserves vehicles for consumers shall conspicuously display a sign or notice on its business premises that informs consumers of their rights pertaining to such reservations. The commissioner shall establish the rights pertaining to such reservations, and the form and content of such sign or notice, by rule.

§ 20-862 Penalties. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) \$150 for the first violation; (ii) \$250 for the second violation; and (iii) \$350 for the third and any subsequent violation; except that a person shall not be subject to such civil penalty of \$0 for a first-time violation of section 20-861 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-861 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 97. Subdivision (d) of section 24-227, as added by local law number 153 for the year 2013, is amended to read as follows:

(d) [The commissioner may recommend to the board that there] *There shall be no civil penalty imposed for a first violation of this section if, within [forty five] 30 days [of the return date set forth on the notice] after the issuance of the notice of violation for such violation, or, if applicable, within any additional time granted by the commissioner pursuant to this subdivision, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials; and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section[. If], and the commissioner accepts such certification of compliance[, he or shall recommend to the board that no civil penalty shall be imposed for the violation]. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section. If completion of such certification as prescribed in the rules of the department cannot be accomplished within 30 days after the issuance of the violation, the respondent may apply to the commissioner for additional time to submit an appropriate certification of compliance, but not more than 30 days. The respondent shall submit such application for additional time to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents demonstrating that the remediation process has begun.*

§ 98. Paragraph (1) of subdivision (b) of section 24-231 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended to read as follows:

(b) (1) [The commissioner may recommend to the board that there] *There shall be no civil penalty imposed for a first violation of [this section] subdivision (a) of this section or of any variance granted by the commissioner in accordance with subdivision (d) of this section if, within 30 days after the issuance of the notice of violation for such violation or, if applicable, within the time granted by the commissioner pursuant to this paragraph [two of this subdivision], the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section[. If], and the commissioner accepts such certification of compliance[, he or she shall recommend to the board that no civil penalty shall be imposed for the violation]. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section. If completion of such certification as prescribed in the rules of the department cannot be accomplished within 30 days, the respondent may apply to the commissioner for additional time to submit an appropriate certification of compliance, but not more than 30 days. The respondent shall submit such application for additional time to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents demonstrating that the remediation process has begun.*

(2) [Where the completion of appropriate permanent improvements or modifications and testing within 30 days after the issuance of the violation would cause the respondent undue hardship, the respondent may apply to the commission for additional time to submit an appropriate certification of compliance, but not more than 30 days. Application for such additional time must be submitted to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents in support of the claim of undue hardship.

(3) Nothing in this subdivision shall be construed to prohibit enforcement personnel from issuing additional notices of violation, summonses or appearance tickets where sound levels exceed the limits set forth in subdivision a of this section during the periods of time set forth in [paragraphs] *paragraph* one [and two] of this subdivision for submission of a certification of compliance for a first violation.

§ 99. Section 24-232 of the administrative code of the city of New York is amended by adding a new subdivision (g) to read as follows:

(g) There shall be no civil penalty imposed for a first violation of this section or any rules promulgated pursuant to this section if, within 30 days after the issuance of the notice of violation for such violation, or, if applicable, within any additional time granted by the commissioner pursuant to this subdivision, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules showing that (i) permanent improvements or modifications have been made, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials, as applicable; and (ii) appropriate sound measurements taken in accordance with the

department's rules substantiate that the applicable commercial or business enterprise is in full compliance with the sound levels set forth in this section, and the commissioner accepts such certification of compliance. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations. If completion of such certification as prescribed in the rules of the department cannot be accomplished within 30 days, the respondent may apply to the commissioner for additional time to submit an appropriate certification of compliance, but not more than 30 days. The respondent shall submit such application for additional time to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents demonstrating that the remediation process has begun.

§ 100. Table I in paragraph (5) of subdivision (b) of section 24-257 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, row 24-218 (a) as added by and row 24-218 (a-1) as amended by local law number 72 for the year 2016, and rows 24-227 and 24-231 (a) as amended by local law number 153 for the year 2013, is amended by removing the rows beginning 24-218, 24-231 (b) and 24-231 (c), amending the rows beginning 24-218 (a-1), 24-227, 24-231 (a), 24-232, 24-237 (d), 24-238, 24-242 and 24-244, and adding the rows beginning 24-218 (e), 24-231(d), 24-238 (a) and 24-244(b) to read as follows:

TABLE I						
Civil Penalties						
Violations related to section and subdivision	First Violation		Second Violation*		Third and Subsequent Violations*	
	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum
24-216 (d)	2,625	650	5,250	1,300	7,875	1,950
[24-218]	[1,000]	[350]	[2,000]	[700]	[3,000]	[1,050]
24-218 (a)	150	75	250	150	500	350
24-218 (a-1)	[1,000] 350	350	[2,000] 700	700	[3,000] 1,050	1,050
24-218 (e)	1,000	350	2,000	700	3,000	1,050
24-218.1	50	50	50	50	50	50
24-220	1,400	440	2,800	880	4,200	1,320
24-222	3,500	875	7,000	1,750	10,500	2,625
24-223	3,500	875	7,000	1,750	10,500	2,625
24-224	3,500	875	7,000	1,750	10,500	2,625
24-225	1,400	440	2,800	880	4,200	1,320
24-226	1,400	440	2,800	880	4,200	1,320
24-227	[875] 220	[0] 220	[1,750] 440	440	[2,625] 660	660
24-228	1,400	440	2,800	880	4,200	1,320
24-229	1,400	440	2,800	880	4,200	1,320
24-230	1,400	440	2,800	880	4,200	1,320
24-231 (a)	[8,000] 2,000	[0] 2,000	[16,000] 4,000	4,000	[24,000] 6,000	6,000
[24-231 (b)]	[1,750]	[440]	[3,500]	[880]	[5,250]	[1,320]
[24-231 (c)]	[875]	[350]	[1,750]	[700]	[2,625]	[1,050]
24-231 (d)	560	560	1,120	1,120	1,680	1,680
24-232	[1,400] 440	440	[2,800] 880	880	[4,200] 1,320	1,320
24-233 (a)	175	50	350	100	525	150

24-233 (b)(1)	175	50	350	100	525	150
24-233 (b)(2)	350	100	700	200	1,050	300
24-234	175	50	350	100	525	150
24-235	175	50	350	100	525	150
24-236 (a)	525	150	1,050	300	1,575	450
24-236 (b)(c) (d)	1,440	440	2,800	880	4,200	1,320
24-237 (a)	1,000	150	2,000	300	3,000	450
24-237 (b)	875	220	1,750	440	2,625	660
24-237 (c)	875	220	1,750	440	2,625	660
24-237 (d)	[1,000] 350	350	[2,000] 700	700	[3,000] 1,050	1,050
24-238 (a)	220	220	440	440	660	660
24-238 (b)	875	220	1,750	440	2,625	660
24-239 (b)	350	100	700	200	1,050	300
24-241	1,400	440	2,800	880	4,200	1,320
24-242	[875] 220	220	[1,750] 440	440	[2,625] 660	660
24-244 (a)	1,750	440	3,500	880	5,250	1,320
24-244 (b)	440	440	880	880	1,320	1,320
24-245	2,625	660	5,250	1,320	7,875	1,980
All remaining sections and subdivisions	875	220	1,750	440	2,625	660

* By the same respondent of the same provision of law, order, rule or regulation and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred, at the same premises (all violations committed within two years).

§ 101. Subdivision (g) of section 24-257 of the administrative code of the city of New York, as added by local law 72 for the year 2016, is amended to read as follows:

(g) [The] *Notwithstanding the penalty amounts set forth in Table I in paragraph (5) of subdivision (b) of this section, the department may set default penalties that shall not exceed 400 percent of the penalty amount set by rule by the department for a violation of this chapter, except that the default penalty imposed pursuant to subdivision (b) of this section for a violation of [section 24-218(a)] subdivision (a) of section 24-218, as set forth in section [3-115] 47-02 of title [48] 15 of the rules of the city of New York or any successor provision, shall not exceed 150 percent of the scheduled penalty set forth therein.*

§ 102. Section 24-257 of the administrative code of the city of New York is amended by adding a new subdivision (h) to read as follows:

(h) (1) *Notwithstanding table I in paragraph 5 of subdivision (b) of this section, a cure period is available for a first violation of subdivision (e) of section 24-218 as set forth in such subdivision, a first violation of section 24-227 as set forth in subdivision (d) of such section, a first violation of section 24-231 as set forth in paragraph (1) of subdivision (b) of such section and a first violation of section 24-232 as set forth in subdivision (g) of such section.*

(2) *Notwithstanding table I in paragraph 5 of subdivision (b) of this section, an owner, operator, manager or other person having control of any place of public performance shall be subject to a civil penalty of \$0 for a first violation of subdivision d of section 24-218.1. The notice of violation for such first violation shall inform such owner, operator, manager or other person of the provision of law or rule that the department believes such owner, operator, manager or other person has violated, describe the condition or activity that is the basis for the notice of violation,*

advise such owner, operator, manager or other person that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. For a second, third or subsequent violation of subdivision d of section 24-218.1 or any rules promulgated pursuant thereto, such owner, operator, manager or other person shall be liable for a civil penalty in the amount prescribed for such violation in table I of paragraph 5 of subdivision (b) of this section.

§ 103. Section 28-204.2 of the administrative code of the city of New York, as amended by local law number 34 for the year 2008, is amended to read as follows:

§ 28-204.2 Order to certify correction. Each such notice of violation shall contain an order of the commissioner directing the respondent to correct the condition constituting the violation and to file with the department electronically or in such other manner as the department may authorize by rule a certification that the condition has been corrected. Unless otherwise provided by rule, such order shall require that violations classified as major or lesser be corrected within 30 days from the date of the order, that violations classified as immediately hazardous be corrected forthwith. Such order shall also require that certification of the correction of the violation shall be filed with the department in a manner and form and within such period of time as shall be established by the department. In any proceeding before the environmental control board, no civil penalty shall be imposed for a lesser violation *or for a first-time violation of the major violations listed in items 1.1 through 1.7 of this section* if the respondent complies with the commissioner's order to correct and to certify correction of the violation within the applicable time period. However, such violation may serve as a predicate for purposes of assessing aggravating factors attributable to multiple offenses.

1. As described in this section, no civil penalty shall be imposed upon correction of the following first-time major violations:

1.1. Failure to post, or post in accordance with the restrictions and prohibitions set forth in section 28-105.11, a building permit or a copy thereof for work at a work site in violation of section 28-105.11, or violation of a corresponding rule promulgated by the department;

1.2. Failure to maintain a sign in accordance with the requirements of title 27, title 28, the zoning resolution of the city of New York, or the rules of the city of New York in violation of section 28-301.1, or violation of a corresponding rule promulgated by the department;

1.3. Failure by an owner of a boiler to file a complete boiler inspection report in violation of section 28-303.7, or violation of a corresponding rule promulgated by the department;

1.4. A sign in a commercial, or C, district exceeds surface area restrictions in violation of section 32-64 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department;

1.5. A sign in a specified commercial, or C, district projects across the street line limitation in violation of section 32-652 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department;

1.6. A sign displayed on an awning, canopy or marquee in a commercial, or C, district in violation of the restrictions set forth in section 32-653 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department; and

1.7. Miscellaneous sign violation under the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department.

§ 104. Sections one through three and six through twelve of this local law take effect 120 days after they become law, except that the commissioner of sanitation and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 105. Sections four and five of this local law take effect immediately.

§ 106. Sections thirteen through twenty-seven of this local law take effect 180 days after they become law, except that the commissioner of health and mental hygiene and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 107. Sections twenty-eight through thirty-three of this local law take effect 120 days after they become law, except that the commissioner of transportation and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 108. Sections thirty-four, thirty-five, forty-two through fifty-one, and sixty through ninety-six of this local law take effect 120 days after they become law, except that the commissioner of consumer and worker protection and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 109. Sections thirty-six through forty-one of this local law take effect on March 15, 2022, provided that no license shall be required to operate an amusement arcade or a gaming café after January 15, 2022, and except that the commissioner of consumer and worker protection shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 110. Section fifty-two of this local law takes effect on June 15, 2022.

§ 111. Sections fifty-three through fifty-nine of this local law take effect on December 31, 2021.

§ 112. Sections ninety-seven through one hundred and two of this local law take effect 120 days after they become law, except that the commissioner of environmental protection and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 113. Section one hundred and three of this local law takes effect 120 days after it becomes law, except that the commissioner of buildings and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on June 17, 2021 and returned unsigned by the Mayor on July 19, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 80 of 2021, Council Int. No. 2233-A of 2021 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 81

Introduced by Council Members Gjonaj, Chin, Cabrera, The Speaker (Council Member Johnson), Holden, Ayala, Gibson, Brannan, Rosenthal, Louis and Gennaro.

A LOCAL LAW

To establish a temporary program to resolve outstanding judgments imposed by the environmental control board

Be it enacted by the Council as follows:

Section 1. Temporary program to resolve outstanding judgments. a. Definitions. For purposes of this section, the following terms have the following meanings:

Amnesty period. The term “amnesty period” means the period of time, as determined by the department of finance pursuant to subdivision f of this section, during which a payor or respondent may resolve outstanding judgments imposed by the environmental control board pursuant to the temporary program.

Base penalty. The term “base penalty” means, with respect to any notice of violation returnable to the environmental control board, the penalty that would be imposed upon a timely admission by the respondent or finding of liability after an adjudication, pursuant to the applicable penalty schedule, without regard to reductions of penalty in cases of mitigation or involving stipulations.

City. The term “city” means the city of New York.

Default decision and order. The term “default decision and order” means a decision and order of the environmental control board, pursuant to subparagraph (d) of paragraph (1) of subdivision d

of section 1049-a of the charter of the city, determining a respondent's liability for a violation charged based upon that respondent's failure to plead within the time allowed by the rules of the environmental control board or failure to appear before the environmental control board on a designated adjudication date or on a subsequent date following an adjournment.

Default penalty. The term "default penalty" means, with respect to any notice of violation returnable to the environmental control board, the penalty imposed by the environmental control board, pursuant to subparagraph (d) of paragraph (1) of subdivision d of section 1049-a of the charter of the city, in an amount up to the maximum amount prescribed by law for the violation charged.

Environmental control board. The term "environmental control board" means a division of the office of administrative trials and hearings and its tribunal, as described in section 1049-a of the charter of the city.

Imposed penalty. The term "imposed penalty" means, with respect to any notice of violation returnable to the environmental control board, the penalty imposed by the environmental control board after an adjudication, pursuant to subparagraph (a) of paragraph (1) of subdivision d of section 1049-a of the charter of the city.

Judgment. The term "judgment" means monies owed to the city as a result of a final order of the environmental control board imposing a civil penalty, either as a result of a default decision and order or after a hearing and finding of violation, that was entered in the civil court of the city or any other place provided for the entry of civil judgments within the state, pursuant to subparagraph (g) of paragraph (1) of subdivision d of section 1049-a of the charter of the city, no later than 90

days prior to the first day of the amnesty period and determining a respondent's liability for a violation charged in accordance with the applicable penalty schedule.

Pandemic judgment. The term "pandemic judgment" means a judgment entered for a violation that was docketed on or after March 7, 2020.

Payor. The term "payor" means a person or entity who is not the respondent but who makes the payment for a particular judgment docketed by the environmental control board.

Penalty schedule. The term "penalty schedule" means the schedule of penalties for particular violations of state or local law, or any rule or regulation promulgated thereunder, adopted as a rule by the environmental control board or by any city agency for violations adjudicated by the environmental control board pursuant to section 1049-a of the charter of the city, and published in the rules of the city, or any such predecessor schedule as may have applied on the date of the violation.

Pre-pandemic judgment. The term "pre-pandemic judgment" means a judgment entered for a violation that was docketed prior to March 7, 2020.

Resolve. The term "resolve" means, with respect to an outstanding judgment of the environmental control board, to conclude all legal proceedings in connection with a notice of violation.

Respondent. The term "respondent" means a person or entity named as the subject of a notice of violation returnable to, or a judgment issued by, the environmental control board.

State. The term "state" means the state of New York.

Temporary program. The term "temporary program" means the temporary program to resolve outstanding judgments established pursuant to this local law.

b. Temporary program to resolve outstanding judgments. 1. Subject to an appropriate concurring resolution of the environmental control board described in subdivision a of section 1049-a of the charter of the city, and notwithstanding any other provision of law to the contrary, the commissioner of finance shall establish a temporary program to resolve outstanding judgments imposed by the environmental control board that permits respondents who are subject to:

(a) judgments resulting from a default decision and order to resolve such judgments by payment of base penalties without payment of default penalties and accrued interest;

(b) pre-pandemic judgments entered after an adjudication and finding of violation to resolve such judgments by payment of 75 percent of the imposed penalties without payment of accrued interest; and

(c) pandemic judgments entered after an adjudication and finding of violation to resolve such judgments by payment of 25 percent of the imposed penalties without payment of accrued interest.

2. All judgments described in paragraph 1 of this subdivision may be resolved under the temporary program except as otherwise specified by subdivisions c and d of this section.

c. Judgments that may only be resolved under the temporary program subject to certain conditions. 1. A judgment resulting from a default decision and order may not be resolved under the temporary program unless the base penalty of the violation that is the subject of the default decision and order can be determined from the notice of the violation, default decision and order, or applicable penalty schedule alone or from a combination of any of the foregoing.

2. A judgment arising out of a notice of violation that includes an order requiring the correction of the violation may be resolved under the temporary program only if the city agency that issued the notice of violation has issued, on or before the last day of the amnesty period, a certificate of

compliance indicating that the condition cited in such notice of violation has been corrected to the satisfaction of such agency.

3. A judgment resulting from a default decision and order for which a respondent or payor has, prior to the first day of the amnesty period, made payments greater than or equal to the base penalty, a pre-pandemic judgment entered after an adjudication and finding of violation for which a respondent or payor has, prior to the first day of the amnesty period, made payments greater than or equal to 75 percent of the imposed penalties, and a pandemic judgment entered after an adjudication and finding of violation for which a respondent or payor has, prior to the first day of the amnesty period, made payments greater than or equal to 25 percent of the imposed penalties, may only be resolved under the temporary program if such a respondent or payor submits an application for resolution of such judgment to the commissioner of finance in a manner and form to be determined by such commissioner. Such commissioner may impose a fee of up to \$1 for submission of such an application.

d. Judgments that may not be resolved under the temporary program. 1. A judgment shall not be resolved under the temporary program if the judgment had been the subject of an agreement with a marshal or sheriff that was executed prior to the amnesty period.

2. A judgment shall not be resolved under the temporary program if a respondent or payor fails to pay the amounts described in subdivision b of this local law to the department of finance on or before the last day of the amnesty period.

3. A judgment shall not be resolved under the temporary program if such judgment is for a violation that is the subject of a criminal investigation.

e. Conditions for participation in the temporary program. 1. A payment from a respondent or payor to resolve an outstanding judgment from a default decision and order under the temporary program shall be deemed an admission of the liability for the violation that resulted in the default decision and order.

2. A resolution of a judgment under the temporary program shall constitute a waiver of all legal and factual defenses to liability for the judgment.

f. Certificates of correction. Nothing contained herein shall require a city agency to issue or approve certificates of correction or the equivalent if such agency does not have a program to do so as of the effective date of this local law.

g. Duration of the temporary program. The amnesty period shall be in effect for a period of 90 days during the fiscal year that commences on July 1, 2021, provided that such amnesty period may be extended for an additional period of 90 days by rule of the commissioner of finance if such commissioner determines that such an extension would encourage further resolution of outstanding judgments, generate revenue for the city and reduce the amount of outstanding debt owed to the city.

h. Judgments that remain outstanding after conclusion of the temporary program. After the amnesty period has concluded, any judgment that remains outstanding and has not been resolved by this program shall continue to have full legal effectiveness and enforceability regardless of whether it could have been resolved under this program.

i. Notification of public. The commissioner of finance shall publicize the temporary program so as to maximize public awareness of and participation in such program.

§ 2. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on June 17, 2021 and returned unsigned by the Mayor on July 19, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 81 of 2021, Council Int. No. 2234-A of 2021 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 84

Introduced by Council Members Reynoso, Kallos and Louis.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to trade waste industry unions

Be it enacted by the Council as follows:

Section 1. Section 16-503 of the administrative code of the city of New York, as amended by local law number 55 for the year 2019, is amended to read as follows:

§ 16-503 Functions. The commission shall be responsible for the licensing, registration and regulation of businesses that remove, collect or dispose of trade waste[,] *and* trade waste brokers[, and]. *The commission shall also be responsible for the registration and regulation of labor unions or labor organizations that represent or seek to represent employees directly involved in the collection, removal, transportation or disposal of putrescible trade waste. The commission shall not be responsible for the registration and regulation of labor unions or labor organizations that represent or seek to represent employees directly involved only in the collection, removal, transportation or disposal of one or more of the following: non-putrescible waste, including construction and demolition debris; medical waste; electronic waste; textiles; yard waste collected by landscapers; waste removed by junk haulers or one-time bulk waste services; grease; paper that is collected for the purpose of shredding or destruction; or organic waste that is*

collected exclusively by a micro-hauler licensee, as that term is defined in rules promulgated by the commission.

§ 2. Subdivision i of section 16-504 of the administrative code of the city of New York, as added by local law number 55 for the year 2019 and relettered by local law number 199 for the year 2019, is amended to read as follows:

i. To issue and establish standards for the registration of labor unions or labor organizations [representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of trade waste] *subject to the jurisdiction of the commission pursuant to section 16-503* and for suspending or disqualifying officers of such unions or organizations.

§ 3. Subdivision c of section 16-505 of the administrative code of the city of New York, as added by local law number 55 for the year 2019, is amended by to read as follows:

c. A labor union or labor organization [representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of waste] *subject to the jurisdiction of the commission pursuant to section 16-503* shall, within the time period prescribed by the commission, register with the commission and shall disclose information to the commission as the commission may by rule require, including but not limited to the names of all officers and agents of such union or organization; provided, however, that no labor union or labor organization shall be required to furnish information pursuant to this section which is already included in a report filed by such labor union or labor organization with the secretary of labor pursuant to 29 U.S.C. § 431, et seq., or § 1001, et seq., if a copy of such report, or of the portion thereof containing such information, is furnished to the commission; and provided further that this section shall not apply (i) to a labor union or labor organization representing or seeking to represent clerical or other

office workers, or (ii) to affiliated national or international labor unions of local labor unions that are required to register pursuant to this provision. *In addition, notwithstanding any inconsistent provision of this chapter, including the provisions of section 16-503, if the commission inquires in writing of a labor union or labor organization that represents employees involved in the collection, removal, transportation or disposal of trade waste as to whether that labor union or labor organization represents employees at any company that collects, removes, transports or disposes of putrescible trade waste, such labor union or labor organization must respond to the commission within 30 days in a sworn, written statement, and, if the labor union or labor organization represents employees at any company that collects, removes, transports or disposes of putrescible waste, identify the company or companies.*

§ 4. Subdivision g of section 16-509 of the administrative code of the city of New York, as added by local law number 55 for the year 2019, is amended by to read as follows:

g. The commission may, after notice and the opportunity to be heard, disqualify an officer of a labor union or labor organization *subject to the jurisdiction of the commission pursuant to section 16-503* from holding office when such person: (i) has failed, by the date prescribed by the commission, to be fingerprinted or to provide truthful information in connection with the reporting requirements of subdivisions c and d of section 16-505; (ii) is the subject of a pending indictment or criminal action against such officer for a crime which bears a direct relationship to the trade waste industry, in which case the commission may defer a determination until a decision has been reached by the court before which such action is pending; (iii) has been convicted of a crime which, under the standards set forth in article 23-A of the correction law, bears a direct relationship to the trade waste industry, in which case the commission shall also consider the bearing, if any,

that the criminal offense or offenses will have on the fitness of the officer to perform his or her responsibilities, the time which has elapsed since the occurrence of the criminal offense or offenses; the seriousness of the offense or offenses, and any information produced by the person, or produced on his or her behalf, in regard to his or her rehabilitation or good conduct; (iv) has been convicted of a racketeering activity or associated with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961, et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, when the officer knew or should have known of such conviction; or (v) has associated with any member or associate of an organized crime group, as identified by a federal, state or city law enforcement or investigative agency, when the officer knew or should have known of the organized crime associations of such person. An officer required to disclose information pursuant to subdivisions c and d of section 16-505 may submit to the commission any material or explanation which such officer believes demonstrates that such information does not reflect adversely upon the officer's good character, honesty and integrity. If the commission determines pursuant to this subdivision that there are sufficient grounds to disqualify a person from holding office in a labor union or labor organization, the commission shall suspend such person from holding office pending a final determination and, in the event such person is disqualified, such suspension shall continue pending resignation or vacatur of or removal from office.

§ 5. Subdivision k of section 16-509 of the administrative code of New York, as added by local law 55 for the year 2019, is amended to read as follows:

k. Notwithstanding any other provision of this chapter to the contrary, the provisions of this section shall apply to any labor union or labor organization *otherwise subject to the jurisdiction of the commission pursuant to section 16-503 and* representing or seeking to represent employees of businesses required to be licensed or registered pursuant to this chapter.

§ 6. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on June 17, 2021 and returned unsigned by the Mayor on July 19, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 84 of 2021, Council Int. No. 2353 of 2021 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 112

By Council Members Kallos, Barron and Gennaro.

A LOCAL LAW

In relation to agency purchasing of textiles, and to establish a task force to recommend legislation and policy for environmentally preferable purchasing, use and disposal of such textiles

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

Agency. The term “agency” means a city, county, borough, or other office, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury, unless otherwise specified.

City. The term “city” means the city of New York.

Director. The term “director” means the director of citywide environmental purchasing appointed pursuant to section 6-304 of the administrative code of the city of New York, unless otherwise specified.

Task force. The term “task force” means the task force established by this local law.

Textile. The term “textile” means cloth, fabric and other flexible materials made of animal skin, hair, fur or fleece; plants; minerals; or synthetic materials.

Textile good. The term “textile good” means a good made in whole or in part of textiles, including, but not limited to, clothing and other apparel, including footwear, regalia and other accessories; carpets; upholstery; blankets; and industrial use textiles.

§ 2. Report on agency purchases of textiles. a. Information to be reported. The director shall prepare a report of the following information regarding agency purchases of textile goods for the 4-year period preceding the effective date of this local law:

1. A list of categories of textile goods, as determined by the director pursuant to paragraph 1 of subdivision b of this section;

2. For each category of textile goods designated by the director listed pursuant to paragraph 1 of this subdivision, the following information for a sample of such textile goods, as determined by the director to accurately represent citywide purchases of such textile goods:

(a) The textiles found in such textile good;

(b) The location where the finished textile good was manufactured;

(c) The average or usual amount of time such textile good is used for agency purposes before disposal and the resources expended to maintain such textile good while in use;

(d) The disposal policies and practices of the purchasing agency with respect to such textile good, including whether such agency recycles or attempts to recycle such textile good;

(e) Whether such textile good is composed in whole or in part of a virgin textile;

(f) Whether such textile good includes recycled textiles;

(g) Whether such textile good includes organic textiles; and

(h) Whether such textile good includes animal-derived textiles, and if so, the species;

3. For each category of textile goods designated by the director, the total estimated value of contracts for such textile goods, in the aggregate and disaggregated by agency;

4. For each category of textile goods designated by the director, the total estimated volume of such textile goods in units designated by the director, in the aggregate and disaggregated by textile and additional textile content information required pursuant to paragraph 2 of this subdivision; and

5. A list of vendors authorized to sell uniform apparel and accessories to employees of agencies, and for each such vendor, the agency for which such vendor is authorized.

b. Additional reporting specifications. For purposes of the report required in subdivision a of this section:

1. The director shall determine how to categorize textile goods for the purpose of reporting information about such goods in an organized, consistent and accurate manner, and to facilitate comparison of such textile goods pursuant to this local law.

2. Claims of the nature or content of textiles shall include a reference to any available certification, standard or other proof of such content.

3. For purposes of all reports required by this local law, agency purchases of goods shall be deemed to include purchases by agency employees from vendors authorized to sell uniform apparel and accessories to agency employees. For the purposes of creating the report required under this section, the director, in collaboration with each agency that requires such agency's employees to wear a uniform, shall conduct a survey of each such agency's uniformed employees.

c. When due. The director shall submit the report prepared pursuant to subdivision a of this section to the speaker of the council and publish it on the city's website no later than 180 days after the effective date of this local law. If additional time is needed to obtain required information, the

director shall transmit a written notice to the speaker explaining why submission of the report will occur at a later date. In no event shall such report be submitted to the speaker of the council and published on the city's website later than 1 year after the effective date of this local law.

d. Missing information. The director shall not be required to publish any information in the report required by this section that the director determines would be infeasible to obtain, provided that, for such information, the director shall summarize in the report the efforts made to obtain any missing information and explain why obtaining such information would be infeasible to obtain.

§ 3. Task force. a. Task force established. There shall be a task force to develop and recommend environmentally preferable purchasing guidelines for textiles, and to make recommendations for legislation and policy regarding agency textile use and waste management, and regulation of textile goods. Such guidelines shall promote the following objectives:

1. To conserve, protect and rehabilitate resources, including land, timber, water and energy, and to promote the efficient use thereof;

2. To reduce, to the greatest extent possible, reliance on virgin textiles, with an emphasis on virgin textiles that require intensive land and water resources for production, and to increase the use of recycled and reused textiles, recyclable and reusable textiles, and biodegradable textiles;

3. To reduce, to the greatest extent possible, reliance on textiles that have significant negative environmental impact based on criteria set forth in subparagraph d of paragraph 2 of subdivision b of this section;

4. To reduce, to the greatest extent possible, the use of and exposure to hazardous substances, including bioaccumulative and toxic chemicals found in textiles, including chromium, formaldehyde and polyvinyl chloride;

5. To decrease greenhouse gas emissions in accordance with section 24-803 of the administrative code of the city of New York;

6. To promote environmentally responsible use and end-of-life management of agency-purchased textiles;

7. To reduce, to the greatest extent possible, waste;

8. To reduce, to the greatest extent possible, public spending on textiles that are the result of environmental degradation;

9. To educate textile-purchasing agencies of false or misleading claims of environmentally preferable textiles; and

10. Any other objective, as determined by the task force, that is intended to account for and reduce the negative effects on the environment, or to generate positive effects on the environment, caused by city purchases of textiles.

b. Tasks. The task force shall complete the following tasks in the following order:

1. Assessment of needs. The task force shall assess agency needs for textiles and forecast, as practicable, such needs for textiles in the 10 years following the effective date of this local law. In undertaking this task, the task force shall use the report published pursuant to section two of this local law, in addition to any other appropriate resource.

2. Consideration of options. The task force shall identify and consider the textiles available to meet the needs identified pursuant to paragraph 1 of this subdivision. The task force shall consider innovative textiles, as well as innovative production methods of textiles and textile goods. The task force shall prioritize for consideration textiles that maximize the opportunity to reduce the negative effects, and to produce positive effects, of agency textile purchases for the environment.

In undertaking this task, the task force shall, to the extent possible with available resources, compare textiles across the following criteria:

(a) Ability to meet agency needs;

(b) Financial cost;

(c) Availability;

(d) Environmental impact, as can be assessed along the supply-chain and the life-cycle of the textile by the following indicators, provided that indicators set forth in clauses (1), (3), (13), (15), (16) and (19) shall be given the greatest weight in such assessment:

(1) Climate change;

(2) Ozone depletion;

(3) Human toxicity;

(4) Photochemical oxidant formation;

(5) Particulate matter formation;

(6) Ionizing radiation;

(7) Terrestrial acidification;

(8) Freshwater eutrophication;

(9) Marine eutrophication;

(10) Terrestrial ecotoxicity;

(11) Freshwater ecotoxicity;

(12) Marine ecotoxicity;

(13) Agricultural land occupation;

(14) Urban land occupation;

(15) Natural land transformation;

(16) Water depletion;

(17) Metal depletion;

(18) Fossil depletion;

(19) Biodiversity;

(20) Impact on endangered or threatened species; and

(21) Any other indicator of environmental impact for which a methodology of measurement is available, as agreed upon by the task force;

(e) Whether such textile is made of virgin or recycled materials, and such textile's capability to be recycled by any means, including mechanical or chemical, in whole or in part; and

(f) The potential for end-of-life management of such textile that will eliminate reliance on landfill, ensure conditions for environmentally responsible and managed decomposition, and promote reuse and recyclability.

3. Creation of guidelines. The task force shall recommend guidelines for environmentally preferable purchasing of textiles based on the task force's findings and conclusions made pursuant to paragraphs 1 and 2 of this subdivision. These guidelines may be agency-specific, as appropriate. In addition, such guidelines may include guidance for (i) extending the use phase of textiles; (ii) reducing the environmental impact of the use phase of textiles; and (iii) environmentally preferable methods of disposal. In undertaking this task, the task force may consider third-party standards and certifications for claims of recycled, organic or other forms of environmentally responsible content, and may incorporate such standards and certifications, their salient

characteristics, or both in such guidelines, if the task force determines that such standards or certifications promote the objectives set forth in subdivision a of this section.

4. Final report. (a) No later than 1 year after the first meeting of the task force or publication of the report required in section one of this local law, whichever occurs later, the task force shall submit a report to the mayor and the speaker of the council setting forth in detail the task force's findings and conclusions, and any supporting methodology and analysis, that form the basis of the task force's guidelines for environmentally preferable purchasing of textiles. Such report shall contain the guidelines created pursuant to paragraph 3 of this subdivision and any recommendations for legislation or policy, and the identification of barriers thereto, for implementing such guidelines. Such report shall include recommendations for city management of agency-purchased textile waste and may include recommendations for other methods of textile waste management that promote the objectives set forth in subdivision a of this section.

(b) Additional considerations. In addition to the tasks and reporting duties set forth in this subdivision, the task force shall, to the extent the task force deems practicable, consider and assess information about any factors or effects of city purchases, use and disposal of textile goods that the task force determines will promote a holistic accounting of city consumption of such goods or that should inform city consumption of such goods. Such factors or effects may include the conditions of laborers, the treatment of animals and any disparate effects on community health and safety relevant to the production, processing, use and disposal of agency-purchased textile goods. The task force may identify where such factors or effects are interrelated or co-constitutive. The task force shall include any findings and conclusions in connection with such assessment in the final report, and the task force may make recommendations for legislation and policy, and identify

barriers to such legislation and policy, to address the full range of costs associated with agency textile purchases.

(c) The director shall publish the task force's report on the city's website no later than 5 days after its submission to the mayor and the speaker of the council.

c. Membership. 1. The task force shall be composed of the following members:

(a) The director or the director's designee, who shall serve as chair;

(b) The comptroller or the comptroller's designee;

(c) The commissioner of citywide administrative services, or such commissioner's designee;

(d) The commissioner of sanitation, or such commissioner's designee;

(e) The commissioner of environmental protection, or such commissioner's designee;

(f) The chair of the procurement policy board, or such chair's designee;

(g) The director of long-term planning and sustainability, or such director's designee;

(h) The director of the office of minority and women-owned business enterprises, or such director's designee; and

(i) (1) Five persons, three of whom shall be appointed by the mayor and two of whom shall be appointed by the speaker of the council, who shall meet the following criteria:

(A) Each such person shall have demonstrated expertise relevant to the duties assigned to the task force;

(B) No such person shall be an employee of a government agency;

(C) No such person shall be in the business of producing or processing cloth, fibers or other materials used in textile goods purchased by agencies; and

(D) No such person shall be a representative of a trade group in the textile goods industry.

(2) In appointing such persons, the mayor and the speaker of the council shall make best efforts to ensure that such persons represent diverse expertise in subject matter areas relevant to the tasks set forth in subdivision b of this section.

2. The mayor may invite officers and representatives of relevant federal, state and local government entities to participate in the work of the task force.

3. All initial appointments required by this section shall be made no later than 180 days after the effective date of this local law.

4. Each member of the task force shall serve at the pleasure of the official who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment. Members of the task force shall serve without compensation.

d. Meetings. 1. The chair shall convene the first meeting of the task force no later than 15 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in subdivision c, the chair shall convene the first meeting of the task force no later than 10 days after the appointment of a quorum.

2. The task force shall invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

3. At the first meeting of the task force, the task force shall determine the frequency with which it shall meet in order to ensure fulfillment of its duties pursuant to this local law.

e. Termination. The task force shall terminate 180 days after the date on which it submits its final report pursuant to paragraph 4 of subdivision b of this section.

§ 4. Agency support. a. Each agency affected by this local law shall provide appropriate assistance to support the work of the task force.

b. Agency representatives. Each agency that requires such agency's employees to wear a uniform shall provide information regarding the technical specifications for such agency's uniform apparel and accessories, as appropriate, to assist the members of the task force in fulfillment of the duties imposed by this local law.

§ 5. Effective date. This local law takes effect 180 days after it becomes law, provided that the director, in collaboration with other relevant agencies, shall take such measures as are necessary for the implementation of this local law, including the conducting of a survey of uniformed agency employees, before such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 23, 2021 and returned unsigned by the Mayor on October 25, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 112 of 2021, Council Int. No. 2272-A of 2021) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2022**

No. 110

Introduced by Council Members Abreu, Nurse, Louis, Hudson, Brewer, Joseph, Gutiérrez, Narcisse, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Richardson Jordan, Riley, Ayala, Hanif, Powers, Cabán, Gennaro, De La Rosa, Holden, Hanks, Dinowitz, Won, Farías, Kagan, Lee, Mealy and Salamanca (in conjunction with the Brooklyn Borough President).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to rat mitigation zones

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 16-120 of the administrative code of the city of New York, as amended by local law number 6 for the year 2006, is amended to read as follows:

c. 1. Incinerator[,] residue, ashes, refuse and liquid waste shall be stored in the building or dwelling or at the rear of the building or dwelling as may be required by the department of health and mental hygiene or the department of housing preservation and development until time for removal and kept in tightly covered metal receptacles or containers made of other materials of a type and grade acceptable to the department, *the* department of health and mental hygiene, and the department of housing preservation and development. After the contents have been removed by the department or other collection agency any receptacles remaining shall be removed from the front of the building or dwelling before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection. The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the department, the

department of health and mental hygiene, and in the case of residential premises, the department of housing preservation and development. No receptacles, refuse, incinerator residue or ashes, or liquid waste shall be kept so as to create a nuisance. Yard sweepings, hedge cuttings, grass, leaves, earth, stone or bricks shall not be mixed with household wastes.

2. Notwithstanding paragraph 1 of this subdivision, the department may set by rule requirements for the set-out of solid waste or recyclable material for collection by the department.

Such requirements shall prioritize:

(a) Minimizing rodent harborage associated with such waste or material set-out; and

(b) Minimizing the amount of time that such waste or material is placed at the curb prior to collection by the department.

3. Notwithstanding paragraphs 1 and 2 of this subdivision, if the department sets by rule requirements for the set-out of solid waste or recyclable material pursuant to paragraph 2 of this subdivision, the department shall set by rule alternative requirements for the set-out of solid waste or recyclable material for collection by the department for multiple dwellings containing nine or more dwelling units, in furtherance of the goals identified in subparagraphs (a) and (b) of paragraph 2 of this subdivision, provided that any such requirements allow such multiple dwellings to opt in to such requirements and provided further that any such requirements allow for solid waste or recyclable material to be set out for collection by the department no more than four hours prior to the start of the scheduled collection shift. Such four hour time shall not apply to solid waste or recyclable material that is stored in a receptacle that is kept covered or closed in a manner to prevent rodent harborage and in a manner satisfactory to the department, the department of health and mental hygiene and the department of housing preservation and

development. Any multiple dwelling that does not opt in to such requirements, or that opts out of such requirements, shall be subject to the requirements set by rule pursuant to paragraph 2 of this subdivision.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-133.2 to read as follows:

§ 17-133.2 Rat mitigation zones. a. No later than April 1, 2023, the department shall designate, by rule, one or more rat mitigation zones. In designating such zones, the department shall consider the following criteria:

1. The number and percentage of inspections for rat activity for properties within a given sanitation district or community district that resulted in the issuance of an order pursuant to section 151.02 of the New York city health code or an agency referral letter related to rat activity, and the location of such properties within such sanitation or community district;

2. The number and percentage of inspections for rat activity for properties within a given sanitation district or community district that have resulted in the issuance of a notice of violation pursuant to section 3.05 or section 151.02 of the New York city health code, and the location of such properties within such sanitation or community district;

3. The number of rat exterminations at properties within a given sanitation district or community district executed by the department pursuant to section 17-147, following a failure to comply with an order issued pursuant to section 151.02 of the New York city health code, and the location of such properties within such sanitation or community district;

4. The number and nature of 311 requests for service or complaints related to rat activity within any 12-month period within a given sanitation district or community district; and

5. *The susceptibility of any properties managed by the department of parks and recreation within a given sanitation district or community district to rat infestation.*

b. The department shall periodically review the criteria set forth in subdivision a of this section and may, by rule, and in accordance with such review, eliminate existing rat mitigation zones, change the boundaries of existing rat mitigation zones, or designate new rat mitigation zones.

c. The department may, in conjunction with any action taken pursuant to subdivision a or b of this section, and in consultation with the department of sanitation, review the boundaries of sanitation districts, or sections within sanitation districts, and may establish boundaries of rat mitigation zones that are, in whole or in part, coterminous with sanitation districts, or sections within sanitation districts.

d. The department may, in conjunction with any action taken pursuant to subdivision a or b of this section, consider the availability of resources to implement rat mitigation measures and, in designating rat mitigation zones, eliminating existing rat mitigation zones, or changing the boundaries of existing rat mitigation zones, exercise its discretion to maximize the efficient use of such resources.

e. If the department, following any review of a rat mitigation zone conducted pursuant to subdivision b of this section, determines, in consultation with the department of sanitation, that any rat mitigation measure applicable pursuant to law or rule only within a rat mitigation zone should be continued, then the department need not eliminate or change the boundaries of a rat mitigation zone, even if such review otherwise indicates that such rat mitigation zone should be eliminated, or its boundaries changed.

§ 3. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 27, 2022 and approved by the Mayor on November 18, 2022.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 110 of 2022, Council Int. No. 459-A of 2022) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2022**

No. 111

Introduced by Council Members Abreu, Nurse, Bottcher, Louis, Hudson, Hanif, Brewer, Joseph, Gutiérrez, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Won, Krishnan, Richardson Jordan, Riley, Ayala, Cabán, Menin, Powers, Gennaro, Narcisse, De La Rosa, Holden, Sanchez, Farías, Hanks, Dinowitz, Kagan, Lee and Salamanca (in conjunction with the Brooklyn Borough President).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-120 of chapter 1 of title 16 of the administrative code of the city of New York, as amended by local law number 22 for the year 2002, is amended to read as follows:

§ 16-120 Receptacles for the removal of waste material. a. *1.* The owner, lessee, agent, occupant or other person who manages or controls a building or dwelling shall provide and maintain in accordance with this section separate receptacles for the deposit of incinerator residue and ashes; refuse, and liquid waste. The receptacles shall be provided for the exclusive use of each building or dwelling and shall be of sufficient size and number to contain the wastes accumulated in such building or dwelling during a period of [seventy-two] 72 hours. The receptacles shall be made of metal or other material of a grade and type acceptable to the department, the department of health and mental hygiene and the department of housing preservation and development.

Receptacles used for liquid waste shall be constructed so as to hold their contents without leakage. Metal containers shall be provided with tight fitting metal covers.

2. (a) Where the conditions precedent and requirements set forth in subparagraphs (b) and (c) of this paragraph are satisfied and apply, respectively, the receptacles used to meet the requirements set forth in paragraph 1 of this subdivision shall be of a material or design approved by the department, department of health and mental hygiene and department of housing preservation and development to minimize rodent access and harborage.

(b) (1) The requirements set forth in subparagraph (a) of this paragraph apply to a building or dwelling to which two or more notices of violation have been issued pursuant to section 151.02 of the New York city health code within a 12-month period, provided that such a notice of violation that has been dismissed by the office of administrative trials and hearings shall not be counted in determining whether such requirements apply, and such a notice of violation for which an appeal is pending at such office shall not be counted unless and until such office has upheld such notice of violation.

(2) The requirements set forth in subparagraph (a) of this paragraph begin to apply on the date that the department notifies the owner of record of such building or dwelling that any combination of the following has occurred that amounts to two violations: (i) the owner has admitted the violation, (ii) the owner has defaulted on the violation, and the time to reopen the case has expired, or (iii) the office of administrative trials and hearings has upheld the notice of violation.

(3) The requirements set forth in subparagraph (a) of this paragraph continue to apply until two years have elapsed following such notification by the department, provided that the occurrence of a new violation that may be counted in accordance with clause (1) of this

subparagraph extends the duration of applicability until two years have elapsed following the date of the new violation as indicated in the corresponding new notice of violation.

(c) (1) The requirements set forth in subparagraph (a) of this paragraph apply to a building or dwelling to which two or more notices of violation relating to the presence of rats have been issued pursuant to section 27-2017.4 of the housing maintenance code, provided that a violation that the owner of record of such building or dwelling has certified as corrected within the correction period indicated on the notice of violation shall not be counted in determining whether such requirements apply unless the department of housing preservation and development has identified such certification as false.

(2) The requirements set forth in subparagraph (a) of this paragraph begin to apply on the date that the department notifies the owner of record of such building or dwelling that the two violations triggering such requirements have occurred.

(3) The requirements set forth in subparagraph (a) of this paragraph continue to apply until two years have elapsed following such notification by the department, provided that the occurrence of a new violation that may be counted in accordance with clause (1) of this subparagraph extends the duration of applicability of such requirements until two years have elapsed following the date of such new violation as indicated in the corresponding new notice of violation.

(d) The department may waive the requirements set forth in subparagraph (a) of this paragraph for a building or dwelling if the owner of record or managing agent of such building or dwelling demonstrates to the satisfaction of the department that compliance with such provisions would (i) create an undue burden on such owner of record or managing agent or (ii) create a

public safety hazard because the sidewalk on which a receptacle is placed would be substantially obstructed by such receptacle during the time it is set out for purposes of removal of waste material. The department shall make such waiver in writing and share such waiver with the owner of record or managing agent of such building or dwelling, the relevant community board, the department of health and mental hygiene and the department of housing preservation and development.

§ 2. This local law takes effect on April 1, 2023, and applies with respect to violations of the New York city health code and the housing maintenance code that are issued on or after this effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 27, 2022 and approved by the Mayor on November 18, 2022.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 111 of 2022, Council Int. No. 460-A of 2022) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.

**Attachment XI: Destinations for Residential Recyclables and
Organics**

2021: Tons and Destinations for DSNY collected Recycling and Organics

Material	Contractor Name	Street	City	State	Tons Delivered
MGPC	SIMS Municipal Recycling	30-27 Greenpoint Ave	Queens	NY	95,019
	SIMS Municipal Recycling	850 Edgewater Rd	Bronx	NY	98,821
	SIMS Municipal Recycling	Claremont Terminal	Jersey City	NJ	56,862
	SIMS Municipal Recycling	472 2nd Avenue	Brooklyn	NY	75,539
	Covanta recovered metals*	Various	NJ/NY/PA		28,254
Paper	SIMS Municipal Recycling	30-27 Greenpoint Ave	Queens	NY	82,300
	SIMS Municipal Recycling	850 Edgewater Rd	Bronx	NY	67,573
	SIMS Municipal Recycling	472 2nd Avenue	Brooklyn	NY	34,841
	VISY Paper of New York	4435 Victory Blvd	Staten Island	NY	70,741
	VISY Paper of New York	W 59th St & West Side	New York	NY	79,561
Organics	American Recycling	172-33 Douglas Avenue	Jamaica	NY	896
	Staten Island Compost Facility	310 West Service Rd	Staten Island	NY	2,202
	Rikers Island Compost Facility	17801 Hazen St	East Elmhurst	NY	197
	Soundview Compost Facility	Rosedale and Randall A	Bronx	NY	929
	Waste Management	215 Varick Avenue	Brooklyn	NY	1,805

*Covanta recovers metal after incineration at multiple facilities where DSNY delivers MSW for combustion

2022: Tons and Destinations for DSNY collected Recycling and Organics

Material	Contractor Name	Street	City	State	Tons Delivered
MGPC	SIMS Municipal Recycling	30-27 Greenpoint Ave	Queens	NY	85,806
	SIMS Municipal Recycling	850 Edgewater Rd	Bronx	NY	89,471
	SIMS Municipal Recycling	Claremont Terminal	Jersey City	NJ	52,390
	SIMS Municipal Recycling	472 2nd Avenue	Brooklyn	NY	69,912
	Covanta recovered metals	Various	NJ/NY/PA		25,819
Paper	SIMS Municipal Recycling	30-27 Greenpoint Ave	Queens	NY	75,513
	SIMS Municipal Recycling	850 Edgewater Rd	Bronx	NY	61,203
	SIMS Municipal Recycling	472 2nd Avenue	Brooklyn	NY	33,446
	VISY Paper of New York	4435 Victory Blvd	Staten Island	NY	65,453
	VISY Paper of New York	W 59th St & West Side	New York	NY	73,828
Organics	American Recycling	172-33 Douglas Avenue	Jamaica	NY	6,601
	Staten Island Compost Facility	310 West Service Rd	Staten Island	NY	3,909
	Rikers Island Compost Facility	17801 Hazen St	East Elmhurst	NY	234
	Soundview Compost Facility	Rosedale and Randall A	Bronx	NY	626
	Waste Management	215 Varick Avenue	Brooklyn	NY	13,729

Attachment XII: Destinations for DSNY Vendor Managed Organics

Destinations for DSNY Vendor Managed Organics

Transfer Station Vendor	Destination	Site Type	Address	2021 Tonnage	2022 Tonnage
American Recycling Management 172-33 Douglass Ave Jamaica, NY 11433	Pine Island Farm	Beneficial Reuse	1474 Herwins St Sheffield, MA 01257	437.9	3,571.6
	Long Island Compost Corporation	Beneficial Reuse	100 Urban Av Westbury, NY 11590	122.3	-
	Seneca Meadows	Landfill	1786 Salcman Rd Waterloo, NY 13165	336.2	3,029.7
Waste Management 221 Varick Ave Brooklyn, NY 11237	NYCDEP Newtown Creek WRRF	Beneficial Reuse	329 Greenpoint Av Brooklyn, NY 11222	1,618.9	11,814.7
	Reliable Wood	Beneficial Reuse	Reliable Wood Products Middlesex, NJ 08846	23.2	85.8
	High Acres Landfill	Landfill	425 Perinton Pkwy Fairport, NY 14450	162.9	1,828.8
<i>total</i>				2,701.3	20,330.5
<i>total recovered for beneficial use</i>				2,202.3	15,472.0

Attachment XIII: Destinations for DSNY-managed Bulk Metal, Tires, and Rims

Destinations for Bulk Metal, Tires, and Rims, 2021 and 2022

Tons of Bulk Metal managed by SIMs for DSNY

Delivery Method	2021	2022
DSNY delivered	1,787.45	1,602.18
SIMS pick-up	814.00	688.89
total tons	2,601.45	2,291.07

Bulk Metal is processed at SIMs Facilities in the Bronx, Long Island City, NY and Jersey City, NJ. Addresses in Attachment 12.

Tires and Rims collected in NYC by DSNY and final recovery destinations

All Material Processed by S&M Prompt Rubbish Removal Service, Inc.
228 Miller Avenue, Freeport, NY 11520

Material	Address	City	State	2021	2022
Tires	350 Horseback Road	Brookhaven	NY	527.77	513.42
Rims	4100 Grand Av	Pittsburgh	PA	14.73	22.72
Total tons				542.50	536.14

Attachment XIV: Interim Biosolids Management Plan



The Red Hook Sludge Vessel

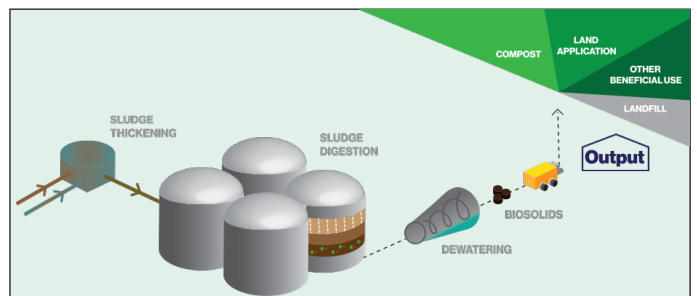


Biosolids Beneficial Use Plan 2020 - 2030

Biosolids are a product of the wastewater treatment process that, when treated to regulatory standards for beneficial reuse, are widely used to enhance soils and provide ecosystem benefits.

New York City Department of Environmental Protection (DEP) treats wastewater from all five boroughs at 14 wastewater resource recovery facilities (WRRFs), generating over 1200 wet tons of biosolids per day. Water is removed from these biosolids at six of the WRRFs, where third-party contractors collect, haul, and dispose or recycle the biosolids. Currently, these biosolids end up primarily in landfills, due to a lack of beneficial use processing capacity in the Northeast and a recent history of lower pricing for disposal. The cost for the City to manage biosolids has risen by over 50% in the past seven years as landfill capacity becomes increasingly scarce.

At the same time, the City has set aggressive greenhouse gas (GHG) reduction goals, as outlined in **OneNYC**, calling for a 40% reduction in emissions by 2025 and a 50% reduction by 2030 as well as a target of zero waste to landfill as part of this plan. Reduction of landfilling wastes, particularly of organic materials like biosolids that significantly contribute to GHG emissions, is in strong alignment with these goals. **When taken together, the drastically rising cost of landfill disposal and the desire to reduce GHG emissions point to the fact that the current biosolids management strategy is not sustainable from both a financial and an environmental standpoint.**



Biosolids, a resource, not a waste!

When biosolids are recycled to land, either as a soil amendment, compost, or fertilizer pellet, they impart multiple environmental benefits including:

- **Building healthy soils** by improving their structure, increasing water holding capacity and improving erosion resistance.
- **Boosting plant growth** by providing slow release macronutrients, essential micronutrients and organic matter.
- **Sinking carbon** in the soil and in the plants they nourish while offsetting fossil based fertilizer use - all climate change solutions.

In support of the need to shift course, DEP formed an internal working group in 2020 that surveyed the market seeking collaborative opportunities to recover the city's biosolids as a resource. Opportunities were assessed based on the following desired outcomes:



Landfill diversion and GHG reduction



Diversification of end use sites (e.g. no more than 30% of the City's biosolids to any one site)



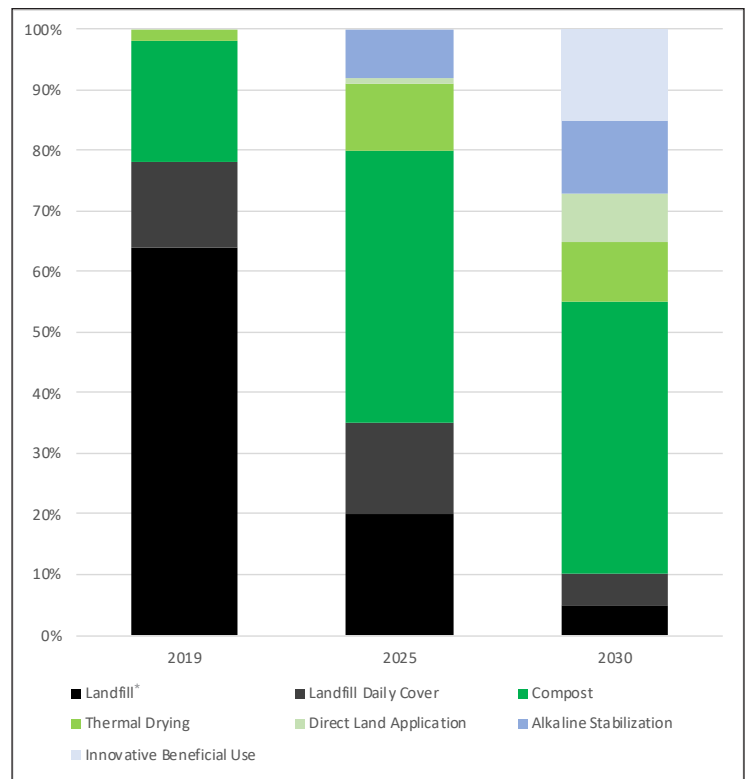
Diversification of vendors; at least three to four unique vendors should provide this service to the City



Commitment to returning some biosolids products to the City and collaboration on opportunities for expansion of urban reuse

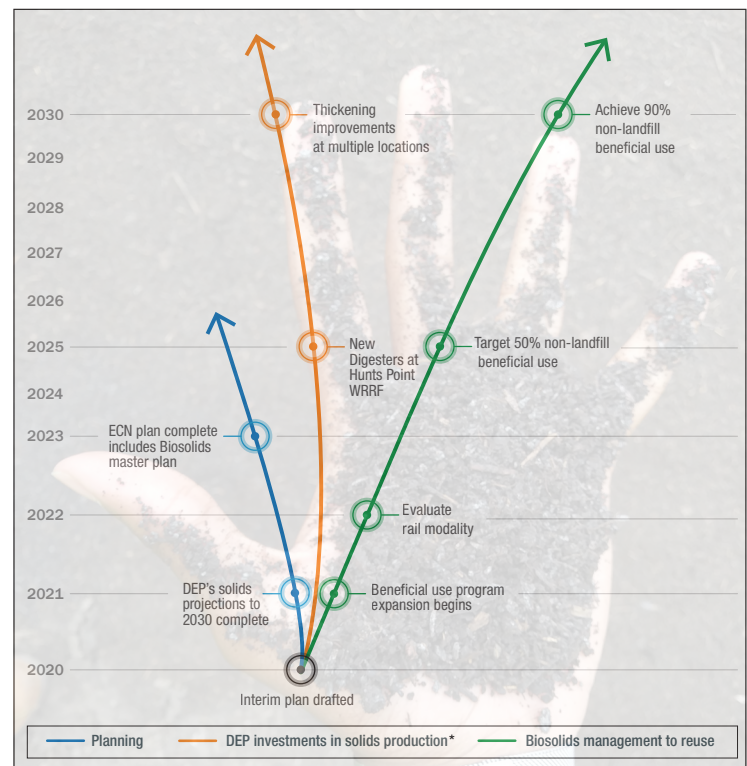
DEP has identified a pool of vendors capable of helping the City achieve its goals. Regional processing capacity under development or expansion by these vendors is being secured in long term agreements. This approach to manage up to 50% of the City's biosolids tonnage, will effectively displace a significant portion of the tonnage currently managed in landfills. These agreements are expected to begin in mid-2021 and have a duration of up to 10 years, providing NYCDEP with cost certainty and beneficial use throughout the near term.

The adjacent figures compare today's management portfolio to the portfolio envisioned in the future, once this management plan is in place. Through DEP's recent efforts, additional vendors interested in developing more beneficial use capacity in the region have been identified, potentially allowing DEP to further divert tonnage from landfills. DEP is committed to exploring new opportunities for biosolids resource recovery as infrastructure and projects come online. This approach allows for a flexible path forward in the near term. DEP is also developing a proactive approach to agency planning around biosolids, as part of the Agency's Energy & Carbon Neutralization Plan (ECN). Through these efforts, planning, capital, and day to day management are working together to achieve both the Agency's and the City's goals.



Expected biosolids management under the City's new contracting strategy.

* With a comprehensive plan to reduce waste, improve recycling rates, and divert organics from landfill, New York City aims to reduce the amount of material it sends to landfill by 90% by 2030.



DEP's Biosolids program - planning, investment and management timeline (2020-2030)

* Subject to funding availability

Attachment XV: Commercial Waste Quantities, 2021

Trans.Station Putrescible (MSW + Recycling), by County

Annual Recap 4th Quarter- Tons per Day

2021 Calendar

	Total Commercial Waste Stream	Recycling Tons
BRONX		
ACTION ENVIRONMENTAL SYSTEMS (5504) 920 E 132ND ST	1,324.34	194.92
METROPOLITAN TRANSFER STATION (1117) 287 HALLECK ST	488.84	0.00
USA WASTE SERVICES OF NYC, INC. (1032) 98 LINCOLN AVE (HARLEM RVR YD	138.10	0.16
SubTotal BRONX	1,951.28	195.09
Percent Of Total	39.27%	
BROOKLYN		
ACTION ENVIRONMENTAL LLC (5503) 941 STANLEY AVE	370.64	0.55
BROOKLYN TRANSFER (5511) 115 THAMES ST	206.47	1.81
HI-TECH RESOURCE RECOVERY (2213) 130 VARICK AVE	206.50	0.69
IESI NY CORP. (2163) 577 COURT ST	125.59	0.00
IESI NY CORP. (4263) 110-120 50TH ST.	628.57	0.31
WASTE MANAGEMENT OF NY, LLC (2128) 485 SCOTT AVE	506.51	9.69
WASTE MANAGEMENT OF NY, LLC (2211) 215-221 VARICK AVE	85.93	0.00
SubTotal BROOKLYN	2,130.21	13.05
Percent Of Total	42.87%	
QUEENS		
AMERICAN RECYCLING (4314) 172-33 DOUGLAS AVE	299.08	3.09
REGAL RECYCLING CO., INC. (3402) 172-02 DOUGLAS AVE	391.58	27.19
TULLY ENVIRONMENTAL INC. (4404) 127-20 34TH AVE	196.66	0.20
SubTotal QUEENS	887.32	30.48
Percent Of Total	17.86%	
Total for Transfer Station: Putr.	4,968.81	238.61
Calculated annual received tonnage	1,550,269	
Calculated annual recycling tonnage (extracted from received MSW)		74,446
Calculated annual disposal tonnage	1,475,823	

Commercial Fill -Tons per Day
2021 Calendar

		Total Commercial Waste Stream	Recycling Tons
BRONX			
ALL CITY RECYCLING (4974)	850 E 133 STREET	132.42	144.16
BRONX CITY RECYCLING (1059)	1390 VIELE AVENUE	7.23	0.00
CASTLE HILL RECYCLING (5610)	1000 ZEREGA AVENUE	239.05	452.18
JUSTUS RECYCLING CORP. (1080)	3300 PROVOST AVE	0.00	0.00
NEW YORK RECYCLING, LLC (1025)	475 EXTERIOR ST	362.13	336.30
PETRO RECYCLING (5578)	290 EAST 132 ST	94.14	88.81
TILCON (CON AGG RECYCLING CORP.) (1038)	980 E 149TH ST	0.00	0.00
SubTotal BRONX		834.96	1,021.46
Percent Of Total		8.62%	
BROOKLYN			
ALLOCCO RECYCLING (2218)	540 KINGSLAND AVE	2,291.17	2,387.54
KEYSPAN ENERGY dba NATIONAL GRID (2058)	287 MASPETH AVE	121.74	98.28
SubTotal BROOKLYN		2,412.91	2,485.82
Percent Of Total		24.91%	
NEW YORK			
CON EDISON (3204)	276-290 AVE C	21.62	21.62
SubTotal NEW YORK		21.62	21.62
Percent Of Total		0.22%	
QUEENS			
DURANTE BROTHERS (4331)	31-40 123RD ST	916.60	647.33
EVERGREEN RECYCLING OF CORONA (3414)	MTA CORONA MEADOWS YARD	1,373.82	1,210.58
HUNTERS POINT RECYCLING (3479)	29-55 HUNTERS POINT AVE	561.80	859.88
MASPETH RECYCLING (3345)	58-08 48TH ST	104.32	192.48
NEW YORK PAVING (3416)	37-18 RAILROAD AVE	250.36	250.36
PEBBLE LANE ASSOCIATES (3319)	5557 47TH STREET	0.00	0.00
WHIP (RUSSO RECYCLING INC.) (3365)	248-12 BROOKVILLE BLVD	359.44	460.73
SubTotal QUEENS		3,566.34	3,621.35
Percent Of Total		36.81%	
STATEN ISLAND			
FAZTEC INDUSTRIES (4782)	200 BLOOMFIELD AVENUE	1,173.27	1,537.23
J. BRUNO & SONS, INC. (3444)	280 MEREDITH AVENUE	324.12	341.28
SOUTH SHORE RECYCLING (3478)	18 ZARELLI CT	529.97	611.33
T.M. MAINTENANCE (4457)	451 SPENCER STREET	440.72	583.40
VANBRO CORP. (3508)	1900 SOUTH AVE	383.35	249.36
SubTotal STATEN ISLAND		2,851.43	3,322.60
Percent Of Total		29.43%	
Total for Transfer Station: Fill		9,687.27	10,472.84
Calculated annual received tonnage		3,022,429	
Calculated annual recycling tonnage			3,267,527

NOTE: Recycling is higher than received due to distribution of onsite inventory from prior periods

Commercial Recycling Transfer Stations, by County

Annual Recap 4th Quarter- Tons per Day

2021 Calendar

		Paper Tons	MGP Tons	Bulk Metal Tons	Single Stream Tons	Textile Tons	Other Tons	Total Waste	DSNY Material	From Outside Of NYC	Material Betw. Tr.Station	Total Commercial Waste Stream
BRONX												
PARALLEL PRODUCTS OF NEW ENGLAND, INC.	900 EAST 136TH STREET, BRONX, NY 10454	0.00	0.00	0.00	100.03	0.00	0.00	100.03	0.00	0.00	1.52	98.51
PARALLEL PRODUCTS OF NEW ENGLAND, INC.	901 EAST 138TH STREET, BRONX, NY 10454	0.00	0.00	0.00	18.97	0.00	0.00	18.97	0.00	0.00	2.73	16.23
PAPER FIBERS CORP.	960 BRONX RIVER AVENUE BRONX, NY 10473	77.44	0.00	0.00	0.00	0.00	1.75	79.19	0.00	0.00	0.00	79.19
SIMS MUNICIPAL RECYCLING OF NEW YORK LLC	850 EDGEWATER ROAD, BRONX, NY 10474	220.44	309.27	220.24	0.00	0.00	0.00	749.95	529.71	0.00	220.24	0.00
TRIBORO FIBERS	891 EAST 135TH STREET, BRONX, NY 10454	186.83	0.00	0.00	0.00	0.00	0.00	186.83	0.00	0.00	0.00	186.83
Subtotal BRONX		484.71	309.27	220.24	118.99	0.00	1.75	1,134.96	529.71	0.00	224.49	380.76
Percent Of Total								16.85%				22.13%
BROOKLYN												
USA RECYCLING, INC.	141 6TH STREET, BROOKLYN 11215	106.80	0.00	0.00	0.09	0.00	0.00	106.89	0.00	0.00	0.00	106.89
METROPOLITAN (ALLIED) (RUTIGLIANO.)	992 ESSEX STREET, BROOKLYN, NY 11208	92.58	0.00	0.00	1.65	0.00	0.00	94.23	0.00	0.00	0.00	94.23
HI-TECH	492 SCHOLES STREET, BROOKLYN, 11237	64.38	0.02	0.00	27.48	0.00	0.00	91.88	0.00	0.00	0.19	91.70
EMERSON RECYCLING CORP.	63-65 EMERSON PLACE, BROOKLYN NY 11205	37.14	0.00	0.00	0.00	0.64	0.00	37.78	0.00	0.00	0.00	37.78
SIMS BROOKLYN	472 2ND AVE, 29TH STREET PIER, NY 11232	112.42	786.72	0.00	0.00	0.00	0.00	899.14	347.63	0.00	551.51	0.00
Subtotal BROOKLYN		413.32	786.74	0.00	29.23	0.64	0.00	1,229.92	347.63	0.00	551.70	330.60
Percent Of Total								18.26%				19.22%
QUEENS												
SIMS MUNICIPAL RECYCLING OF NEW YORK LLC	30-27 GREENPOINT AVENUE, LONG ISLAND CITY, NY	266.12	279.78	1,364.18	0.00	0.00	0.00	1,910.08	545.90	0.00	1,364.18	0.00
COMMERCIAL RECYCLING TECHNOLOGY LLC	57-01 FLUSHING AVENUE, QUEENS NY 11378	5.31	0.00	0.00	3.47	0.00	0.00	8.79	0.00	4.32	0.06	4.41
GPB WASTE NY LLC - NY NJ RECYCLING	58-35 47TH STREET, MASPETH, NY 11378	133.87	0.17	0.00	0.00	0.00	0.00	134.04	0.00	0.00	0.00	134.04
EMPIRE STATE CARDBOARD PAPER RECYCLING	3 RAILROAD PLACE, MASPETH NY 11378	58.95	0.37	0.00	55.38	0.00	0.00	114.70	0.00	0.00	2.63	112.07
EWG GLASS RECOVERY AND RECYCLE	94-54 158TH STREET, JAMAICA, NY 11433	0.00	239.04	0.00	0.00	0.00	0.00	239.04	0.00	0.00	0.00	239.04
EWG GLASS RECOVERY AND RECYCLE	107-28-180TH STREET, JAMAICA, NY 11431	0.00	123.00	0.00	0.00	0.00	0.00	123.00	0.00	0.00	0.00	123.00
ROYAL RECYCLING SERVICES	187-10 JAMAICA AVE, JAMAICA, NY 11423	0.00	0.00	0.00	202.59	0.00	0.00	202.59	0.00	0.00	0.00	202.59
ROYAL WASTE SERVICES, INC.	187-40 HOLLIS AVENUE, JAMAICA, 11423	0.00	0.00	0.00	193.96	0.00	0.00	193.96	0.00	0.00	0.00	193.96
Subtotal QUEENS		464.25	642.36	1,364.18	455.40	0.00	0.00	2,926.19	545.90	4.32	1,366.87	1,009.10
Percent Of Total								43.45%				58.65%
STATEN ISLAND												
PRATT INDUSTRIES	4435 VICTORY BLVD, STATEN ISLAND, NY 10314	1,443.14	0.00	0.00	0.00	0.00	0.00	1,443.14	485.86	530.14	427.14	0.00
Subtotal STATEN ISLAND		1,443.14	0.00	0.00	0.00	0.00	0.00	1,443.14	485.86	530.14	427.14	0.00
Percent Of Total								21.43%				0.00%
Total for Recycling Processors		2,805.42	1,738.37	1,584.42	603.62	0.64	1.75	6,734.22	1,909.09	534.46	2,570.21	1,720.46

Calculated annual recycling tonnage

536,785

Material between Transfer Stations is subtracted from incoming tons to avoid double counting. Those tons were delivered to another transfer station in NYC

Paper Tons - includes Mixed Paper, Cardboard, Comingled Paper and OCC

Commercial Waste: Source-Separated Organics
2021

Transfer Station	Address	Average tons per day
WASTE MANAGEMENT OF NY, LLC (2211)	215-221 VARICK AVE, Brooklyn	100.03
REGAL RECYCLING CO., INC. (3402)	172-02 DOUGLAS AVE, Queens	9.18
Total		109.21

Calculated annual received tonnage **34,073**

Attachment XVI: Commercial Waste Quantities, 2022

Amended July, 2023

Trans.Station Putrescible (MSW + Recycling), by County

Annual Recap 4th Quarter- Tons per Day

2022 Calendar

	Total Commercial Waste Stream	Recycling Tons
BRONX		
ACTION ENVIRONMENTAL SYSTEMS (5504) 920 E 132ND ST	1,324.56	163.56
METROPOLITAN TRANSFER STATION (1117) 287 HALLECK ST	465.09	-
USA WASTE SERVICES OF NYC, INC. (1032) 98 LINCOLN AVE (HARLEM RVR YD)	106.71	-
SubTotal BRONX	1,896.35	163.56
Percent Of Total	37.37%	
BROOKLYN		
ACTION ENVIRONMENTAL LLC (5503) 941 STANLEY AVE	379.01	0.33
BROOKLYN TRANSFER LLC (5511) 115 THAMES ST	208.86	0.81
HI-TECH RESOURCE RECOVERY (2213) 130 VARICK AVE	217.99	0.42
IESI NY CORP. (2163) 577 COURT ST	328.44	0.02
IESI NY CORP. (4263) 110-120 50TH ST.	508.50	0.14
WASTE MANAGEMENT OF NY, LLC (2128) 485 SCOTT AVE	599.30	11.03
WASTE MANAGEMENT OF NY, LLC (2211) 215-221 VARICK AVE	47.24	-
SubTotal BROOKLYN	2,289.34	12.74
Percent Of Total	45.12%	
QUEENS		
AMERICAN RECYCLING (4314) 172-33 DOUGLAS AVE	324.11	4.70
REGAL RECYCLING CO., INC. (3402) 172-02 DOUGLAS AVE	300.10	23.05
TULLY ENVIRONMENTAL INC. (4404) 127-20 34TH AVE	264.04	0.31
SubTotal QUEENS	888.24	28.06
Percent Of Total	17.51%	
Total for Transfer Station: Putr.	5,073.94	204.37
Calculated annual received tonnage	1,583,069	
Calculated annual recycling tonnage (extracted from received MSW)		63,764
Calculated annual disposal tonnage	1,519,305	

Trans.Station Fill, by County
Annual Recap 4th Quarter- Tons per Day
2022 Calendar

		Total Commercial Waste Stream	Recycling Tons
BRONX			
ALL CITY RECYCLING (4974)	850 E 133 STREET	96.04	74.31
BRONX CITY RECYCLING (1059)	1390 VIELE AVENUE	5.98	-
CASTLE HILL RECYCLING (5610)	1000 ZEREGA AVENUE	193.19	347.08
NEW YORK RECYCLING, LLC (1025)	475 EXTERIOR ST	543.09	490.07
PETRO RECYCLING (5578)	290 EAST 132 ST	84.63	81.43
SubTotal BRONX		922.93	992.89
Percent Of Total		9.01%	
BROOKLYN			
ALLOCCO RECYCLING (2218)	540 KINGSLAND AVE	2,779.88	2,940.79
KEYSPAN ENERGY dba NATIONAL GRID (2058)	287 MASPETH AVE	103.41	90.40
SubTotal BROOKLYN		2,883.29	3,031.19
Percent Of Total		28.14%	
NEW YORK			
CON EDISON (3204)	276-290 AVE C	16.63	16.63
SubTotal NEW YORK		16.63	16.63
Percent Of Total		0.16%	
QUEENS			
DURANTE BROTHERS (4331)	31-40 123RD ST	1,126.92	958.43
EVERGREEN RECYCLING OF CORONA (3414)	MTA CORONA MEADOWS YARD	1,398.70	1,281.25
HUNTERS POINT RECYCLING (3479)	29-55 HUNTERS POINT AVE	830.93	1,259.92
MASPETH RECYCLING (3345)	58-08 48TH ST	236.76	232.58
NEW YORK PAVING (3416)	37-18 RAILROAD AVE	268.49	268.49
WHIP (RUSSO RECYCLING INC.) (3365)	248-12 BROOKVILLE BLVD	368.45	412.99
SubTotal QUEENS		4,230.25	4,413.66
Percent Of Total		41.28%	
STATEN ISLAND			
FAZTEC INDUSTRIES (4782)	200 BLOOMFIELD AVENUE	752.09	1,138.59
J. BRUNO & SONS, INC. (3444)	280 MEREDITH AVENUE	258.76	602.39
SOUTH SHORE RECYCLING (3478)	18 ZARELLI CT	452.44	465.96
T.M. MAINTENANCE (4457)	451 SPENCER STREET	413.60	270.38
VANBRO CORP. (3508)	1900 SOUTH AVE	317.81	267.16
SubTotal STATEN ISLAND		2,194.70	2,744.48
Percent Of Total		21.42%	
Total for Transfer Station: Fill		10,247.81	11,198.85

Calculated annual received tonnage

3,197,315

Calculated annual recycling tonnage

3,494,042

NOTE: Recycling is higher than received due to distribution of onsite inventory from prior periods

Commercial Recycling Transfer Stations, by County
Annual Recap - Tons per Day (average)
2022 Calendar Year

			Paper Tons	MGP Tons	Bulk Metal Tons	Single Stream Tons	Textile Tons	Other Tons	Total Waste	DSNY Material	From Outside Of NYC	Material Betw. Tr.Station	Total Commercial Waste Stream
BRONX													
	PARALLEL PRODUCTS OF NEW ENGLAND, INC.	900 EAST 136TH STREET, BRONX, NY 10454	0.00	0.00	0.00	100.01	0.00	0.00	100.01	0.00	0.00	1.46	98.56
	PARALLEL PRODUCTS OF NEW ENGLAND, INC.	901 EAST 138TH STREET, BRONX, NY 10454	0.00	0.00	0.00	23.97	0.00	0.00	23.97	0.00	0.00	3.75	20.22
	PAPER FIBERS CORP.	960 BRONX RIVER AVENUE BRONX, NY 10473	73.81	0.00	0.00	0.00	0.00	7.27	81.08	0.00	0.00	0.00	81.08
	SIMS MUNICIPAL RECYCLING OF NEW YORK LLC	850 EDGEWATER ROAD, BRONX, NY 10474	196.11	285.55	240.98	0.00	0.00	0.00	722.64	538.10	0.00	184.54	0.00
	TRIBORO FIBERS	891 EAST 135TH STREET, BRONX, NY 10454	189.64	0.00	0.00	0.00	0.00	0.00	189.64	0.00	0.00	0.00	189.64
Subtotal BRONX			459.56	285.55	240.98	123.98	0.00	7.27	1,117.34	538.10	0.00	189.75	389.50
Percent Of Total									16.21%				24.33%
BROOKLYN													
	USA RECYCLING, INC.	141 6TH STREET, BROOKLYN 11215	107.23	0.00	0.00	0.01	0.00	0.00	107.24	0.00	0.00	0.00	107.24
	METROPOLITAN (ALLIED) (RUTIGLIANO.)	992 ESSEX STREET, BROOKLYN, NY 11208	89.61	0.00	0.00	0.77	0.00	0.14	90.52	0.00	0.00	0.00	90.52
	HI-TECH	492 SCHOLLES STREET, BROOKLYN, 11237	57.20	0.02	0.00	20.82	0.00	0.00	78.04	0.00	0.00	0.15	77.89
	EMERSON RECYCLING CORP.	63-65 EMERSON PLACE, BROOKLYN NY 11205	27.28	0.00	0.00	3.85	1.06	0.00	32.18	0.00	0.00	0.00	32.18
	SIMS BROOKLYN	472 2ND AVE, 29TH STREET PIER, NY 11232	105.65	810.45	0.00	0.00	0.00	0.00	916.10	358.17	0.00	557.93	0.00
Subtotal BROOKLYN			386.97	810.47	0.00	25.45	1.06	0.14	1,224.08	358.17	0.00	558.08	307.84
Percent Of Total									17.76%				19.23%
QUEENS													
	SIMS MUNICIPAL RECYCLING OF NEW YORK LLC	30-27 GREENPOINT AVENUE, LONG ISLAND CITY, NY 11101	242.16	272.00	1,621.00	0.00	0.00	0.00	2,135.17	938.62	0.00	1,196.55	0.00
	COMMERCIAL RECYCLING TECHNOLOGY LLC	57-01 FLUSHING AVENUE, QUEENS NY 11378	5.35	0.00	0.00	3.56	0.00	0.00	8.91	0.00	3.92	0.00	5.00
	GPB WASTE NY LLC - NY NJ RECYCLING	58-35 47TH STREET, MASPETH, NY 11378	91.10	0.56	0.00	0.00	0.00	0.28	91.94	0.00	0.00	0.00	91.94
	EMPIRE STATE CARDBOARD PAPER RECYCLING	3 RAILROAD PLACE, MASPETH NY 11378	54.43	0.52	0.00	56.14	0.00	0.00	111.10	0.00	0.08	1.91	109.10
	EWG GLASS RECOVERY AND RECYCLE	94-54 158TH STREET, JAMAICA, NY 11433	0.00	238.25	0.00	0.00	0.00	0.00	238.25	0.00	0.00	0.00	238.25
	EWG GLASS RECOVERY AND RECYCLE	107-28-180TH STREET, JAMAICA, NY 11431	0.00	109.87	0.00	0.00	0.00	0.00	109.87	0.00	0.00	0.00	109.87
	ROYAL RECYCLING SERVICES	187-10 JAMAICA AVE, JAMAICA, NY 11423	0.00	0.00	0.00	184.39	0.00	0.00	184.39	0.00	0.00	0.00	184.39
	ROYAL WASTE SERVICES, INC.	187-40 HOLLIS AVENUE, JAMAICA, 11423	0.00	0.00	0.00	165.19	0.00	0.00	165.19	0.00	0.00	0.00	165.19
Subtotal QUEENS			393.05	621.20	1,621.00	409.28	0.00	0.28	3,044.81	938.62	4.00	1,198.46	903.73
Percent Of Total									44.17%				56.45%
STATEN ISLAND													
	PRATT INDUSTRIES	4435 VICTORY BLVD, STATEN ISLAND, NY 10314	1,431.11	0.00	0.00	0.00	0.00	76.22	1,507.33	444.96	531.36	531.01	0.00
Subtotal STATEN ISLAND			1,431.11	0.00	0.00	0.00	0.00	76.22	1,507.33	444.96	531.36	531.01	0.00
Percent Of Total									21.87%				0.00%
Total for Recycling Processors			2,670.68	1,717.22	1,861.98	558.71	1.06	83.92	6,893.56	2,279.84	535.36	2,477.29	1,601.07

Calculated annual recycling tonnage

499,534

Paper Tons - includes Mixed Paper, Cardboard, Comingled Paper, OCC, and DLK(Double Lined Kraft)

MGP Tons - includes Metal, Non-Ferrous and Aluminum

Other includes: Wood

**Commercial Waste: Source-Separated Organics
2022**

Transfer Station	Address	Average Tons per day
		TPD
<i>WASTE MANAGEMENT OF NY, LLC (2211)</i>	<i>215-221 VARICK AVE, Brooklyn</i>	118.04
<i>BROOKLYN TRANSFER (5511)</i>	<i>115 THAMES ST., Brooklyn</i>	0.15
<i>REGAL RECYCLING CO., INC. (3402)</i>	<i>172-02 DOUGLAS AVE, Queens</i>	106.21
Total		224.40
Calculated annual received tonnage		70,012

Attachment VXII. Tonnage Projection Methodology

Waste and Recycling Tonnage Projections

This document summarizes the methodology used to project New York City's solid waste amounts, by material for: DSNY-managed waste, commercial waste, and construction and demolition debris. It explains inputs and modifications to some of the procedures and default data in the excel-based tonnage projections tool (calculator) made available by NYSDEC on their [website](#), and the projection results.

1. Methodology Overview

Planning Period, Baseline, and Planning Unit

This biennial SWMP update (2021-2022) includes revised projections for the remainder of the current planning period (through 2026) assuming no significant changes to the per capita waste generated, disposed, or diverted, except for organics, and no changes to composition, as compared to a 2019 baseline.

The 2019 baseline includes the effects of policies that have been implemented as part of the 2006 SWMP, currently in effect. 2019 was selected as the projection baseline to avoid the 2020-2021 period when waste generation and management patterns were substantially disrupted due to the COVID-19 pandemic.

Within the NYSDEC calculator, **Planning Unit** was set to New York City and the **Planning Period** was set to 2020 to 2026.

Separate Projections for DSNY-Managed and Commercial Waste

One major modification to the default procedures available in the calculator was preparing separate projections for DSNY-managed waste (Residential, Agency and some Institutional waste) and for privately managed Commercial Waste (which also includes some institutional and manufacturing/industrial business waste). The reasons for this split, and additional notes to the projections, are:

- The available data for DSNY-managed waste is of better quality than the commercial data.
- New York City conducted waste-characterization studies (WCS) for the DSNY-managed waste stream (2017), and separately for the commercial waste stream (2012¹). Bifurcating the projection estimates allowed for use of both, and slightly different, New York City-specific WCS datasets.
- Industrial waste is assumed to be included in the commercial waste estimates, as there is no separately available information on those waste streams, DSNY only has access to what is reported through the private transfer stations.
- Biosolids are projected separately, as calculated by DEP.

¹ New York City Commercial Solid Waste Study and Analysis, 2012. https://dsny.cityofnewyork.us/wp-content/uploads/2017/12/about_2012-commercial-waste-study_0815.pdf

Note: A more recent commercial waste characterization study was conducted as part of the Commercial Waste Zones Plan development and was not published. The 2012 study was used because it is public, as well as because it contains information on diversion (capture) rates and better aligns with the inputs required for the DEC calculator.

Waste Generation Baseline

The calculator includes three options for specifying the amount of waste generated in the planning unit:

1. Option 1: "I know the amount of MSW generated (Tons/year)"
2. Option 2: "The planning unit Average MSW Generation Rate (lb./person/day) is:"
3. Option 3: "The amount of MSW Generated and the planning unit Average MSW Generation Rate are unknown."

When Option 1 is selected, the amount of waste specified by the calculator user for the baseline year is the starting point for future year projections for generated waste. When Option 2 is selected, the calculator outputs a ton per year generation rate by multiplying the average per person per day generation rate by the baseline year population and converting the units from lb./day to tons/year. When Option 3 is selected, a State average MSW generation rate of 5.15 lb./person/day serves as the basis for the projections. Since information on the amount of MSW generated in New York City is available, Option 1 was selected for projecting both DSNY-managed waste and commercial waste.²

Forecasting Future Conditions

The calculator also provides three options for projecting the waste generation rate:

1. Option 1: "MSW generation rate does not change. Consequently, MSW generation fluctuates with the population of the planning unit, if the population increases, waste generation will rise as well, and vice versa."
2. Option 2: "MSW generation **amount** remains the same, regardless of whether or not the planning unit's population fluctuates." (emphasis added)
3. Option 3: "As a result of successfully implementing the Local Solid Waste Management Plan, MSW generation will be reduced by an annual factor of..." (the calculator selects an annual reduction of 0.5%, 1.0%, 1.5%, or 2.0%).

The projections developed are based on Option 1. The effect of many policies and initiatives implemented as part of the 2006 SWMP are already captured in the 2019 waste generation and composition baseline and new policies are unlikely to be implemented at a large scale until the 2026 SWMP is adopted. Therefore, it was reasonable to assume that the per capita waste generation rate would not substantially change by 2026 and that the total tonnage of waste generated will increase in proportion to population growth (Option 1). This approach was used for both DSNY-managed and for commercial waste, except for Organics. The methodology for organics is provided in Section.

Population Projections

The calculator includes multi-year population data for each county in New York State, based on the 2010 U.S. Census. The default population information available within the calculator for New York City counties (the five boroughs) was modified using the New York Metropolitan Transportation Council (NYMTC) projections, available

² Note that the DEC calculator populates some spreadsheet entries for the options that are not selected and that this information should be ignored.

in their 2055 Socioeconomic and Demographic (SED) Forecasts. NYMTC is the Metropolitan Planning Organization for the region. NYMTC’s demographic projections are used by New York City’s Department of City Planning and other City agencies that plan for providing services and infrastructure for a growing population and economy. NYMTC’s population projections used to modify DEC’s calculator are summarized in **Table 1**. Additional information on NYMTC’s methodology and source data used for the projections is available in the SED Forecast reports.³

Table 1. NYMTC Population Projections

AREA NAME	2010	2015	2017	2020	2025	2030	2040
Bronx County	1,385,108	1,423,160	1,443,220	1,454,816	1,515,667	1,548,245	1,595,881
Kings County	2,552,911	2,593,655	2,650,441	2,647,112	2,760,391	2,820,822	2,894,388
New York County	1,585,873	1,636,537	1,663,244	1,668,548	1,698,050	1,735,482	1,768,412
Queens County	2,250,002	2,294,943	2,323,062	2,349,324	2,418,636	2,463,405	2,500,457
Richmond County	468,730	477,525	482,793	484,897	491,202	495,047	502,327
New York City Total	8,242,624	8,425,820	8,562,760	8,604,697	8,883,946	9,063,001	9,261,465

Following the methodology built in the calculator (using NYMTC data), the average population growth was used for the projections. The average annual growth rate for 2020-2030 (0.53%) was applied through 2026.

Commercial Waste Basis for Projections

The amount of waste generated by residents generally scales with population. Commercial waste generation is more directly related to employment by type of commercial establishment. Large commercial uses tend to generate more waste than smaller ones and the amounts and types of wastes vary by type of use. For example, the waste generated by business offices, restaurants, medical offices, retail, and childcare are all likely to be different both in terms of per capita amount and type of waste. For consistency with waste projections throughout New York State, and due to the relatively short amount of time remaining in the current planning period, coupled with the level of effort and lack of readily availability information for alternative approaches, the revised waste generation projections for commercial uses are based on population, following the approach in the calculator (with the modification of using NYMTC population data).

2. DSNY-Managed Residential and Institutional Waste and Recycling Projection Methodology

Waste Generated and Waste Diverted Baseline

The calculator projects total waste generated and waste diverted. The waste generated (as modeled in the calculator) is the total of “MSW Disposed” (refuse) and “MSW Diverted” (waste separated for diversion via recycling, composting, or other methods). The total DSNY-managed waste generated in 2019 was calculated to be approximately 4 million tons. This total is the sum of 3.2 million tons of DSNY-managed “MSW Disposed” and

³ <https://www.nymtc.org/en-us/Data-and-Modeling/Socioeconomic-and-Demographic-SED-Forecasts/2055-Forecasts>

approximately 0.7 million tons of diverted waste, as reported in the City’s reports for Recycling (via SIMS and Pratt), Organics⁴, Textiles (refashioNYC and Textile Donations), Wood⁵, and Miscellaneous Materials (Harmful Products, e-cycleNYC Electronics Collections, and Electronics Recycling). The 2019 diverted tons by material category are summarized in **Table 2**.

Table 2. 2019 Diverted Material

Material	Tons Diverted
Paper	327,351
Metal, Plastic, Glass (MPG)	307,149
Organics	38,995
Textiles	16,554
Wood	4,190
Miscellaneous	9,641
Diverted Total	745,493

Based on the population and the 2019 baseline DSNY-managed waste generation (including both refuse and recyclables) the per capita DSNY-managed daily waste generation rate was calculated to be 2.53 pounds (lb.)/person/day. This number should not be compared to the statewide waste generation rate of 5.09 lb./person/day⁶ (or 5.15 lb./person/day specified as the default in the calculator for Option 3), because the statewide numbers include both residential and commercial waste, while the 2.53 lb./person/day includes only DSNY-managed (residential and some institutional) waste.

Waste Characterization

In 2017, DSNY conducted the *NYC Residential, School, and NYCHA Waste Characterization Study (2017 Study)*. The calculator includes default waste composition estimates for the total MSW stream (total of residential, institutional, and commercial). As New York City-specific waste characterization information is available for DSNY-managed waste and for privately managed (commercial) waste, the default values available in the calculator were modified using New York City data. The waste characterization composition estimates obtained from the 2017 Study for use in DSNY-managed waste projections are provided in **Table 3**.

⁴ DSNY curbside programs; leaves, grass, brush, food waste, and manure managed at the Staten Island Composting Facility, Rikers Island, and Soundview Park; New York City Compost Project (NYCCP); and Food Scrap Drop-Off (FSDO) programs.
⁵ Wood debris, Christmas trees, and wood chips managed at the Staten Island Composting Facility, Rikers Island, and Soundview Compost Facility.
⁶ https://www.dec.ny.gov/docs/materials_minerals_pdf/draftsswmp.pdf

Table 3. Citywide Waste Composition Main Sort Categories: All Material Streams

Material	Aggregate Percent	Refuse Percent	MGP Percent	Paper Percent	Organic Percent	DSNY Diversion Summary Category
Paper	26.6%	21.0%	6.8%	93.4%	3.7%	
Newspaper	1.9%	1.1%	0.5%	9.8%	0.0%	Designated Paper
Plain OCC/Kraft Paper	5.7%	1.4%	1.0%	47.2%	0.2%	Designated Paper
High Grade Paper	0.7%	0.5%	0.1%	2.6%	0.0%	Designated Paper
Mixed Low-Grade Paper	8.7%	6.8%	2.4%	31.4%	0.9%	Designated Paper
Paper: Compostable/Soiled/Waxed OCC/Kraft	8.1%	9.8%	0.7%	1.4%	2.0%	Organics Suitable for Composting
Other Nonrecyclable Paper	1.0%	1.1%	0.7%	0.6%	0.4%	Other
Paper Beverage Cartons/Aseptic Boxes	0.4%	0.3%	1.4%	0.3%	0.0%	Designated MGP
Plastic	14.9%	14.3%	33.6%	3.4%	3.1%	
#1 PET Bottles	1.3%	0.9%	6.2%	0.2%	0.1%	Designated MGP
#2 HDPE Natural Bottles	0.5%	0.2%	3.3%	0.0%	0.0%	Designated MGP
#2 HDPE Pigmented Bottles	0.5%	0.3%	3.4%	0.0%	0.1%	Designated MGP
Other Plastic Bottles	0.1%	0.1%	0.5%	0.0%	0.0%	Designated MGP
Rigid Plastic Containers/Packaging	1.9%	1.6%	6.6%	0.4%	0.2%	Designated MGP
#6 EPS Containers/Packaging (including Single Use)	0.7%	0.8%	0.2%	0.2%	0.1%	Other
Film Plastic: Retail Bags/Sleeves	1.9%	2.2%	0.8%	0.3%	0.7%	Plastic Bags
Film Plastic: Garbage Bags	2.5%	2.6%	2.8%	1.2%	0.8%	Other
Film Plastic: Food/Drink Pouches	0.0%	0.0%	0.0%	0.0%	0.0%	Other
Film Plastic: All Other Film	2.4%	2.8%	1.2%	0.4%	0.7%	Other
Single Use Plastic Plates/Cups/Cutlery (excluding EPS)	0.6%	0.7%	0.8%	0.1%	0.0%	Designated MGP
Appliances: Plastic	0.1%	0.1%	0.3%	0.0%	0.0%	Designated MGP
Bulk/Rigid Plastic	1.1%	0.7%	5.0%	0.4%	0.2%	Designated MGP
Other Plastics	1.3%	1.3%	2.6%	0.2%	0.1%	Designated MGP
Glass	4.5%	2.1%	29.9%	0.6%	0.2%	
Clear Container Glass	1.7%	1.0%	9.3%	0.2%	0.1%	Designated MGP
Green Container Glass	0.6%	0.3%	4.5%	0.1%	0.0%	Designated MGP
Brown Container Glass	0.4%	0.2%	1.8%	0.1%	0.0%	Designated MGP
Other Color Container Glass	0.1%	0.0%	0.2%	0.0%	0.0%	Designated MGP
Mixed Cullet	1.5%	0.3%	13.2%	0.1%	0.0%	Designated MGP
Other Glass	0.3%	0.3%	0.8%	0.1%	0.1%	Other
Metal	4.6%	3.2%	21.4%	0.4%	0.1%	
Aluminum Cans	0.3%	0.2%	0.9%	0.0%	0.0%	Designated MGP
Aluminum Foil/Containers	0.7%	0.8%	1.2%	0.0%	0.1%	Designated MGP
Other Aluminum	0.1%	0.0%	0.2%	0.0%	0.0%	Designated MGP
Other Non-Ferrous	0.3%	0.2%	1.0%	0.0%	0.0%	Designated MGP
Steel/Tin Food Cans	0.8%	0.5%	4.4%	0.1%	0.0%	Designated MGP
Empty Aerosol Cans	0.2%	0.1%	0.6%	0.0%	0.0%	Designated MGP
Other Ferrous	1.1%	0.5%	7.2%	0.2%	0.0%	Designated MGP
Mixed Metals	0.8%	0.7%	2.7%	0.0%	0.0%	Designated MGP
Appliances: Ferrous	0.3%	0.1%	2.5%	0.0%	0.0%	Designated MGP

Table 3. Citywide Waste Composition Main Sort Categories: All Material Streams

Material	Aggregate Percent	Refuse Percent	MGP Percent	Paper Percent	Organic Percent	DSNY Diversion Summary Category
Appliances: Non-Ferrous	0.1%	0.1%	0.6%	0.0%	0.0%	Designated MGP
Organic	43.3%	52.3%	5.6%	1.7%	92.6%	
Yard Waste	5.5%	6.5%	0.0%	0.0%	59.9%	Organics Suitable for Composting
Food	20.7%	25.1%	2.5%	0.9%	31.0%	Organics Suitable for Composting
Non-C&D Wood	0.4%	0.5%	0.2%	0.2%	0.0%	Other
Textiles: Non-Clothing	2.3%	2.9%	0.2%	0.1%	0.1%	Textiles
Textiles: Clothing	2.9%	3.5%	0.2%	0.1%	0.2%	Textiles
Carpet/Upholstery	1.4%	1.7%	0.0%	0.0%	0.2%	Other
Disposable Diapers/Sanitary Products	4.2%	5.2%	0.1%	0.1%	0.3%	Other
Animal By-Products	1.4%	1.7%	0.1%	0.0%	0.1%	Other
Shoes/Rubber/Leather	1.1%	1.2%	0.5%	0.1%	0.1%	Textiles
Fines	2.8%	3.3%	1.5%	0.2%	0.4%	Other
Miscellaneous Organics	0.6%	0.7%	0.2%	0.0%	0.4%	Other
E-Waste	0.3%	0.3%	0.7%	0.1%	0.1%	
Audio/Visual Equipment-TV Peripherals (Covered)	0.0%	0.0%	0.0%	0.0%	0.0%	E-Waste
Audio/Visual Equipment-Other (Non-Covered)	0.1%	0.1%	0.3%	0.0%	0.1%	E-Waste
Computer Monitors	0.0%	0.0%	0.1%	0.0%	0.0%	E-Waste
Televisions	0.0%	0.0%	0.0%	0.0%	0.0%	E-Waste
Other Computer Equipment	0.1%	0.1%	0.3%	0.1%	0.0%	E-Waste
Construction & Demolition	4.5%	5.4%	0.5%	0.1%	0.1%	
Untreated Dimensional Lumber/Pallets/Crates	0.4%	0.4%	0.0%	0.0%	0.0%	C&D
Treated/Contaminated Wood	2.0%	2.4%	0.1%	0.0%	0.0%	C&D
Other C&D Debris Not Elsewhere Classified	2.1%	2.6%	0.3%	0.1%	0.1%	C&D
Special Waste	0.4%	0.5%	0.5%	0.1%	0.0%	
Oil Filters	0.0%	0.0%	0.0%	0.0%	0.0%	HHW
Antifreeze	0.0%	0.0%	0.0%	0.0%	0.0%	HHW
Wet-Cell Batteries	0.0%	0.0%	0.0%	0.0%	0.0%	HHW
Water-Based Adhesives/Glues	0.0%	0.0%	0.0%	0.0%	0.0%	HHW
Latex Paint	0.1%	0.1%	0.1%	0.0%	0.0%	HHW
Oil-Based Paint/Solvent	0.0%	0.0%	0.1%	0.0%	0.0%	HHW
Pesticides/Herbicides/Rodenticides	0.0%	0.0%	0.0%	0.0%	0.0%	HHW
Dry-Cell Batteries	0.1%	0.1%	0.1%	0.0%	0.0%	HHW
Fluorescent Tubes/CFLs	0.0%	0.0%	0.0%	0.0%	0.0%	HHW
Mercury-Laden Wastes	0.0%	0.0%	0.0%	0.0%	0.0%	HHW
Compressed Gas Cylinders/Fire Extinguishers	0.0%	0.0%	0.0%	0.0%	0.0%	HHW
Home Medical Products	0.2%	0.2%	0.1%	0.0%	0.0%	HHW
Other Potentially Harmful Wastes	0.1%	0.1%	0.1%	0.0%	0.0%	HHW

Table 3. Citywide Waste Composition Main Sort Categories: All Material Streams

Material	Aggregate Percent	Refuse Percent	MGP Percent	Paper Percent	Organic Percent	DSNY Diversion Summary Category
Miscellaneous Inorganics	0.8%	0.8%	1.1%	0.1%	0.1%	
Miscellaneous Inorganics	0.8%	0.8%	1.1%	0.1%	0.1%	Other
Totals	100.0%	100.0%	100.0%	100.0%	100.0%	

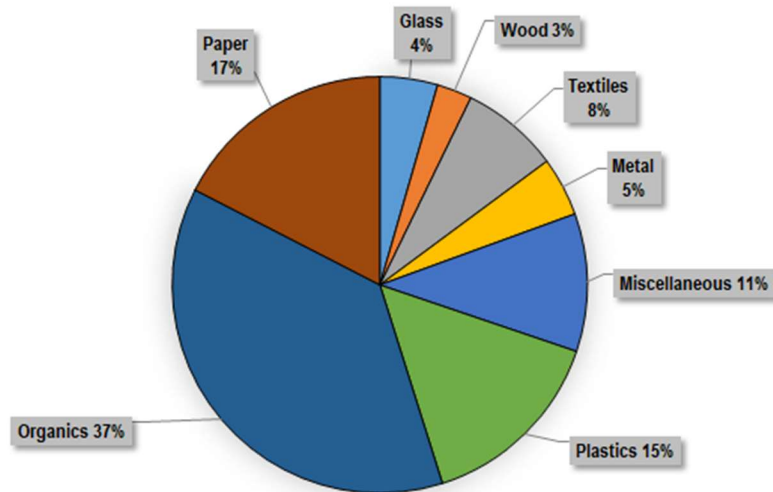
Since the material categories and subcategories available in the calculator differed somewhat from the naming and grouping of categories and subcategories used in the 2017 study, New York City’s categories and subcategories of waste were grouped and allocated to calculator categories and subcategories, as summarized in **Table 4**.

Table 4. Categorization Alignment: Calculator and DSNY

NYSDEC Calculator Material Categories	NYC 2017 Waste Characterization Study Material Categories (see Table 2)
Newspaper	Newspaper
Corrugated Cardboard	Plain OCC/Kraft Paper + Paper Beverage Cartons/Aseptic Boxes
Other Recyclable Paper (Total)	High Grade Paper + Mixed Low-Grade Paper
Other Compostable Paper	<i>*Included with Organics (Food Scraps)</i>
Ferrous Containers	Steel/Tin Food Cans + Empty Aerosol Cans
Aluminum Containers	Aluminum Cans + Aluminum Foil/Containers
Other Ferrous Metals	Other Ferrous + Appliances: Ferrous
Other Non-Ferrous Metals: Other aluminum	Other Aluminum
Other Non-Ferrous Metals: Automotive batteries	Wet-Cell Batteries
Other Non-Ferrous Metals: Other non-aluminum	Other Non-Ferrous + Mixed Metals + Appliances: Non-Ferrous
PET Containers	#1 PET Bottles
HDPE Containers	#2 HDPE Natural Bottles + #2 HDPE Pigmented Bottles
Other Plastic (3-7) Containers	Other Plastic Bottles
Film Plastic	Film Plastic: Retail Bags/Sleeves + Garbage Bags + Food/Drink Pouches + All Other Film
Other Plastic: Durables	Appliances: Plastic + Bulk/Rigid Plastic
Other Plastic: Non-Durables	Single Use Plastic Plates/Cups/Cutlery (excluding EPS) + Other Plastics
Other Plastic: Packaging	Rigid Plastic Containers/Packaging + #6 EPS Containers/Packaging (including Single Use)
Glass Bottles, Jars and Containers	Clear Container Glass + Green Container Glass + Brown Container Glass + Other Color Container Glass + Mixed Cullet
Other Glass (Flat glass, dishware, light bulbs, etc.)	Other Glass
Food Scraps	Food + Paper: Compostable/Soiled/Waxed OCC/Kraft + Other Nonrecyclable Paper + Animal By-Products
Leaves and Grass / Pruning and Trimmings	Yard Waste + Miscellaneous Organics
Clothing Footwear, Towels, Sheets	Textiles: Non-Clothing, Clothing, Shoes/Rubber/Leather
Carpet	Carpet/Upholstery
Total Wood (Pallets, crates, adulterated and non-adulterated wood)	Non-C&D Wood + Untreated Dimensional Lumber/Pallets/Crates + Treated/Contaminated Wood
DIY - Construction & Renovation Materials	Other C&D Debris Not Elsewhere Classified
Diapers	Disposable Diapers/Sanitary Products
Electronics	E-Waste
Tires	<i>Not included in 2017 WCS (separated from DSNY-managed MSW)</i>
HHW	Special Waste
Soils and Fines	Fines
Other Composite Materials - Durable and/or Inert	Miscellaneous Inorganics

Figure 1 illustrates the DSNY-managed waste composition, based on the 2017 study, as allocated to the material categories used in the calculator.

Figure 1. DSNY-Managed Waste Composition as Allocated to Calculator Categories



Diversion

Information on the DSNY-managed tonnage of waste materials diverted (e.g., recycling, composting) that was used in the calculator was based on DSNY’s 2019 “Local Law 40” and other recycling reports, as discussed in **Waste Generated and Waste Diverted Baseline**. The amount of Metal, Paper, and Glass (MPG) recycled is not reported separately by material, but as a total in DSNY’s reports. Therefore, to enable projections of each material separately using the calculator, the total tonnage of recycled MPG was multiplied by the percent of paper, percent of metal, and percent of plastic in the WCS to estimate the recycled tonnage of each material of those three materials. The percentages of metal, plastic, and glass within the MPG stream were based on the 2017 Study and are summarized in **Table 5**.

Table 5. NYC Metal, Plastic, Glass (MPG) Composition

Material	% of NYC MPG Stream
Metal	19.1
Plastic	62.2
Glass	18.7
Total MPG	100

Note: The 2017 Waste Characterization Study examined the waste set out for disposition. The composition of MPG set for disposition was assumed to be the same as the composition of MPG separated for recycling.

Organics Diversion Programs and Projection Methodology

As described in the body of the biennial update report, DSNY is investing heavily in the collection of organics from residents and anticipates increased diversion of this waste stream over the remainder of the planning period. For purposes of projecting diverted tonnage, DSNY built a separate excel model that combined the estimated amount organics in the waste stream using the 2017 WCS, and historical capture rates from previously operating residential collection programs in selected districts (capture rate = actual tonnage/WCS estimated total). Analysis of those programs indicated an average capture rate of 7%. Therefore, 7% was used as a starting capture rate as the programs expand citywide beginning in 2023. The capture rate is expected to increase 2% per year through 2026. As the collection in each of New York City’s five boroughs will be implemented to full collection at various points in time, the projections are pro-rated based on that schedule. School organics collection routes only operate during the school year; however, the percentage of organics in the school waste stream is higher (51%) per the waste characterization study and capture rates are also anticipated to be higher (starting at 50% and increasing 5% per year). School organics collections are included in the totals for DSNY-managed diverted organics projections. The MSW disposal tonnage generated by the calculator was manually reduced by the separately calculated tonnage of organics expected to be diverted using the projection methodology described in this paragraph, for the projections included in the Report.

3. Commercial Waste Projection Methodology

Waste Generated and Waste Diverted Baseline

For commercial uses in New York City, the waste generated in 2019 was estimated to be approximately 2.7 million tons. This total is the sum of approximately 2 million tons of commercial “MSW Disposed” and approximately 0.7 million tons of diverted waste, as reported by private transfer stations within New York City that accept commercial waste. The 2019 diverted tons by material category are summarized in **Table 6**.

Table 6. 2019 Diverted Material

Material	Tons Diverted
Paper	319,079
Metal, Plastic, Glass	183,366
Organics	31,939
Textiles	6,241
Miscellaneous	196,366
Diverted Total	737,315

Based on the population and the 2019 baseline commercial waste generation (including both refuse and recyclables) the per capita commercial daily waste generation rate was calculated to be 1.73 lb./person/day. As noted in the biennial report, commercial tonnage declined because of the pandemic, but activity levels are returning to normal. The most significant change to the commercial waste sector will be the Commercial Waste Zones, expected to gradually be implemented starting the second half of 2024. DSNY expects higher quality commercial data to be available for the next planning period as a result.

Waste Characterization

DSNY conducted the *2012 Waste Characterization Study (2012 Study)*⁷ for commercial waste. As was done for DSNY-managed waste, the default values available in the calculator were modified using New York City data. The waste characterization waste composition estimates obtained from the 2012 Study (tonnage information on page 39) for use in commercial waste projections for New York City are provided in **Table 7**.

Table 7. Commercial Waste Composition

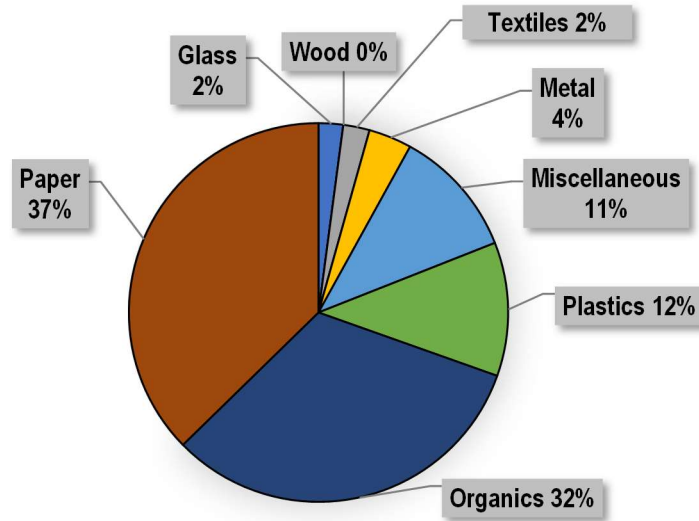
Material	Composition
Paper	37.32%
Glass	2.09%
Metal	3.68%
Plastic	11.42%
Electronics	0.23%
Food	25.44%
Yard	3.48%
Textiles	1.97%
Carpet	0.27%
Other Organics	3.33%
Construction and Demolition (C&D) ¹	8.75%
Designated Hazardous Waste	0.46%
Special Waste	1.01%
Mixed Residue	0.54%
Total	100%

Note: The C&D composition shown is not representative of all the C&D waste generated in the City. It is only C&D waste from generally smaller construction and demolition projects that can be combined with the commercial waste stream, for example window replacement in a commercial building.

Figure 2 illustrates the commercial waste composition, based on the 2012 study, as allocated to the material categories used in the calculator.

⁷ https://dsny.cityofnewyork.us/wp-content/uploads/2017/12/about_2012-commercial-waste-study_0815.pdf

Figure 2. Commercial Waste Composition as Allocated to DEC Categories



As with the DSNY-managed waste, Option 1 (“I know the amount of MSW generated”) was selected in the calculator for commercial waste projections.

4. Construction and Demolition (C&D) Debris and Fill Projection Methodology

Overview

To project C&D Debris and Fill material amount generated in New York City, Private Transfer Station reports to DSNY were summarized for the 2016-2021 period and trends were analyzed, as shown in **Table 8** and **Figure 3**. As shown, Fill amounts decreased between 2016 and 2020 and then stabilized in 2021. C&D amounts have not trended consistently over this period. Overall, the amount increased somewhat between 2016 and 2019, but then dropped in 2020, with no major change in 2021. This information was compared with another data source – the facility reports to NYSDEC. The overall tonnage and trends were similar.

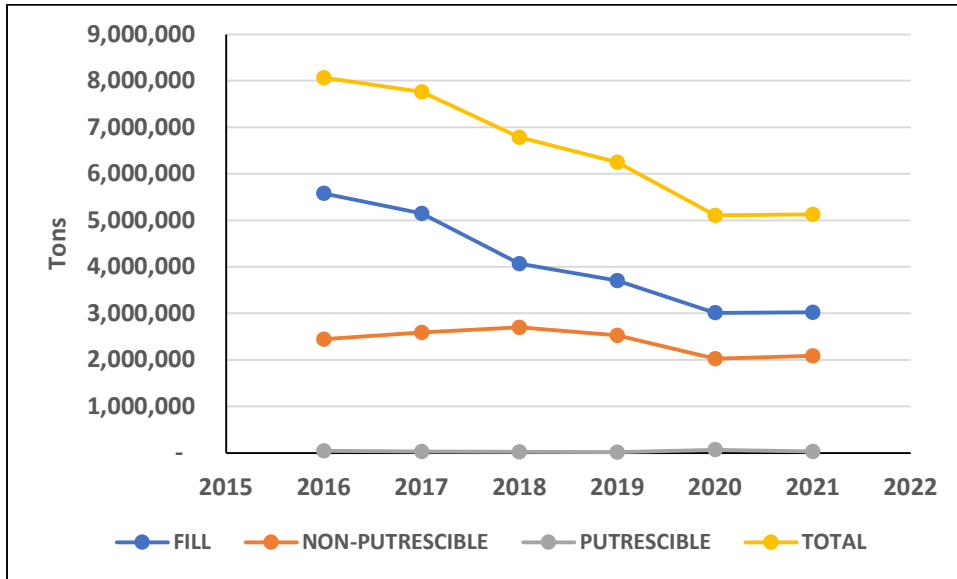
Table 8. Construction & Demolition Debris (Non-Putrescible) and Fill Material Trends (tons)

Row Labels	2016	2017	2018	2019	2020	2021
Fill	5,580,070	5,147,095	4,066,839	3,705,849	3,013,062	3,018,784
Non-Putrescible	2,442,582	2,585,634	2,699,171	2,523,394	2,025,688	2,085,626
C&D from Putrescible TS	45,458	27,122	20,430	17,382	68,000	25,618
Total	8,068,111	7,759,852	6,786,440	6,246,624	5,106,750	5,130,029

Source: Private Transfer Station data.

Note: The tons of materials shown include adjustments to tonnage accepted by transfer stations, such as removal of DSNY-delivered waste, transfers between stations, and materials from outside of the City.

Figure 3. Fill and Construction & Demolition Material Trends



For the biennial report, the private transfer station data and trends were used to make projections through the end of the current SWMP reporting period (2026). As shown in **Figure 3**, the changes in tonnage between 2016 and 2018 seem to have stabilized. Therefore, an average of 2018-2021 tonnage was used as the projected tonnage for each year 2023-2026. For SWMP26, DSNY will make use of the more detailed information on material categories (types of C&D, Fill, and other construction waste), along with the DEC Calculator⁸ for C&D waste⁹ to make more refined projections. For projections past 2026, the 2016-2022 material trends will also be compared with economic activity, with the aim of accounting for likely increases in construction materials due to the infusion of funds anticipated from the Inflation Reduction Act and Bipartisan Infrastructure Law.

⁸ <https://www.dec.ny.gov/fs/docs/spreadsheets/cddebriswastecalc.xlsx>

**Attachment XVIII: DSNY 2021 Annual Report on
Alternative Fuel Vehicle Programs**



The City of New York Department of Sanitation



2021 Annual Report on Alternative Fuel Vehicle Programs Pursuant to Local Law 38 of 2005



NYC's First Battery-Electric Mechanical Broom

Edward Grayson, Commissioner
April 2022

DSNY Annual Report on Alternative Fuel Vehicle Programs

I. Introduction

The Department of Sanitation (DSNY) operates a sizeable fleet of trucks and other vehicles to carry out its mission to keep New York City healthy, safe and clean by collecting, recycling and disposing of waste, cleaning streets and vacant lots, and clearing snow and ice. In 2005, the City Council enacted Local Law 38 (LL38/2005), which directs DSNY to report annually on its use and testing of alternative fuel vehicles.¹ This report, which is submitted to the Mayor, the Comptroller and the City Council in accordance with LL38/2005, discusses the testing, analyses and assessments of DSNY's alternative fuel sanitation collection vehicles and street sweepers, and the feasibility of incorporating new alternative fuel sanitation vehicles and technology into DSNY's fleet.²

Highlights for the 2021 Report

- DSNY's fleet of 5,956 heavy duty and light duty vehicles has 823 vehicles that operate on various alternative fuels (14%), including electric, hybrid-electric and natural gas.
- DSNY pilot-tested its first Battery-Electric Collection Truck.
- DSNY pilot-tested its first Battery-Electric Mechanical Broom.
- DSNY is now testing 14 trucks with "stop-start" ultra-capacitor technology to reduce emissions by shutting off the engine when idle, reducing fuel use and emissions by up to 30%.
- In FY2021, DSNY collection truck fleet traveled 10,336,985 vehicle miles, mechanical brooms traveled 1,123,203 miles.
- Diesel collection trucks and mechanical brooms comprise most of the heavy-duty fleet and use Ultra Low Sulfur Diesel fuel with 5% to 20% biofuels from soybeans.
- Collection Trucks: 2,290 diesel, 36 natural gas, 45 hybrid-hydraulic, and 1 electric.
- Mechanical Brooms: 401 diesel, 34 hybrid-electric, and 1 electric.
- Light Duty Fleet: 18 battery-electric, 513 gas-electric hybrids, 156 plug-in hybrid-electric, and 213 gasoline.
- In FY2021, DSNY's fleet consumed approximately 8.6 million gallons of B5 to B20 biodiesel fuel, and 419,881 gallons of gasoline, with a 10% ethanol component made from corn.
- With state-of-the-art controls, DSNY diesel emissions of particulate matter (PM) and nitrogen oxides (NOx) are 95% lower per truck than in 2005.
- DSNY gasoline use in FY2021 has declined by 63% compared to FY2005, due to improved gas mileage and use of hybrid-electric and battery-electric vehicles.

DSNY endeavors to operate the cleanest possible fleet and therefore seeks to minimize emissions of concern from such operations, notably particulate matter (PM), nitrogen oxides

¹ NYC Administrative Code § 24-163.2(c)(1) & (2).

² DSNY's mandated pilot program that used alternative fuel street sweeping vehicles in four sanitation districts with one district in an area with high rates of asthma among residents has been reviewed in prior reports.

(NO_x), and greenhouse gases (GHGs) such as carbon dioxide.³ As of January 2022, DSNY’s active fleet of 5,956 vehicles includes 2,290 collection trucks, 435 street sweepers, 429 salt/sand spreaders, 446 front-end loaders, 900 light-duty vehicles and 1,456 various other support vehicles. Based on Fiscal Year 2021 figures, DSNY’s diesel fleet used approximately 8.6 million gallons of diesel fuel. As discussed below, thanks to new technologies DSNY has achieved great success in minimizing emissions of PM and NO_x from its fleet. DSNY strives to operate the cleanest big city fleet and in 2013 won the prestigious federal USEPA “Breathe Easy Leadership Award.” DSNY was nominated for the 2019 ACT Expo Fleet Award recognizing government fleets that have shown true leadership deploying alternative fuel vehicles and achieve sustainability in fleet operations. In 2020, DSNY was one of six recipients of the prestigious CALSTART Blue Sky Award, which is presented to companies, organizations or individuals making outstanding contributions to clean air, climate change, and the clean transportation technologies industry. The Blue Sky Award recognized DSNY’s leadership and innovation in sustainable transportation technologies and solutions. Since LL 38/2005 was passed, DSNY’s heavy-duty truck fleet relies mostly on clean diesel technology and ultra-low sulfur fuel while the Department’s light-duty fleet increasingly incorporates hybrid-electric, plug-in hybrid-electric and all-electric technology to minimize vehicular emissions.

This report includes the total number of alternative fuel “sanitation vehicles” owned or operated by DSNY by type of alternative fuel used, discusses notable advances in DSNY’s clean diesel fleet, and provides information regarding DSNY efforts to further incorporate alternative fuel vehicles into its fleet to further reduce emissions, including GHGs, in accordance with City air quality and sustainability goals. “Sanitation vehicles” are defined by LL38/2005 as vehicles used by DSNY “for street cleaning purposes or for the collection of solid waste or recyclable materials.”⁴

II. Air Quality

New York City’s air quality has improved and since 2013 met federal standards for fine particulate matter (PM_{2.5}), but it remains out of compliance with standards for ozone. The ozone levels for the City’s counties have been trending downward since the 2005-2007 period. The USEPA proposed a new, more restrictive annual standard for PM_{2.5} in June 2012, which took effect in December 2012. USEPA reduced the new annual standard from 15 micrograms per cubic meter to 12 micrograms per cubic meter. Based on 2018-2020 measurements, New York City’s air meets the new 2012 standard.⁵ In 2010, USEPA set a new 1-hour NO₂ standard of 100 parts per billion (ppb). The form for the 1-hour NO₂ standard is the 3-year average of the 98th percentile of the annual distribution of daily maximum 1-hour average concentrations. The City complies with this NO₂ standard. In October 2015, USEPA strengthened the annual standard for ozone. USEPA reduced the 8-hour primary standard for ozone from 0.075 parts per million (ppm) to 0.070 ppm,

³ While not known to cause asthma, PM, especially fine PM 2.5 microns in diameter or smaller (PM_{2.5}) is associated with increased respiratory symptoms, while NO_x can be a precursor in the formation of ground-level ozone (regional smog) which is associated with exacerbation of asthma-related symptoms. *Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements*, 66 Federal Register at 5012 (Jan. 18, 2001); “Public Health” chapter in *New York City Comprehensive Solid Waste Management Plan Final Environmental Impact Statement* (April 2005).

⁴ NYC Administrative Code § 24-163.2(a)(6).

⁵ The annual PM_{2.5} NAAQS is the 3-year average annual mean concentration.

averaged over three years. New York City, like the surrounding counties in the metropolitan area, does not meet this standard based on 2018-2020 data.

III. Continuing Improvements in DSNY's Fleet Emissions

DSNY's fleet is achieving greater than *95% reduction in PM and 95% reduction in NOx emissions* fleet-wide compared with DSNY's heavy duty diesel fleet in 2005. In addition, since 2005 DSNY's fleet has cut annual diesel fuel use by 18% (8,603,504 gallons of B5 and B20 biodiesel consumed in FY2021) and cut its light duty fleet gasoline use by 63% (419,881 gallons consumed in FY2021).

A. ULSD Fuel, New Vehicle Standards, Diesel Particulate Filters, and Retrofits

Currently all the Department's light, medium and heavy-duty diesel vehicles utilize the industry's latest computer-controlled and regulated clean-diesel engines for their respective engine model years (MY). DSNY's Clean Fleet Program of testing and development of state-of-the-art technology and alternative fuels helped pioneer the improvements in heavy duty diesel emissions that the federal government subsequently mandated nationwide for the 2007 MY and later. DSNY's Program includes obtaining research grants and partnering with industry to test vehicles under real world conditions. In CY2021, DSNY temporarily decommissioned its heavy-duty Vehicles Testing Laboratory which conducted research and development projects, and performed independent exhaust emissions testing of various emission control technologies, alternative fuels and novel diesel fuel blends.

- The Department pioneered the use of ultra-low sulfur diesel fuel (ULSD)—limited to 15 ppm of sulfur—in July of 2001 in certain districts and expanded its use to its entire fleet in 2004 in advance of the USEPA June 2006 nationwide ULSD mandate. The new standard represents a *reduction of 97%* from the previous low sulfur standard for on-road diesel fuel of 500 ppm that took effect in 1993. Prior to 1993, the average sulfur content for on-road diesel fuel was 2500 ppm.
- ULSD allowed DSNY to expand its use of various advanced emission-control after-treatment technologies, such as diesel particulate filters and diesel oxidation catalysts. Previously, higher sulfur content fuel would have clogged these devices. These controls reduce particulate matter by 90% or better, as verified in DSNY testing.
- Since mid-2006, all of DSNY's new diesel truck purchases have met the stringent 2007 USEPA new-truck standards limiting particulate matter to 0.01 grams per brake horsepower-hour (g/bhp-hr), *a reduction of 90% from the 2006 MY limit of 0.1 g/bhp-hr.*⁶ As of the 2010 MY NOx is limited to 0.2 g/bhp-hr, compared to 2.0 g/bhp-hr in the 2006 MY and 4.0 g/bhp-hr in the 2003 MY. NOx emission reductions are achieved mainly by diesel exhaust after-treatment technology called selective catalytic reduction (SCR). SCR technology utilizes diesel exhaust fluid (urea) to treat the exhaust and remove the NOx.

⁶ 66 Fed. Reg 5001, 5005 (Jan. 18, 2001). By comparison, the 1990 federal standard for particulate matter for heavy duty diesel highway engines was 0.60 g/bhp-hr. NOx standards have been reduced over time from 10.7 g/bhp-hr in 1988 to 0.2 g/bhp-hr starting in 2007, with a phase-in allowed until 2010, yielding an effective limit of 1.2 g/bhp-hr for 2007-2009 MYs.

- To address the legacy of emissions from older trucks, DSNY mechanics have installed Best Available Retrofit Technology (BART) devices such as particulate filters on pre-2007 trucks, as mandated by Local Law 73 of 2013 (LL 73/2013). These devices achieve reductions of up to 90% in PM and up to 25% in NOx. By January 1, 2017 at least 90% of DSNY’s diesel-powered on-road fleet were required to utilize a diesel particulate filter or be equipped with an engine that meets USEPA 2007 PM standards. DSNY exceeded this target. Including both factory-installed equipment and retrofits, as of January 1, 2022 more than 99% of DSNY’s on-road diesel fleet was so equipped.

B. Greenhouse Gas Emissions

GHG emissions from human activities cause climate change and global warming. Motor vehicles fueled by diesel and gasoline represent the largest single source of U.S. net GHG emissions.⁷ To help reduce such emissions, the USEPA and the National Highway Traffic Safety Administration jointly developed a GHG emissions program and fuel efficiency standards applicable to all heavy- and medium-duty vehicles.⁸ The GHG/fuel economy standards were adopted in two phases. Under the Phase 1 and Phase 2 regulations, different CO₂ and fuel consumption standards are applicable to different categories of vehicles, including combination tractors, trailers, vocational vehicles, and heavy-duty pickups and vans. Phase 1 regulations, adopted in 2011, require vocational vehicles (such as DSNY collection trucks) to achieve up to a 10% reduction in fuel consumption and CO₂ emissions by 2017 MY over the 2010 baselines. Phase 2 regulations, published in 2016, apply to MY 2021-2027 vehicles.

In FY2020, DSNY ordered 305 new collection trucks and most of which were delivered in CY 2021. In FY2021, DSNY ordered 93 new diesel-powered collection trucks and 7 new BEV collection trucks; in FY2022 DSNY ordered 289 new diesel-powered collection trucks. These new trucks will comply with EPA Phase-1 GHG standards, adding to the 446 Phase-1 GHG-compliant collection trucks acquired previously. The new reduced-GHG trucks will aid DSNY in making progress toward NYC’s *OneNYC* GHG reduction goals of net-zero GHG emissions citywide by 2050.⁹

IV. Alternative Fuel Vehicles

Despite the success of DSNY’s Clean Diesel Program in minimizing PM and NOx fleet emissions, further improvements are possible as technology advances. DSNY therefore continues an active program of testing other kinds of fuels and technologies. Under LL38/2005, “alternative fuels” include natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least eighty-five percent, singly or in combination, methanol, ethanol, any other alcohol or ether. Including collection trucks, sweepers, and light duty vehicles that are not used to collect refuse or recyclables, DSNY currently has 823 vehicles that operate on various alternative fuels, including electric and hybrid-electric vehicles.

⁷ USEPA’s Inventory of US Greenhouse Gas Emissions and Sinks: 1990-2018. <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks>.

⁸ The standards are applicable to all on-road vehicles rated at a gross vehicle weight ≥8,500 lbs, and the engines that power them.

⁹ *OneNYC 2050: Building a Strong and Fair City*; A Livable Climate, Volume 7 of 9; nyc.gov/OneNYC.

In December 2015, NYC Clean Fleet was launched, a comprehensive plan which will: (1) add 2,000 electric vehicles (EVs) to its municipal vehicle fleet by 2025, which would give New York City the largest EV fleet in the country; and (2) achieve a 50% reduction in GHG emissions from fleet operations below 2005 levels by 2025, and an 80% reduction by 2035. DSNY is adapting its fleet to this important initiative.

In February 2020, Executive Order 53 was issued with the goal of New York City achieving an all-electric, carbon-neutral fleet by the year 2040. DSNY is exploring options for fleet compliance with this goal, including testing a battery-electric collection truck and a battery-electric mechanical broom street sweeper, as discussed below.

A. Light-Duty Vehicles

DSNY's light duty fleet currently includes 687 advanced low- or zero-emission vehicles, such as hybrid-electric, plug-in hybrid-electric (PHEVs), and battery-electric vehicles (BEVs). Hybrid-electric vehicles operate on gasoline assisted by battery technology. Plug-in hybrid-electric vehicles can operate in battery mode for a certain distance before the gasoline engine must be used. BEVs operate on electric battery power alone. Consistent with LL38/2005 and NYC Clean Fleet, DSNY expects to increase its fleet of light-duty electric and hybrid-electric vehicles. To support this goal, DSNY purchased 78 PHEV Mitsubishi Outlanders and 73 BEV Chevrolet Bolts alternative-fuel light duty vehicles for delivery in FY2022.

1. Hybrid-Electric Vehicles

DSNY currently owns and operates 513 hybrid-electric vehicles. These include Ford Fusion¹⁰ and Escape, Toyota Prius and RAV4. In FY2019, DSNY ordered 70 additional Toyota RAV4 hybrid-electric 4-wheel drive vehicles replacing 70 older gasoline SUVs that have reached the end of their useful life. The 2019 RAV4's have an EPA rating of 41 mpg (combined) and benefit DSNY by increasing the SUV fleet average fuel economy. DSNY did not purchase any hybrid-electric light duty vehicles in FY2020, FY2021, or FY2022.

2. Plug-In Hybrid-Electric Vehicles

DSNY's fleet includes 157 plug-in hybrid-electric vehicles: 11 Chevrolet Volt sedans, 82 Ford Fusion Energi Plug-in Hybrids, and 64 Mitsubishi Outlander Plug-in SUVs. The Chevrolet Volt sedans can run on battery power for up to 40 miles before a gasoline engine starts up to charge the battery,¹¹ while the battery range is 19 miles for Ford Fusion Energi Plug-in Hybrids and 22 miles for the Mitsubishi Outlander Plug-in Hybrid SUVs.

3. Discussion: Plug-in Hybrid vs. Conventional Hybrid

The Ford Fusion Energi Plug-in Hybrid, Chevrolet Volt and Mitsubishi Outlander Plug-in

¹⁰ EPA mileage estimates for the Fusion Hybrid MY2014 are 41 mpg highway and 44 mpg city.

¹¹ Newer Chevrolet Volts (2019) can run on battery power alone for up to 53 miles.

Hybrid have the same California Air Resources Board (CARB) emissions rating (Alternate Technology Partial Zero Emission Vehicle, or AT-PZEV) as the (non-plug-in) Toyota Prius and Toyota RAV4 hybrids. As such, the Fusion Energi Plug-in Hybrid, the Volt, the Outlander and the Prius are capable of zero emissions when running only on battery power, but the Toyota Prius and RAV4 battery-only range is rated by the USEPA at under one mile. As a DSNY sedan shift averages 33 miles of driving, a Toyota Prius and RAV4 will utilize its internal combustion engine for almost the entire shift and have higher direct emissions than a Fusion Energi Plug-in Hybrid or Volt or Outlander, which have longer battery-mode ranges. The Fusion Energi Plug-in Hybrids in DSNY's current fleet will utilize their battery for approximately 19 miles and will use their internal combustion engine for the remaining 14 miles of the DSNY shift route. The Volt will operate in electric mode for the entire 33-mile shift. The Mitsubishi Outlander will operate in electric mode for approximately 22 miles and will use its internal combustion engine for the shift's remaining 11 miles.

The plug-in hybrids have performed well in the field. The advantage of the plug-in hybrid over a conventional hybrid is its ability to run on battery mode for an extended range, therefore emitting fewer direct air pollutant and GHG emissions during a typical duty cycle than a conventional hybrid. For example, according to the USEPA, a 2015 Fusion Energi Plug-in Hybrid gets the equivalent of 88 miles per gallon when operating in battery mode (MPGe), and 38 mpg when operating in gasoline mode. The USEPA rated the 2017 Volt for 53 miles of battery range and 106 MPGe in battery mode. The USEPA rated the 2019 Mitsubishi Outlander for 74 MPGe when operating in battery mode and 25 miles per gallon when operating in gasoline mode. The USEPA rated the 2017 Prius for 52 mpg combined/54 mpg City/50 mpg highway. The USEPA rated the 2019 RAV4 for 41 mpg combined/38 mpg City/40 mpg highway. In addition to the emission benefits, costs to be considered include fuel, depreciation and maintenance. As the City self-insures, any differential cost in insurance rates for these vehicles is not relevant.

In Fiscal Year 2022, the purchase price available to the City varied by hybrid model, with plug-ins more expensive than conventional hybrids; Mitsubishi Outlander Plug-in 4x4 SUV cost \$38,925, absent subsidies. As a public agency that does not pay income tax, DSNY is not eligible for the \$4,007 federal tax credit available to federal income tax payers for new hybrid models, for example Fusion Energi Plug-in Hybrid for the first 200,000 vehicles sold, or for the similar tax credit of \$1,875 to \$7,500 that was available for the purchase of a Volt (ended March 31, 2020). Previously, DSNY has used federal Congestion Mitigation and Air Quality (CMAQ) grant funding to cover the incremental cost of the Volts over the cost of a Fusion Energi Plug-in Hybrid, Prius or Fusion. As for operational costs, at current rates, a 2017 Prius that is driven 10,000 miles annually (the average for a DSNY sedan, which is equivalent to 33 miles/day) for 8 years (the useful vehicle life for a DSNY sedan) will require 192 gallons of gasoline per year at a cost of \$3.08 per gallon as of April 2022, for a total of \$591.36 in annual fuel costs (excluding oil changes, etc). A Fusion Energi Plug-in Hybrid that is driven the same daily distances would drive 19 miles in pure electric mode and 14 miles in gasoline mode and would have \$343.72 in gasoline costs, plus the cost of electricity consumed (0.36 kWh/mile at \$0.15/kWh), which comes to approximately \$310.93, for a total annual fuel and electricity cost of \$654.65. Annual maintenance costs in CY 2018 were calculated to be \$893.31 for the Prius Hybrid and \$496.73 for the Fusion Energi Plug-in.¹² At this annual rate, and assuming constant fuel and electricity rates, the Fusion Energi Plug-

¹² City of New York, Department of Citywide Administrative Services, NYC Fleet Newsletter, Issue 255 (March 8, 2019). This information was not updated in CY2019, CY2020, and CY2021.

in Hybrid would cost approximately \$7,000 more than the Prius Hybrid over the life of the car, absent subsidies.¹³ Fusion Energi Plug-in gasoline use would be reduced by 42% as compared to the Prius Hybrid, for a savings of 641 gallons over that period. The carbon reduction from this fuel savings would be partially offset by the carbon emissions from the natural gas used to produce about 74% of New York City's electricity to charge the plug-in vehicle.¹⁴ However, the net reduction in carbon emissions would still be substantial.¹⁵ There would be similar incremental costs and gas and carbon savings for the Prius Hybrid Plug-in as compared to the Prius Hybrid.

DSNY has observed no significant difference in performance in the field between the Fusion Energi Plug-in Hybrid, the Volt, the Outlander, the Prius, the RAV4 or the Fusion Hybrid. The Fusion Energi Plug-in Hybrid, the Fusion and Prius have more cargo space than a Volt but this difference is not material for typical DSNY sedan operations; the RAV4 and the Outlander are both SUVs with 4-wheel drive capability, which is important for DSNY winter storm operations. The requirement of charging the Fusion Energi Plug-in Hybrid, the Volt, and the Outlander creates certain operational issues not posed by the Prius, RAV4 or Fusion Hybrid, including a comparatively long charge time (about three hours at 240V at a Level 2 charging station), the limited number of parking spots with charging equipment at DSNY facilities, and the need for electrical upgrades at certain DSNY facilities to accommodate the required amperage for vehicle charging. Furthermore, the required charge time for the Fusion Energi Plug-in Hybrid, the Volt, and the Outlander is inadequate for the Department's 12-hour shifts during snow operations. The environmental benefits of operating a plug-in hybrid over a conventional hybrid for DSNY's fleet (with lower local emissions and lower carbon emissions) can only be obtained via an adequate infrastructure and flexibility in charging time.

The Department expects to take further advantage of the advances in plug-in hybrid electric vehicles, in accordance with the Clean Fleet directive and consistent with the Department's operational needs. In addition, as DSNY continues to install solar photovoltaic arrays at its garages, this clean, renewable source of electricity will further reduce the carbon footprint of plug-in vehicles and all-electric vehicles in the fleet.

4. Zero-Emission Battery-Electric Vehicles

DSNY operates certain zero-emission battery-electric vehicles (BEVs) in its fleet under the mandate of LL 38/2005; 73 were added in CY2022. In CY2013, DSNY acquired 18 BEV Nissan Leafs for light duty use. Zero-emission vehicles have the potential to bring further benefits to local air quality, as well as fuel cost savings and GHG reduction, compared to DSNY's current hybrid fleet. The improvement over a plug-in hybrid vehicle may be insignificant however, when DSNY sedan usage stays under 19 miles per driving shift, so that the plug-in hybrid vehicle operates

¹³ The salvage value of the two vehicles is roughly comparable, and not included in this analysis.

¹⁴ Of the electricity used in the downstate region that includes New York City, 74% is from fossil fuel (primarily natural gas), 23% is from zero emission sources (mainly nuclear, some wind and solar), 2% from other renewables such as waste-to-energy plants, and 1% from hydroelectric pumped storage. Figures are for 2016. The Indian Point Energy Center nuclear power plant closed in April 2021. Source: New York Independent Service Operator, *Power Trends 2017*, p. 31.

¹⁵ Considering the generation mix for New York City, the CO₂-equivalent emissions (grams per mile) are estimated to be 181 for a 2015 Toyota Prius Plug-in, 191 for a 2018 Ford Energi Plug-in, 139 for a 2018 Prius Prime Plug-in, 141 for a 2018 Chevy Volt, and 102 for a 2016 Nissan Leaf (EV). Source: Union of Concerned Scientists, EV Emissions Tool, accessed on March 16, 2020: <https://www.ucsusa.org/clean-vehicles/electric-vehicles/ev-emissions-tool>.

primarily in electric mode, as noted above. Moreover, such BEVs require additional charging infrastructure, and may limit DSNY's operational flexibility for such sedans and be impractical in winter emergency snow situations due to relatively slow charging times and lack of four-wheel drive capability that is essential in responding to winter emergency weather.

When a major snowstorm hits the City of New York, DSNY's light-duty fleet (passenger cars and SUVs) becomes part of the Department's snow-removal operation. DSNY's Field Supervisors utilize light-duty vehicles to survey, assess and assist in the snow-removal operation throughout the five boroughs. When snow accumulation reaches six inches or higher, Field Supervisors driving passenger cars experience great difficulty navigating through heavy snow due to low ground clearance and poor traction-control of front-wheel drive passenger cars. Passenger cars that lack four-wheel drive capability can get stuck in the snow, which further hampers the snow removal response as resources must be dedicated to tow these vehicles out, and DSNY loses the function of that Field Supervisor to manage the snow fighting response within the assigned area. Passenger cars impede the Department's ability to safely and effectively survey, assess and assist in the snow-removal operations. As a result, DSNY generally uses hybrid or plug-in hybrid SUVs with four-wheel drive capability in lieu of BEVs and/or plug-in hybrid cars lacking such capability for all jurisdictions responsible for snow-removal operations.

DSNY currently owns/operates 13 DCFC and 101 Level-2 EV charging stations citywide, which include a total of 177 charging ports. Level-3 EV chargers are also known as Direct Current Fast Chargers (DCFC) and can deliver a very high rate of charge. Level-3 chargers are more suitable for heavy-duty vehicles with very large battery-packs. Level-2 EV chargers deliver a much lower rate of charge and are more suitable for light-duty passenger vehicles with much smaller battery packs.

In CY2011, DSNY also purchased and is testing two Ford Transit Connects (BEV vans). Both vehicles have been discontinued by the manufacturer. One vehicle was condemned in CY2018; the remaining vehicle continued in use in CY2021 and will remain as part of DSNY's fleet until the end of its useful life.

As new zero-emission vehicles come on the market, DSNY intends to conduct further studies on the economic and operational feasibility of incorporating more alternative fuel light-duty vehicles into its fleet.

B. Heavy-Duty Vehicles

1. Heavy Duty Battery-Electric Vehicles

In the past few years, the development of heavy-duty BEVs has advanced. Cummins, Freightliner, Kenworth, and Mack Trucks are among the truck manufacturers who have announced on-going development of Class-8 BEVs. As noted above, DSNY's EV charging infrastructure has grown over the years to accommodate the increased number of plug-in vehicles in the DSNY fleet. To build on DSNY's experience and success in deploying a fleet of light-duty EVs and continue the progress of reducing GHG emissions from heavy-duty vehicles, DSNY expressed interest to

Mack Trucks and Global Environmental Products about exploring the development of a BEV collection truck and street sweeper, respectively. Based on DSNY's pioneering R&D record and expressed interest, both Mack Trucks and Global Environmental Products agreed to begin development of a BEV collection truck and BEV street sweeper, respectively. The pilot/prototype BEV street sweeper and collection truck (see cover photo of this report) are among the first in the country in their weight-class. In anticipation of this pilot, DSNY installed its first Level 3 DC fast charger at DSNY's Brooklyn District 1 Garage, where the BEV collection truck was assigned.

BEV Collection Truck

Under a Memorandum of Understanding (MOU) and at no cost to the City, on November 18, 2020, DSNY commenced pilot-testing one of the first Mack (LR model) battery-electric (BEV) refuse collection trucks. The cab/chassis specifications of the Mack BEV LR are identical to the current DSNY diesel collection truck (72,000 lb. GVW). DSNY installed its first DC Fast-Charger (DCFC) to accommodate the charging needs of the Mack BEV LR. After one year (term of MOU) of rigorous testing in the streets of NYC, the Mack BEV LR yielded impressive test results (payload, state of charge [SOC], uptime, performance) and was well received by DSNY sanitation workers. Because this first Mack BEV LR was technically a pre-production unit, it did not have the ability to plow snow. Taking into consideration the introduction of Executive Order 53 which orders the City fleet to be 100% electric by 2040, and as a result of acceptable performance metrics, for the next phase of testing (R&D) DSNY has decided to move forward with the procurement of seven Mack BEV LR units specifically designed to plow snow. DSNY modified the FY2021 Capital Plan to include the procurement of seven Mack BEV LR collection trucks. DSNY will use federal CMAQ funds to help pay for the incremental cost of the seven BEV LRs.

As a dual purpose (refuse collection and snow plowing) vehicle, it is paramount for a DSNY BEV refuse collection truck to have the ability to plow snow. The next phase of testing (R&D) will allow DSNY to assess the seven Mack BEV LRs for refuse collection and snow plowing as well as expand the testing to one truck per geographical zone. Each of the seven zones (five boroughs) presents a unique set of operational challenges (terrain, length of routes, tonnage, commodity type, traffic, etc.). DSNY worked closely with DCAS to facilitate the installation of 12 DCFC within the seven zones of operation. The installation of the 12 DCFC is complete. DSNY expects delivery of the seven Mack BEV LRs in CY2023.

BEV Street Sweeper

DSNY was among the first public or private fleets in the country to pilot-test an all-electric BEV street sweeper. Under a Research and Development grant funded by NYS Energy & Research Development Authority (NYSERDA), DSNY was awarded \$255,000 towards the incremental cost of an all-electric street sweeper (compared to the base cost of a diesel hybrid-electric vehicle (HEV) street sweeper).¹⁶

¹⁶The cost of an HEV street sweeper is \$379,800. The cost of a BEV street sweeper is \$734,800.

The DSNY BEV street sweeper is manufactured by Global Environmental Products (GEP) and is the same “M4” model currently in use by DSNY today. The US Hybrid Corporation (Torance, CA) designed and built the propulsion on the BEV sweeper. The BEV sweeper incorporates a regenerative braking system designed to capture kinetic energy during braking events when in travel or sweeping modes. Under certain conditions, regenerative braking can help improve the range of BEV. The BEV features a fully integrated electric powertrain with a single traction motor and a 180 kWh battery pack.

After the BEV sweeper arrived in January 2020, DSNY conducted preliminary shakedown testing. DSNY identified various technical issues and worked with GEP and US Hybrid to address them. Due to COVID-19, the official launch of the Department's first BEV sweeper was delayed; the BEV sweeper went into service on May 6, 2021. The BEV sweeper was assigned to DSNY's Brooklyn District 4 (BK4) garage. The BK4 street sweeping routes are located in a NYC environmental justice community. After one year of rigorous testing in the streets of New York City, the BEV sweeper yielded impressive test results (payload, SOC, uptime, performance) and was well received by DSNY sanitation workers. Under the grant, CalStart will participate in the BEV street sweeper program by assisting in the data collection process and preparing periodic and final reports as outlined by NYSERDA. The first CalStart mid-term report should be available for review by the end of April 2022. DSNY staff will closely monitor the daily performance of the truck and collect various data points to help in the assessment process when the pilot test concludes.

2. Compressed Natural Gas (CNG)

DSNY currently owns and operates 36 dedicated CNG sanitation collection trucks, including a new design for 6 CNG trucks acquired in CY2020 (see Appendix 1). DSNY phased out its older fleet (2001-2003 vintage) of CNG collection trucks that were problematic. CNG-fueled trucks are longer than conventional sanitation vehicles, making it more difficult to access certain narrower streets because of their wider turning radius. In CY 2008, DSNY put into service 10 new CNG collection trucks from Crane Carrier Corporation equipped with the new generation of the Cummins ISL-gas CNG engines to replace 10 of the oldest CNG trucks in the fleet. In CY 2009, DSNY put into service one front-loading Crane Carrier Corporation CNG collection truck equipped with a Cummins ISL-gas CNG engine. Also in CY 2009, DSNY ordered 10 additional CNG trucks from Crane Carrier Corporation, which were delivered in November/December 2009. In order to address the repeated failed cold starts of the fleet of Crane Carrier CNG trucks, at DSNY's request Cummins made improvements to the engine calibration software. With the problem corrected, DSNY formally added the last 10 Crane Carrier CNG trucks to the fleet in the third quarter of CY 2010. The cold-weather operation of the newest CNG trucks with the Cummins ISL-Gas CNG engines has been satisfactory. In CY 2013, DSNY ordered and received delivery of 23 additional CNG trucks from Mack Trucks, equipped with a Cummins ISL-gas CNG engine. DSNY put these 23 additional trucks into service in January 2014.

From an operational perspective, results on testing the latest generation of CNG collection trucks indicate they have improved in reliability from earlier model CNG trucks, but they are still not as reliable as clean diesel trucks. NOx emissions from the two technologies have been comparable; with CNG truck NOx emissions slightly lower than the NOx emissions from diesel trucks

with advanced after-treatment technologies.¹⁷ As a result of the use of ULSD and new emissions control technologies, heavy duty diesel truck PM emissions are very low, and are comparable to those from CNG-fueled heavy duty vehicles. On the other hand, GHG emissions from CNG trucks are reportedly 20-23% lower than those from diesel trucks.¹⁸ It has been noted that CNG trucks are somewhat quieter than diesel trucks,¹⁹ but compaction noise from CNG collection trucks and diesel collection trucks is generally comparable.

Energy prices have been extremely volatile recently, especially over the last few months. As of April 2022, a gallon of diesel fuel cost \$4.51 while a gallon-equivalent of CNG cost approximately \$3.74; in December 2020, a gallon of diesel fuel cost \$2.13 while a gallon-equivalent of CNG cost approximately \$2.50. CNG-fueled vehicles have lower fuel efficiency than diesel and a CNG-fueled collection truck costs approximately \$24,114 more per unit than a diesel collection truck²⁰. For a collection truck that drives 6900 miles in a year at an average 2.5 miles per gallon, the annual diesel fuel cost at \$4.51/gal is \$12,447.60 (versus last year's annual cost of \$5,879); the equivalent in CNG fuel at \$3.74/gal eq. is \$10,322.40 (versus last year's annual cost of \$6,900). Further, DSNY has only one CNG fueling station for its 59 district garages,²¹ and the handful of private CNG filling stations in the City are generally not equipped for rapid filling of heavy-duty trucks. Thus, any move to significantly expand DSNY's CNG truck fleet would require additional investment to build CNG fueling infrastructure and undertake facility modifications required by the New York City Building Code.

In October 2015, Cummins announced that its new ISL G Near Zero (NZ) NOx natural gas engine is the first Mid-Range engine in North America to receive emission certifications from both USEPA and CARB as meeting the 0.02 g/bhp-hr optional Near Zero NOx Emissions standards for collection trucks. Cummins ISL GNZ NOx emissions will be 90% lower than the current USEPA NOx limit of 0.2 g/bhp-hr which is even cleaner than clean diesel. In FY2018, DSNY purchased 6 new Mack Trucks powered by the Cummins ISL GNZ CNG engine for its fleet; DSNY put these 6 trucks in service in CY2020.

As explained in prior annual reports, DSNY has previously completed the LL38/2005-mandated evaluation pilot study of CNG sweepers. DSNY currently has no CNG sweepers in service.

3. Heavy Duty Hybrid-Electric Vehicles (HEV)

DSNY is currently testing 34 diesel-powered HEV street sweepers in eight districts (see Appendix 2). In CY2010, DSNY put into service the world's first Class-7 HEV street sweeper. In FY2019, DSNY purchased seven diesel-powered HEV street sweepers at \$379,800 per vehicle (five of which were subsidized by \$30,000 in CMAQ funds each), which is \$125,000 more than

¹⁷ Ayala, *et al.*, *CNG and Diesel Transit Bus Emissions in Review* (August 2003); Ayala, *et al.*, *Diesel and CNG Heavy-Duty Transit Bus Emissions over Multiple Driving Schedules: Regulated Pollutants and Project Overview* (Society of Automotive Engineers, 2002).

¹⁸ Peter Hildebrandt, "NGVs & Onboard Equipment," *MSW Management*, March/April 2011, *NGV Fleet Manager Supplement*, at 14 (citing figures from Clean Vehicle Education Foundation).

¹⁹ INFORM, Inc., *Greening Garbage Trucks: New Technologies for Cleaner Air* (2003).

²⁰ Cost as of 2019. In 2019, CNG-fueled collection trucks were redesigned.

²¹ This project was undertaken as part of a settlement of a lawsuit brought against the City and DSNY by the United States for violations of the Clean Air Act. *United States v. City of New York*, 99 Civ. 2207 (LAK) (S.D.N.Y.).

the purchase price of a conventional diesel sweeper. In FY2020, DSNY purchased 14 more diesel-powered HEV street sweepers. All 14 HEV street sweepers have been inspected, accepted and put into service. All 14 units are equipped with an export-power module which gives these vehicles the ability to provide up to 10kW of shore power to a DSNY garage facility in the event of a blackout. Preliminary test results indicate that these diesel HEV street sweepers have better fuel mileage and are approximately 42% more fuel efficient than the latest Clean Diesel engines. DSNY continues to collect service records throughout the evaluation process.

4. Hybrid-Hydraulic Diesel Collection Trucks

As discussed in prior Annual Reports, hybrid-hydraulic technology has the potential to reduce diesel fuel use and related emissions by capturing and reusing energy that is otherwise wasted during the frequent braking of collection vehicles. DSNY ordered two experimental (prototype) hybrid-hydraulic diesel trucks from Crane Carrier Corporation in 2008, which were put into service in October 2009. This initiative was sponsored by the New York State Energy Research and Development Authority and the Hybrid Truck Users Forum. The hybrid-hydraulic diesel trucks utilize Bosch Rexroth's HRB System technology. These were the first such trucks in North America; they have also been tested in Germany. In CY2013, DSNY put into service 17 additional next-generation Bosch Rexroth hybrid-hydraulic trucks. DSNY applied for and obtained federal CMAQ grant funds for 80% of the cost of these new purchases. Also in CY2013, DSNY successfully applied for federal CMAQ grant funding to purchase 32 additional diesel-powered hybrid-hydraulic trucks from Mack Trucks for CY2014 delivery. Currently, DSNY has a total of 45 hybrid-hydraulic diesel trucks in service.

Unfortunately, manufacturers have discontinued production of the hybrid-hydraulic trucks. Therefore, currently DSNY has no viable option for new hybrid-hydraulic heavy duty trucks. Because the manufacturer can no longer support this first-generation design, the hybrid-hydraulic technology had to be disabled on the first two Crane Carrier diesel-powered collection trucks. The 46 hybrid-hydraulic collection trucks in the fleet will continue in service until they reach the end of their operational life.

C. Testing of Biodiesel Blends

Biodiesel is a renewable, biodegradable fuel manufactured domestically from vegetable oils, animal fats, or recycled restaurant grease. It is a cleaner-burning replacement for petroleum-based diesel fuel. The biodiesel fuel used by DSNY comes from soybeans. Biodiesel reduces GHG emissions because CO₂ released from biodiesel combustion is largely offset by the CO₂ absorbed from growing soybeans or other feedstocks used to produce the fuel.²² LL 73/2013 requires the use of biodiesel fuel in diesel fuel-powered motor vehicles owned or operated by the city of New York. According to LL 73/2013, for fiscal year beginning July 1, 2014, these vehicles must use at least five percent biodiesel (B5) by volume. In March 2007, DSNY launched a biodiesel (B5) initiative citywide on all diesel-powered equipment (on- highway and off-highway), utilizing 5% biodiesel (made from soybeans) and 95% (petroleum-based) ULSD. To date, the B5

²² About 22.4 pounds of CO₂ is produced from burning a gallon of ULSD; about 17.9 pounds of CO₂ is produced from burning a gallon of B20. Source: U.S. Energy Information Agency, accessed March 21, 2018 <https://www.eia.gov/tools/faqs/faq.php?id=307&t=11>.

initiative resulted in no change in vehicle performance, no operator or mechanic complaints, no increase in down rate, and good winter operability.

Pursuant to LL 73/2013, beginning July 1, 2016, all diesel-powered motor vehicles owned or operated by the city of New York must use B5 from December through March, and at least B20 (20% biodiesel) from April through November. LL 73/2013 also established a pilot program beginning December 1, 2016 whereby at least five percent of all city-owned diesel-powered motor vehicles utilize at least B20 from December through March.

Previously, in 2008, DSNY implemented its B20 pilot study (April through November) in Queens District 6. Based on those encouraging results, in July 2010 DSNY expanded the study to Brooklyn District 5. In advance of the LL 73/2013 mandate beginning July 1, 2016 DSNY expanded the B20 pilot study (April through November) citywide in CY 2013 (59 districts).

Since July 2008, DSNY's fleet has consumed over 46 million gallons of B20 biodiesel. Over the past few years, DSNY gradually increased the use of B20 (winter pilot) at various districts during winter months (December through March). During the 2018-2019 B20 winter pilot, DSNY dispensed B20 in 21 districts of the City and took proactive steps to mitigate/prevent potential operational issues with vehicles and fuel dispensers. About one month into the 2018-2019 B20 winter pilot, DSNY suspended B20 deliveries to the three locations utilizing above-ground fuel storage tanks due to persistent plugging and replacement of the fuel dispenser filters. To reduce the risk of fuel gelling/crystallization of the B20 product during extreme single-digit ambient temperatures, DSNY dispensed an anti-gel diesel fuel additive in all vehicle fuel tanks operating on B20. These steps helped DSNY to continue and complete the B20 winter pilot without any further operational issues. Test results of random fuel samples indicated the B20 biodiesel met all ASTM testing specifications during the winter and summer months. During the 2019-2020, 2020-2021 and 2021-2022 winters, DSNY discontinued the B20 winter pilot and dispensed only B5 citywide at its 59 districts to minimize the risks encountered during the 2018-2019 B20 winter pilot and avoid the hardship of constantly addressing operational issues (i.e., ensuring proper additive dosing) at B20 locations.

B5 biodiesel costs slightly more than standard ULSD, while B20 biodiesel costs approximately \$0.18 more per gallon than B5. In FY2021 DSNY used 8,603,504 gallons of diesel of various blends, of which 53% was B20 biodiesel and 47% was B5 biodiesel. The use of these grades of biodiesel reduced GHG emissions from the fleet in 2021 by 14.3 metric tons of CO₂, from the FY2005 diesel fleet baseline, a 26.5% reduction. Using B20 yielded a net reduction in carbon emissions of approximately 21% compared to conventional fossil fuel diesel use.²³ Good house-keeping of underground storage tanks (UST) and proper vehicle maintenance are key to a successful biodiesel program.

D. Renewable Diesel

Hydrogenation-derived Renewable Diesel, also known as Renewable Diesel (RD), is produced from soybean, palm, canola, or rapeseed oil; animal tallow; vegetable oil waste or brown

²³ To date, since 2008 DSNY's use of B20 has resulted in the saving of approximately 210,491,357 pounds of CO₂ emissions.

trap grease; and other fats or vegetable oils. It can be used alone (100%) or blended with petroleum and refined by a hydro treating process. RD meets the petroleum diesel ASTM specification (D975), which allows it to be used in existing diesel infrastructure and vehicles. RD derived from domestic biological materials is considered an alternative fuel under the Energy Policy Act of 1992 (Public Law 102-486). RD is a renewable fuel which has the potential to reduce GHG emissions over 60% compared to fossil-fuel petroleum-based diesel. Benefits of using RD include:

- **Fewer emissions**—RD feedstocks capture and recycle CO₂ from the atmosphere, partially offsetting CO₂ from burning RD, and blends of RD can reduce carbon monoxide and hydrocarbon emissions. In addition, RD’s ultra-low sulfur content enables the use of advanced emission control devices.
- **More flexibility**—RD that meets quality standards can fuel modern diesel vehicles. This fuel is compatible with existing diesel distribution infrastructure (not requiring new pipelines, storage tanks, or retail station pumps), can be produced using existing oil refinery capacity, and does not require extensive new production facilities.
- **Higher performance**—RD’s high combustion quality results in similar or better vehicle performance compared to conventional diesel.

DSNY was one of several city agencies participating in the NYC Renewable Diesel pilot, which utilizes a blend of 99% RD with 1% petroleum diesel. The pilot commenced upon receiving a June 13, 2018 Letter of No Objection from the New York City Fire Department. DSNY was the first city agency to receive a delivery of RD, at the Queens District 6 Garage in Woodside. DSNY gradually expanded the RD pilot to 17 district garages in all five boroughs. DSNY consumed 653,218 gallons of RD throughout the five-month period of the pilot program (June 2018 through October 2018). Test results of random fuel samples indicated that the RD met all ASTM testing specifications. RD did not negatively impact DSNY’s fleet or its operation, and no adjustments were necessary to the preventive maintenance schedule of the DSNY fleet. Although the pilot has ended, the use of RD in the future could help the agency achieve OneNYC’s fleet GHG reduction goals. DSNY would welcome the use of RD in the future.

E. Active Stop-Start Technology

As part of the City’s goal to reduce fleet GHG emissions 80% by 2035, DSNY is also exploring the use of idle-stop technology designed to reduce/eliminate unnecessary idling. DSNY is currently pilot testing 12 collection trucks equipped with the Effenco Stop/Start technology. The Effenco Stop/Start technology is specifically designed for use in heavy-duty vehicles. Fourteen additional collection trucks equipped with the Effenco technology were delivered to DSNY in April 2021. Effenco’s Active Stop-Start Technology is an electric system using ultracapacitor modules that is designed to shut down the engine of vocational trucks when they are stationary and to provide electric power to the vehicle equipment, cab and chassis accessories including the HVAC system. Since these vehicles spend a large proportion of their operating time immobile, the Active Stop-Start technology creates value by reducing engine operating hours and corresponding fuel consumption, emissions and maintenance. Preliminary laboratory testing indicated a 30% reduction in fuel use and GHG emissions with this technology.

V. Conclusion

DSNY endeavors to operate its fleet in the most environmentally sustainable manner, consistent with available resources, and therefore seeks to minimize emissions of concern from such operations, notably PM, NOx, and greenhouse gases such as CO2. DSNY is nationally recognized for its experience with alternative fuels and pioneering efforts with low emission technologies and has received a number of awards for operating one of the greenest municipal fleets in the country. The Department is currently working with various manufacturers to help advance the commercialization of environmentally-friendly technologies designed for use in heavy-duty vehicles.

Executive Order 53 sought to expand on NYC's leadership in fleet sustainability and will allow NYC to serve as a national model for other 21st century cities in fighting climate change. The goal of the Order is for the City of New York to achieve an all-electric, carbon-neutral fleet by the year 2040. As discussed above, DSNY is advancing a pilot study to incorporate BEV street sweepers and collections trucks into its fleet, as well as continuing to incorporate zero-emission light-duty BEVs into its fleet. Achieving the ambitious goal of Executive Order 53 is expected also to require expanding the use of anti-idling, hybrid, and stop-start technologies in medium- and heavy-duty vehicles and increasing the use of alternatives to traditional diesel fuels, including renewable diesel.

DSNY has dramatically reduced fuel consumption and GHG emissions from its fleet of light-duty vehicles from the 2005 baseline. DSNY will continue to participate in research and development of new technologies and to evaluate the mechanical reliability and operability of alternative fuel collection trucks to assess their respective environmental and economic performances. DSNY's B20 initiative citywide has met with positive results. This initiative has the potential to further reduce truck emissions, including greenhouse gases. Also, DSNY hopes to add RD to its portfolio of reduced GHG renewable fuels. DSNY is committed to achieving the goals of Executive Order 53 and the NYC Clean Fleet Plan and sustainable fleet GHG reduction.

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Appendix 1: DSNY's CNG Collection Trucks

Vehicle ID	Make	Vehicle Type	VIN #
25CNG-507	Crane Carrier LET2	Rear Loading	1CYCCZ48X8T048574
25CNG-508	Crane Carrier LET2	Rear Loading	1CYCCZ4818T048575
25CNG-510	Crane Carrier LET2	Rear Loading	1CYCCZ4858T048577
25CNG-601	Crane Carrier LET2	Rear Loading	1CYCCZ4819T049419
25CNG-602	Crane Carrier LET2	Rear Loading	1CYCCZ4889T049420
25CNG-603	Crane Carrier LET2	Rear Loading	1CYCCZ48X9T049421
25CNG-604	Crane Carrier LET2	Rear Loading	1CYCCZ4819T049422
25CNG-605	Crane Carrier LET2	Rear Loading	1CYCCZ4839T049423
25CNG-608	Crane Carrier LET2	Rear Loading	1CYCCZ4899T049426
25CNG-609	Crane Carrier LET2	Rear Loading	1CYCCZ4809T049427
25CNG-701	Mack	Rear Loading	1M2AU14C4DM001603
25CNG-702	Mack	Rear Loading	1M2AU14C6DM001604
25CNG-722	Mack	Rear Loading	1M2AU14C5DM001710
25CNG-723	Mack	Rear Loading	1M2AU14C7DM001711
25CNG-724	Mack	Rear Loading	1M2AU14C9DM001712
25CNG-725	Mack	Rear Loading	1M2AU14C0DM001713
25CNG-726	Mack	Rear Loading	1M2AU14C2DM001714
25CNG-727	Mack	Rear Loading	1M2AU14C4DM001715
25CNG-728	Mack	Rear Loading	1M2AU14C6DM001716
25CNG-729	Mack	Rear Loading	1M2AU14C8DM001717
25CNG-730	Mack	Rear Loading	1M2AU14CXDM001718
25CNG-731	Mack	Rear Loading	1M2AU14C9DM001726
25CNG-732	Mack	Rear Loading	1M2AU14C0DM001727
25CNG-734	Mack	Rear Loading	1M2AU14C4DM001729
25CNG-735	Mack	Rear Loading	1M2AU14C0DM001730

25CNG-736	Mack	Rear Loading	1M2AU14C2DM001731
25CNG-737	Mack	Rear Loading	1M2AU14C4DM001732
25CNG-738	Mack	Rear Loading	1M2AU14C6DM001733
25CNG-739	Mack	Rear Loading	1M2AU14C8DM001734
25CNG-740	Mack	Rear Loading	1M2AU14CXDM001735
25CNG-801	Mack	Rear Loading	1M2LR7GC3LM001258
25CNG-802	Mack	Rear Loading	1M2LR7GC5LM001259
25CNG-803	Mack	Rear Loading	1M2LR7GC1LM001260
25CNG-804	Mack	Rear Loading	1M2LR7GC3LM001261
25CNG-805	Mack	Rear Loading	1M2LR7GC5LM001262
25CNG-806	Mack	Rear Loading	1M2LR7GC7LM001263

Appendix 2 : DSNY's Hybrid-Electric Street Sweepers

Vehicle ID	Make	Vehicle Type	VIN #
20XF-001	Global Environmental Products	Street Sweeper	1G9GM4LM1HS462002
20XF-002	Global Environmental Products	Street Sweeper	1G9GM4LM3HS462003
20XF-003	Global Environmental Products	Street Sweeper	1G9GM4LM5HS462004
20XF-004	Global Environmental Products	Street Sweeper	1G9GM4LM7HS462005
20XF-005	Global Environmental Products	Street Sweeper	1G9GM4LM9HS462006
20XF-006	Global Environmental Products	Street Sweeper	1G9GM4LMXHS462001
20XG-001	Global Environmental Products	Street Sweeper	1G9GM4LL3JS462063
20XG-002	Global Environmental Products	Street Sweeper	1G9GM4LL5JS462064
20XG-003	Global Environmental Products	Street Sweeper	1G9GM4LL7JS462065

20XG-004	Global Environmental Products	Street Sweeper	1G9GM4LL9JS462066
20XG-005	Global Environmental Products	Street Sweeper	1G9GM4LL0JS462067
20XG-006	Global Environmental Products	Street Sweeper	1G9GM4LL2JS462068
20XG-007	Global Environmental Products	Street Sweeper	1G9GM4LL4JS462069
20XG-101	Global Environmental Products	Street Sweeper	1G9GH4LL6KS462001
20XG-102	Global Environmental Products	Street Sweeper	1G9GH4LL8KS462002
20XG-103	Global Environmental Products	Street Sweeper	1G9GH4LLXKS462003
20XG-104	Global Environmental Products	Street Sweeper	1G9GH4LL1KS462004
20XG-105	Global Environmental Products	Street Sweeper	1G9GH4LL3KS462005
20XG-106	Global Environmental Products	Street Sweeper	1G9GH4LL5KS462006
20XG-107	Global Environmental Products	Street Sweeper	1G9GH4LL7KS462007
20XG-201	Global Environmental Products	Street Sweeper	1G9FH7A25LS462015
20XG-202	Global Environmental Products	Street Sweeper	1G9FH7A27LS462016
20XG-203	Global Environmental Products	Street Sweeper	1G9FH7A29LS462017
20XG-204	Global Environmental Products	Street Sweeper	1G9FH7A20LS462018
20XG-205	Global Environmental Products	Street Sweeper	1G9FH7A22LS462019
20XG-206	Global Environmental Products	Street Sweeper	1G9FH7A29LS462020
20XG-301	Global Environmental Products	Street Sweeper	1G9FH7A20LS462021
20XG-302	Global Environmental Products	Street Sweeper	1G9FH7A22LS462022
20XG-303	Global Environmental Products	Street Sweeper	1G9FH7A24LS462023
20XG-304	Global Environmental Products	Street Sweeper	1G9FH7A23MS462001

20XG-305	Global Environmental Products	Street Sweeper	1G9FH7A25MS462002
20XG-306	Global Environmental Products	Street Sweeper	1G9FH7A27MS462003
20XG-307	Global Environmental Products	Street Sweeper	1G9FH7A29MS462004
20XG-308	Global Environmental Products	Street Sweeper	1G9FH7A20MS462005

Attachment XIX: NYCDEP Water Quality Programs

NYC Department of Environmental Protection

Water Quality, Harbor Monitoring, and Floatables Programs

When it rains, trash and debris on the street can end up in the city's catch basins. While DSNY is responsible for street sweeping to keep trash and debris from reaching the City's sewers, the New York City Department of Environmental Conservation (DEP) is responsible for the City's sewer system and implements a variety of programs to intercept trash and debris before it becomes waterborne and to manage debris and trash that enters the City's waterways (floatables), including plastics.

Specifically, DEP implements a Catch Basin Inspection Program, operates the City's wastewater treatment plants, and manages end-of-pipe controls, education, and outreach to keep trash and debris out of waterways. These programs are described in detail on DEP's website at <https://www.nyc.gov/site/dep/water/how-nyc-is-keeping-our-waterways-trash-free.page>

More generally, DEP is responsible for the City's drinking water supply and quality. Information about the City's drinking water system and DEP's 2022 Drinking Water Supply and Quality Report appear at <https://www.nyc.gov/site/dep/about/drinking-water-supply-quality-report.page>

Harbor Water Quality and Floatables Monitoring Reporting

Information about DEP's floatables and harbor monitoring programs appears at <https://www.nyc.gov/site/dep/water/harbor-water-quality.page> DEP's 2018 Floatables Monitoring Progress Report, the most recent report it has issued on floatables, appears at <https://www.nyc.gov/assets/dep/downloads/pdf/water/nyc-waterways/2018-floatables-monitoring-progress-report.pdf>

State of the Sewers Reporting

Information on the operation of the City's sewer system, including on the role of catch basins, can be found in DEP's annual State of the Sewer reports. The 2022 State of the Sewer Report appears at <https://www.nyc.gov/assets/dep/downloads/pdf/water/wastewater/state-of-the-sewers-2022.pdf>

NYC Storm Water Management Plan

The NYC SWMP consists of measures to reduce pollution in stormwater runoff discharging into and from the MS4 separate storm sewer system. Managing stormwater for this system is important because MS4 carries stormwater runoff directly to nearby waterbodies instead of to a wastewater resource recovery facility. DEP's NYC Stormwater Management Program: 2021 MS4 Annual Report appears at <https://www.nyc.gov/assets/dep/downloads/pdf/water/stormwater/ms4/nyc-ms4-annual-report-2021.pdf>

NYC Green Infrastructure Plan

The Green Infrastructure 2021 Annual Report outlines the progress being made in keeping NYC streets and waterways clean and focuses on the implementation of initiatives in areas where the City's combined sewer system operates. For details, see

<https://www.nyc.gov/assets/dep/downloads/pdf/water/stormwater/green-infrastructure/gi-annual-report-2021.pdf>

Trash in Waterways and Harbor Protectors Program

DEP's public education campaign Harbor Protectors engage public volunteers to become environmental stewards to keep neighborhoods clean and pollution such as floatables out of waterways. Information on this program appears at <https://www.nyc.gov/site/dep/whats-new/harbor-protectors.page>

Attachment XX: Referenced Online Content

Referenced Online Content
All retrieved April 2023

1. Section 1
 - a. Targeted Neighborhood Taskforce
<https://www1.nyc.gov/assets/dsny/site/services/cleaning/tnt>
 - b. Environmental Justice for All
<https://climate.cityofnewyork.us/topic/environmental-justice/>
2. Section 2
 - a. Department of City Planning (DCP): Population Statistics
<https://www1.nyc.gov/site/planning/planning-level/nyc-population/nyc-population.page>
 - b. DCP's New York City Population Projections by Age/Sex & Borough
https://www1.nyc.gov/assets/planning/download/pdf/planning-level/nyc-population/projections_report_2010_2040.pdf
3. Section 4
 - a. DSNY Residential Curbside Recycling Program information
<https://www.nyc.gov/assets/dsny/site/services/recycling>
 - b. Smart Bin compost and FSCO locations
<https://www.nyc.gov/assets/dsny/site/services/food-scraps-and-yard-waste-page/nyc-food-scrap-drop-off-locations>
 - c. Zero Waste Schools website
<https://www.nyc.gov/assets/dsny/site/our-work/zero-waste-schools>
 - d. Public Space Recycling bin locations
<https://data.cityofnewyork.us/Environment/Public-Recycling-Bins/sxx4-xhzz>
 - e. ReFashion Week
<https://www.nyc.gov/assets/donate/site/NewsEvents/news/details/972>
https://www.youtube.com/watch?v=YLXJ_NcRSmE
 - f. NYCHA Sustainability Agenda
<https://www.nyc.gov/site/nycha/about/sustainability.page>
 - g. NYCHA Progress Reports
<https://www.nyc.gov/site/nycha/about/sustainability-2023.page>
 - h. CEQR for Waste Equity Law (No. 18OOM004Y)
<https://a002-ceqraccess.nyc.gov/ceqr/>
 - i. NYC Administrative Code
[http://library.amlegal.com/nxt/gateway.dll/New%20York/admin/newyorkcityadministrativecode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:newyork_ny](http://library.amlegal.com/nxt/gateway.dll/New%20York/admin/newyorkcityadministrativecode?f=templates$fn=default.htm$3.0$vid=amlegal:newyork_ny)
 - j. Revised NYCRR Part 360 regulations
<http://www.dec.ny.gov/regulations/81768.html>
4. Section 5
 - a. Mayor's Management Report
[Mayor's Management Report \(MMR\) - Mayor's Office of Operation \(nyc.gov\)](#)
5. Section 6
 - a. Department of Transportation

- i. Recycled Concrete Aggregate Bank
<https://www.nyc.gov/site/oer/safe-land/rca-bank.page>
 - ii. Asphalt Millings Bank
<https://www.nyc.gov/site/oer/safe-land/asphalt-millings-bank.page>
 - iii. Staten Island Pavement Pilot
<https://www.silive.com/news/2022/09/city-piloting-eco-friendly-recycled-plastic-asphalt-on-staten-island-streets-heres-where-its-being-used.html>
 - b. Mayor’s Office of Environmental Remediation (Clean Soil Bank)
<https://www.nyc.gov/site/oer/safe-land/clean-soil-bank.page>
 - c. USACE
<https://www.nan.usace.army.mil/Missions/Civil-Works/Projects-in-New-York/>
 - i. Dredged Material Management Plan
<https://www.nan.usace.army.mil/Portals/37/docs/harbor/dredmgmt/Dredge%20Material%20Mgmt%20Plan.pdf>
- 6. Section 8
 - a. Sanitation Foundation’s “Follow your Waste” tool
<https://www.sanitationfoundation.org/follow-your-waste>
- 7. Attachment IV
 - a. Information on commercial organics recycling
<https://dsny.cityofnewyork.us/wp-content/uploads/2020/01/Notice-of-Adoption-of-Final-Commercial-Organics-Rule.pdf>
 - b. Information on polystyrene restrictions
<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1444213&GUID=71AB91E9-EC77-47F0-B904-4D4B4A607568&Options=ID%7cText%7c&Search=142>
 - c. Information on plastic bag restriction
<https://www.dec.ny.gov/chemical/50058.html>
 - d. Information on plastic food service restrictions
<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3509897&GUID=6CF1706B-A393-407E-B0A6-78D253222450&Options=ID|Text|&Search=beverage+straw>
- 8. Attachment IX
 - a. Small Business Forward <https://www.nyc.gov/assets/home/downloads/pdf/press-releases/2022/Small-Business-Forward.pdf>
- 9. Attachment XVII
 - a. DEC tonnage projection tool
<https://www.dec.ny.gov/chemical/48208.html>
- 10. Attachment XIX
 - a. Catch Basin Inspection Program
<https://www.nyc.gov/site/dep/water/how-nyc-is-keeping-our-waterways-trash-free.page>
 - b. DEP 2022 Drinking Water Supply and Quality Report
<https://www.nyc.gov/site/dep/about/drinking-water-supply-quality-report.page>

- c. DEP floatable and harbor monitoring programs
<https://www.nyc.gov/site/dep/water/harbor-water-quality.page>
- d. DEP 2018 Floatables Monitoring Progress Report
<https://www.nyc.gov/assets/dep/downloads/pdf/water/nyc-waterways/2018-floatables-monitoring-progress-report.pdf>
- e. DEP Stormwater Management Program: 2021 MS4 Annual Report
<https://www.nyc.gov/assets/dep/downloads/pdf/water/stormwater/ms4/nyc-ms4-annual-report-2021.pdf>
- f. Green Infrastructure 2021 Annual Report
<https://www.nyc.gov/assets/dep/downloads/pdf/water/stormwater/green-infrastructure/gi-annual-report-2021.pdf>
- g. DEP Harbor Protectors Program
<https://www.nyc.gov/site/dep/whats-new/harbor-protectors.page>