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**COMPREHENSIVE
SOLID WASTE MANAGEMENT PLAN
BIENNIAL COMPLIANCE REPORT**

**For The Reporting Period of
JANUARY 1, 2015 THROUGH DECEMBER 31, 2016**

April 2017

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EXECUTIVE SUMMARY

This fifth biennial Compliance Report dated April 2017, is submitted to the New York State Department of Environmental Conservation (NYSDEC) in accordance with the provisions of NYCRR Title 6 Part 360-15.12. It provides information on the City of New York's (City) progress in implementing its approved Comprehensive Solid Waste Management Plan for 2006 through 2025 (SWMP), during the reporting period of January 1, 2015 through December 31, 2016 (Reporting Period). The City's first Compliance Report in connection with the SWMP, reported on implementation during 2007 and 2008. The City's second SWMP Compliance 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 SWMP Compliance Report reported on the status of SWMP implementation during 2011 and 2012. The City's fourth SWMP Compliance Report reported on the status SWMP implementation during 2013 and 2014.

SWMP Background

The SWMP was prepared by the City Department of Sanitation (DSNY) with the assistance of the New York City Economic Development Corporation (NYCEDC) and other mayoral agencies, adopted by the City in July 2006, and approved by the New York State Department of Environmental Conservation (NYSDEC) in October 2006. It involved a comprehensive review of the activities undertaken to implement the City's first Solid Waste Management Plan (the 1992 Plan), as amended, an evaluation of where and how those efforts should be refocused to better meet the City's solid waste management needs, information on the City's on-going solid waste management programs, and an extensive process of consultation with interested parties.

The Final Environmental Impact Statement to support the SWMP was issued in April 2005 (FEIS). A SWMP FEIS Technical Memorandum issued in March 2012 and revised in July 2012 considered changes in SWMP milestone implementation. A SWMP Technical Memorandum issued in May 2013 reflected new flood risk information and related proposed design changes to the East 91st Street and Southwest Brooklyn Marine Transfer Stations. A SWMP Technical Memorandum issued in November 2013 reflected new permit modifications in connection with a

December 2011 EAS issued to support Review Avenue Transfer Station permit modifications obtained by Waste Management of New York LLC (WM) and the 2013 award of a DSNY 20-year service contract to WM for the transfer, transport by rail and disposal of DSNY-managed waste from Queens Collection Districts 1 through 6. An EAS was issued in January 2012 in connection with the award of a DSNY 20-year intergovernmental agreement with the Port Authority of New York and New Jersey for the use of the Essex Resource Recovery Facility for the disposal of DSNY-managed waste from Manhattan Collection Districts 1 – 4, 7, 9, 10 and 12. An EAS was issued in December 2014 in connection with the award of a DSNY 20-year service contract to Covanta Sustainable Solutions for the transfer, transport by rail and disposal of DSNY-managed waste from Queens Collection Districts 7 through 14 and Manhattan Collection Districts 5, 6, 8 and 1. Finally, a Technical Memorandum was issued in January 2017 in connection with the award of a DSNY 20-year service contract to WM for the transfer, transport by rail and disposal of DSNY-managed containerized waste from the Hamilton Avenue and Southwest Brooklyn Marine Transfer Stations.

Since the SWMP was approved in 2006, DSNY, other City agencies, and related entities have advanced SWMP goals and substantially completed the majority of projects and initiatives required to be implemented in the SWMP milestones.

REPORTING PERIOD ACCOMPLISHMENTS

One New York: The Plan for a Strong and Just City

In April 2015, Mayor Bill de Blasio released “One New York: The Plan for a Strong and Just City.” As part of One New York, the City committed to a number of solid waste sustainability initiatives including developing programs with the goal to send zero waste to landfills by 2030 (described in the Recycling and Sustainability discussion below and Section 3.1), reducing greenhouse gas (GHG) emissions and undertaking a comprehensive study of commercial waste collection zones to determine if there are substantial inefficiencies in the way waste is collected and, if so, to determine whether exclusive collection zones would reduce those inefficiencies and possibly create ancillary benefits - such as improved recycling rates, working conditions, and wages (described in Commercial Waste Collection Zones below and Section 3.3).

Commercial Waste Collection Zones

To meet the One New York commercial waste commitment, in October 2015, DSNY commissioned an independent private carting study, including a market analysis, cost assessment, benchmarking study, and cost impact study. The Private Carting Study found that the current open-market commercial waste system generates excess truck traffic, is highly concentrated among a few carters, has little transparency in pricing, and inhibits private carting companies from achieving efficiencies that allow investments in recycling initiatives or cleaner trucks. The Private Carting Study, issued in August 2016, appears on the DSNY website at <http://www1.nyc.gov/assets/dsny/about/inside-dsny/private-carting.shtml>.

The Private Carting Study concluded that establishing collection zones would reduce truck traffic and result in a dramatic reduction in associated greenhouse gas emissions. The study also found that collection zones would reduce other air pollutants resulting from commercial waste trucks and concluded that reducing commercial collection truck traffic would lead to cleaner air, less traffic congestion, safer streets, and quieter nights in neighborhoods across New York City. As a result of these findings, DSNY has kicked off a multi-year process of developing policies that will transform the current system into a system of commercial waste zones (see Section 3.3 for additional details).

Fleet and Equipment Initiatives

DSNY continues to test a variety of advanced clean fleet technologies designed to reduce GHG emissions on heavy-duty vehicles. In January 2017, DSNY partnered with Mack trucks and Oberon Fuels to test the performance of Dimethyl Ether (DME)-powered Mack[®] Pinnacle[™] model trucks. DSNY is the first Mack customer to evaluate DME, a non-toxic, clean-burning alternative fuel. The test gathered data to better determine the performance and drivability of the DME-powered Mack Pinnacle model and to evaluate DME fuel as an alternative to diesel.

Recently, DSNY's refuse fleet became the first in the country to pilot and adopt a new technology called "Neutral at Stop". Neutral at Stop reduces fuel usage by minimizing parasitic losses from the transmission during normal operation and the technology has been adopted by

many cars manufacturers to reduce GHG emissions. To accommodate the growing number of plug-in light-duty vehicles, DSNY also completed the installation of 86 Level 2 EV chargers throughout the five-boroughs of NYC. In August 2006, DSNY joined the growing number of U.S. fleets using biodiesel fuel blends (made from domestically grown soy beans and diesel). Biodiesel fuel blend use helps reduce GHG emissions and our dependence on foreign oil. All DSNY diesel fleet vehicles currently use a B20 biodiesel fuel blend from April to November and a B5 biodiesel fuel blend from December to March. To date, DSNY has displaced over 7 million gallons of petroleum made from fossil fuel through the use of these biodiesel blends.

DSNY is nationally recognized for its experience with alternative fuels and pioneering efforts to advance the development of cleaner heavy-duty vehicles. DSNY endeavors to operate its fleet in the most environmentally friendly manner, consistent with available resources, and therefore seeks to minimize emissions of concern from such operations as required by OneNYC. A detailed description of DSNY's green fleet and equipment innovations and environmental improvements is provided in Attachment 5. DSNY has also begun pilots and instituted programs that are making its fleet safer as part of Mayor de Blasio's Vision Zero program, including by training all drivers on defensive driving practices and installing wheel side guards on more than 300 vehicles.

Landfill Closure/Post Closure Update and End Use Initiatives

Section 1/9 is the only solid waste management unit that is still undergoing closure construction at the Fresh Kills Landfill. Phases 1 and 2 of the Section 1/9 closure construction were completed during the Reporting Period and the remaining Phases will be completed by 2021. Landfill leachate, the wastewater that is created when rain percolates through garbage, continues to be generated and treated, but has declined with the placement of final cover on each of the landfill mounds. Landfill gas is generated as waste decomposes. Typically, the peak of landfill gas generation occurs one to two years after a landfill stops receiving waste and then decreases over time. Landfill gas generation is steadily declining at Fresh Kills Landfill as DSNY

continues to manage and maintain an active collection, purification and passive flaring system, including monitoring and reporting for all four landfill sections.

DSNY has generated revenues by selling processed landfill gas to the Grid for decades. During the Reporting Period it generated substantially more revenue from the sale of gas through a new contract with EM Gas Marketing, LLC (Element Markets). In April 2015, Element Markets began the management of biogas produced at the Fresh Kills landfill to generate and sell federal Renewable Identification Number (RIN) and California-based Low-Carbon Fuel Standard (LCFS) credits. In June 2015 Fresh Kills Landfill was registered by Element Markets as a biogas facility under the Renewable Fuel Standard program, administered by the United States Environmental Protection Agency. Under the multi-year agreement, Element Markets is responsible for the generation, marketing, and sale of all RIN and LCFS credits from the landfill's biogas. Through the contract, DSNY is getting added value from the processing and sale of Fresh Kills biogas - over \$18 million in renewable fuel credits were sold by the end of 2016. The contract also makes New York City part of efforts by some states and USEPA to foster profitable renewable fuel markets in the U.S.

While plans for a solar array installation have not been realized, strides were made during the Reporting Period to advance end use goals for the landfill. A detailed description of Fresh Kills closure and end use activities is provided in Attachment 6.

Sustainability and Recycling

With respect to its SWMP recycling achievements during the Reporting Period, DSNY's Bureau of Recycling and Sustainability has undertaken significant steps in the areas of:

1. Curbside organics collection and recycling in select neighborhoods for residents, and nearly half NYC schools; resumption of Fall Leaf collection in Districts not yet served by the Organics Collection Pilot (OCP).
2. Building enrollment programs, drop off events, and other mechanisms to promote diversion of electronic wastes, and textiles, from disposal

3. Drop off events and acceptance locations for the SAFE handling of residential special wastes
4. Community based composting opportunities through a range of partner organizations and via Food Scrap drop off sites.
5. Promotion of materials reuse through the City's network of nonprofit and for profit sectors
6. Promoting recycling of paper, metal, glass and plastic recyclables through the longstanding curbside collection program, and via public space recycling receptacles
7. Engaging schools, public institutions/agencies (specifically NYCHA), community-based organizations and New Yorkers throughout the five boroughs with enhanced outreach and communications organized around the goal of Zero Waste.

DSNY expanded the organics curbside collection pilot to serve over 200,000 households and nearly 700,000 New Yorkers through the end FY2016. Nearly 1 million New Yorkers had been reached by the end of calendar year 2016. Additional neighborhoods in Brooklyn, the Bronx, Queens and Staten Island will continue to be added to the New York City Organics Collection Program during FY2017 and beyond. The program, which focuses on organic waste like food, food-soiled paper and yard debris, will expand to add nearly 500,000 new households through the end of calendar year 2017. More than 31,000 tons of material was been collected since the program's start through the end of FY2016. An evaluation of the program was completed in fall 2015.

DSNY's continuing introduced textile and electronics recycling programs saw considerable growth over the Reporting Period. Since January 1, 2015, when State law banned the collection of electronics at the curb, there has been a surge of interest in DSNY's e-recycling program for City multi-unit buildings. In addition, in 2016 DSNY initiated a curbside electronic waste collection pilot program for residents of Staten Island. As of the end of FY 2016, E-cycleNYC had been made available to over 650,000 households, and Re-FashionNYC was reaching over

120,000 households. Combined, these programs diverted over twenty million pounds of useable materials through the end of FY2016.

Long-Term Export

DSNY continued to advance the implementation of the Converted Marine Transfer Stations Program, a key component of the SWMP long-term export plan, during the Reporting Period. The North Shore Converted Marine Transfer Station (MTS) in Queens began operation in March 2015 and the Hamilton Avenue Converted MTS in Brooklyn is expected to being operation in FY 2018. A long-term contract has been awarded for the transport and disposal of the containerized waste from Hamilton Avenue and Southwest Brooklyn MTSs and the vendor is anticipated to be able to provide service to the Hamilton Avenue MTS beginning this summer. Construction continued at both the East 91st Street MTS (Manhattan) and Southwest Brooklyn Marine Transfer Stations during the Reporting Period.

DSNY advanced other components of the SWMP long-term export plan during the Reporting Period. Service began in July 2015 pursuant to a long-term service contract awarded for the use of the Review Avenue Transfer Station for the containerization, transport, and disposal of DSNY-managed waste from Queens Collection Districts 1 – 6.

Foundation for New York's Strongest / HPCxDSNY

New Yorkers throw away more than 200,000 tons of textiles annually – 6% of what is sent to landfills – even though most of it can be reclaimed. To show how clothing and textiles ca be reclaimed, DSNY's new Foundation for New York's Strongest partnered with designer Heron Preston to create a ready-to-wear collection from vintage clothing and DSNY decommissioned uniforms. Unveiled at the critically acclaimed new DSNY Spring Street salt shed during Fashion Week 2016, Mr. Preston's line, called HPCxDSNY, built upon street-style by repurposing decommissioned DSNY uniforms and thrift store finds. The creative use of secondhand materials in the collection highlighted DSNY workers, reuse programs and drew international attention to DSNY's zero waste-to-landfills goal – drawing supporters from as far away as South Africa who purchased the one-of-a-kind garments at [online](#).

The Foundation for New York's Strongest, Inc. is DSNY's official nonprofit organization. Supported by private funding and in-kind donations, the Foundation leverages non-traditional strategies to promote sustainability and advance the essential services Sanitation employees provide by:

- Emphasizing New York's Strongest as one of the City's emergency responders and highlighting their critical, daily service;
- Forging partnerships with private-sector organizations to move New York City toward sending zero waste to landfills by 2030; and
- Working to establish an educational museum dedicated to DSNY's rich history, current operations and vibrant future.

Recycling Infrastructure

During the Reporting Period, having completed the repair of the subsurface platform and scale upgrades at the West 59th Street Marine Transfer Station, a facility at which Manhattan paper recyclables are transferred. DSNY began the refurbishment of the MTS to ensure its viability for long-term use. The paper recycling operation is scheduled to move to the new Gansevoort Marine Transfer Station (described below) in the future so that the West 59th Street MTS can be made available for Manhattan commercial waste export.

A pre-schematic design package was issued during the Reporting Period by the designer hired by the New York City Department of Design and Construction (DDC) for the new Gansevoort Marine Transfer Station for Manhattan recyclables (and recycling education center). A Memorandum of Understanding between the City and State on the funding and coordination of the new Gansevoort MTS is in negotiations. The demolition of DSNY facilities on the Gansevoort Peninsula began in 2015 and is expected to be completed in 2017.

SECTION 1 – PLANNING UNIT DESCRIPTION

The Planning Unit 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. The statistical profile of the City's population, however, has changed since SWMP approval in 2006. Specifically, according to 2010 Census-based population information provided on the City Department of City Planning website at <http://www1.nyc.gov/site/planning/data-maps/nyc-population/current-future-populations.page>, the City's population, as of July 2015, was 8,550,405, an increase of 4.6 percent since April 2010, and an increase of 4.0 percent over the population projected for the year 2015 in the SWMP. The largest change in the City's population since the 2000 Census, occurred in Brooklyn, growing by 5.3%, followed by the Bronx (5.1%), Queens (4.9%), Manhattan (3.7%), and Staten Island (1.2%). Despite the unanticipated growth in the City's population, the actual quantity of waste handled by DSNY in 2015 that was projected in the SWMP (10,655 tons per day (tpd)) is fairly consistent with the amount that DSNY actually manages. The quantity of waste handled by DSNY during the planning period has remained fairly constant, decreasing slightly from an average of 10,635 tpd in calendar year 2014, to 10,469 tpd in calendar year 2015, and 10,592 tpd in 2016.

As noted in the last three SWMP Compliance Reports, the economic circumstances of the City have changed since SWMP approval in 2006. Through 2012, the City was still recovering from the economic recession and fiscal crisis which were reflected in decreased tax revenues for the City, but the City's financial outlook has improved as the economy has recovered. According to the New York City Comptroller's forecast, the New York City economy is anticipated to grow at a slow to moderate pace through 2020. The City's capital commitments have increased from \$7.4 billion in 2014 to \$9.3 billion in 2015 and \$7.8 billion in 2016, according to the Office of Management and Budget. Unemployment rates have continued to drop in the City, falling from 7.0% in January 2015 to an estimated 4.4% in December 2016, according to the US Bureau of Labor Statistics.

SECTION 2– ACCOMPLISHMENTS

The milestone tables in this Section provide the SWMP program descriptions, schedule and Sections along with information about the completion of the program during the compliance reporting period.

**Table 1:
Completed Recycling SWMP Milestones**

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
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 facility to receive MGP	2011	§ 2.3.1 + 2.4.3	Completed CY2013
NEW INITIATIVES – RECYCLING			
Propose LL19 amendments to Council, including to replace mandatory tonnage diversion with 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
<ul style="list-style-type: none"> ▪ Issue Citywide Waste Characterization Study ▪ Final Report 	2007	§ 2.4.2	Completed
Submit Council on the Environment (a.k.a. GrowNYC) Outreach and Education Office work plan and budget	2007	§ 2.4.0	Completed
Report on Council on the Environment Outreach and Education Office w/recommendations	2007	§ 2.4.0	Completed
SHN to Test Feasibility of separating, marketing and recycling plastics 3-7 and if feasible, DSNY to require source separation and educate public	2009-10	§ 2.4,3.1	Completed; additional plastics added to the program in FY 2013

**Table 1:
Completed Recycling SWMP Milestones**

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
Issue various new public education materials	Ongoing	§ 2.4.7.4	Completed
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
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 compost education and give-back programs in cooperation with the City's Botanical Gardens	2005	Attachment VI, § 1.7.5	Completed
Seek regulation 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
Support legislation to require composting of land-scaping organic waste/subsidize + promote bins	N/A	§ 2.4.8.3	Completed

**Table 2:
Completed Long-Term Export SWMP Milestones**

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
PROPOSED ACTION – LONG TERM EXPORT FACILITIES AND SERVICES			
DSNY HAMILTON AVENUE CONVERTED MTS, HAMILTON AVENUE AT GOWANUS CANAL, BROOKLYN			
Complete design and permitting	2007	See § 3.2	Completed
DSNY SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41ST STREET, BROOKLYN			
Complete design and permitting	2007	See § 3.2	Completed FY 2014
DSNY EAST 91ST STREET CONVERTED MTS, MANHATTAN			
Complete design and permitting.	2007	See § 3.2	Completed FY 2013
DSNY NORTH SHORE CONVERTED MTS, 31ST AVENUE AND 122ND STREET, QUEENS			
Complete design and permitting	2007	See § 3.2	Completed
Complete construction and begin facility operation	2014	See § 3.2	Completed March 2015
BRONX LONG TERM EXPORT PROCUREMENT			
Complete contract negotiations and award contract	2007	See § 3.2	Completed
Complete design permitting and construction, if required, ¹ and begin facility operation	2007	See § 3.2	Completed
BROOKLYN LONG TERM EXPORT PROCUREMENT			
Complete contract negotiations and award contract	2007	See § 3.2	Completed
Complete design, environmental review, permitting and construction and begin facility operation	2009	See § 3.2	Completed

¹ Only one of the two private waste transfer stations in the Bronx requires permit modifications and construction.

**Table 2:
Completed Long-Term Export SWMP Milestones**

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
QUEENS LONG TERM EXPORT PROCUREMENT			
Complete contract negotiations and award contract	2007	See § 3.2	Completed FY 2014
Complete design, environmental review, permitting and construction and begin facility operation		See § 3.2	Completed July 2015
STATEN ISLAND TRANSFER STATION			
Begin facility operations and implement long term service agreement for container rail transport and disposal	2007	See § 3.1 + Table 3.2-1	Completed
CONVERTED MTS REPORTING/PERMITTING			
Report to Council on RFP process/permit approvals for MTSs	2008	See § 3.7	Completed
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	See § 5.2	Completed
INTERMUNICIPAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY			
Complete contract negotiations, award contract and commence service	2007	See § 3.2	Completed FY 2013

**Table 3:
Completed Commercial Waste SWMP Milestones**

PROGRAM Milestone	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 §s 4.3 + 3.6	Completed
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
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	See § 4.4	Completed
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	2008	See § 4.4	Completed
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
Consultant to complete study	2009	See § 5.4	Completed

SECTION 3– SWMP STATUS / IMPLEMENTATION

The tables in this Section contain SWMP program descriptions, schedules and Section references along with updated status and implementation information for Recycling, Long-Term Export and Commercial Waste milestones.

**Table 4:
SWMP Milestones – Recycling**

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	2013	2011	§ 2.3.1 + 2.4.3	Completed CY2013
MANHATTAN ACCEPTANCE FACILITY				
Finalize site selection and complete design and permitting	2014	2008	§ 2.3.2	Gansevoort design effort and approvals/permitting to start in FY 2015 if MOU executed
Complete construction and begin facility operation	2017	2011	§ 2.3.2	Delayed; construction to begin post FY 2015
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

**Table 4:
SWMP Milestones – Recycling**

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
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
<ul style="list-style-type: none"> ▪ <u>Issue Citywide Waste Characterization Study</u> ▪ Final Report 		2007	§ 2.4.2	Completed
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
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	Ongoing/Curbside/Containerized Diversion Rate increased from 15.4% in FY 2014 to 16.0% in FY2015 and 16.9% in FY 2016
Promote restoration of recycling services		Ongoing	Attachment VI, § 1.4.2	Ongoing
Begin recycling re-education of City Agencies and institutions		2007	§ 2.4.0	Ongoing
SHN to Test Feasibility of separating, marketing and recycling plastics 3-7 and if feasible, DSNY to require source separation and educate public		2009-10	§ 2.4,3.1	Completed. Rigid plastics added FY 2013

**Table 4:
SWMP Milestones – Recycling**

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
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	Completed
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
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

**Table 4:
SWMP Milestones – Recycling**

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
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	Ongoing by Mayor's Office of Sustainability & NYCEDC
DSNY to support legislation to require composting of landscaping organic waste/subsidize and promote bins		N/A	§ 2.4.8.3	Completed

3.1 RECYCLING IMPLEMENTATION:

3.1.1 CURBSIDE RECYCLABLES PROCESSING:

DSNY's adopted budget for the Reporting Period allocated sufficient funds to process paper/cardboard, and comingled metal, glass, plastic and beverage containers (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.

Attachment 3 provides a list of the paper/cardboard and MGPC processing vendors that DSNY relied on during the Reporting Period.

3.1.2 ORGANICS COLLECTION PROGRAMS:

Under Local Law 42 of 2010, DSNY and the Mayor's Office of Long-Term Planning and Sustainability (OLTPS) were to develop a report on the methods and cost of food composting by July 1, 2012. This study was superseded by the implementation of a number of food waste collection programs. In fall 2012, DSNY began a limited offering curbside collection of organic waste – including food scraps, food-soiled paper, and yard waste – to select NYC schools, residences, and institutions. This service, called for in Local Law 77 of 2013, is a pilot program to divert organic material from disposal for beneficial use.

During the Reporting Period, DSNY made significant headway in the area of recycling in New York City schools. At the end of CY 2016, approximately 750 public schools, and another 50 private schools, were in covered by the Organics Collection Pilot (OCP), yielding nearly 9,000 tons of organics diversion in CY 2015 and 2016.

In 2013, expansion of the Organics Collection Program formally began, organized according to Sanitation District Section. Brown organics bins and educational materials were distributed to residents of houses and small apartment buildings (1-9 unit dwellings) of these areas shortly before the start of weekly, or biweekly, curbside collection. In 2013 and 2014, nearly 100,000 households were added to curbside collection. Expansion of the Organics Collection Program to additional neighborhoods continued in the Reporting Period, according to the schedule shown

below, adding an additional 98,000 homes in 2015 and 75,000 homes in 2016. During the Reporting Period, nearly 20,000 tons of residential organics were collected.

During the Reporting Period, the organics collected were composted at DSNY's Staten Island Compost facility as well as via contract with processors (see Attachment 3).

Schools

During the Reporting Period, DSNY continued to work closely with the Department of Education (DOE) to address issues of school facility compliance with recycling of paper/cardboard and MGP recycling schedules and separation requirements, as well as to promote participation in the School Organics Collection Program. Nightly curbside collection of paper/cardboard and MGPC recyclables continued for every school, totaling nearly 17,000 tons of material during the reporting period. As noted above, approximately 750 public schools, and another 50 private schools, were also served with nightly organics collection, yielding nearly 9,000 tons of additional diversion.

Organics Collection Pilot expansion in 2015 and 2016

Calendar Year	Roll-Out Season	Sanitation District	Sections Added	Households Added
2015	SPRING	BKN01	BKN011	8,804
		BKS10	BKS101	6,169
		BX08	BX083	2,952
		QW05	QW051	11,561
		SI01	SI013	12,799
	FALL	BKS06	BKS061	5,468
			BKS062	8,030
			BKS063	6,650
		QE10	QE101	9,569
			QE102	10,404
			QE103	10,278
			QE104	5,594
			total 2015	98,278
2016	FALL	BKS10	BKS104	13,185
		QE11	QE111	6,977
			QE112	4,947
			QE113	5,723
			QE114	5,588
			QE115	10,481
			QE116	5,180
		QW05	QW052	10,784
			QW053	11,625

Working with DOE, DSNY pursued a strategy of support, training and education to all schools, and enhanced outreach and monitoring of two groups of schools. First, around 100 schools in Manhattan and Brooklyn were chosen as the first “Zero Waste Schools”, and were set up to model recycling and organics, with the goal of identifying best practices that can be expanded Citywide. Another 117 schools were identified as “Worst Offender” schools, defined as schools chronically noncompliant with curbside recycling rules. In 2016, DSNY monitored setout conditions for an entire week for Zero Waste routes, noting trends in adherence to school collection schedule, separation requirements, and curbside street cleanliness. OMD’s Operations Assistance Unit also conducted school and route specific waste audits to gauge the material composition of Zero Waste and other schools.

These efforts led to the development of a School Scorecard system of monthly curbside monitoring and reporting. Since November 2016, DSNY has provided DOE with feedback scorecards for all Zero Waste Schools, as well as Worst Offender schools, assessing accomplishments and noncompliance issues directly observed by DSNY field officers. Observations and photos are gathered using handheld mobile devices and compiled into a standard format for feedback.

Work with Zero Waste Schools has also entailed new innovations in outreach, including the launch of the Zero Waste Schools (ZWS) website, an exciting new social media platform where NYC students and teachers can celebrate what they are doing to protect the environment. This initiative rebrands past school contests (Super Recyclers, Reduce and Reuse, Team Up to Clean Up), adding new forms of recognition for sustainability efforts, projects and significant improvement in school recycling, chosen by the DSNY Commissioner’s Office; and the Zero Waste Schools Challenge, a brand new compliance and data-driven contest specifically for the first 100 ZWS.

In 2017, DSNY will be conducting a Waste Characterization Study that will include establishing a baseline composition of school waste citywide. This effort will inform ongoing planning to maximize the divertible fractions of school waste in the decade to come.

Residential Organics Collection Pilot

As noted above, during the Reporting Period, DSNY continued to collect organic waste, including food scraps, soiled paper, and yard waste, which makes up an estimated third of DSNY-managed waste, from single family homes and small residential buildings.

In accordance with the requirements of Local Law 77 of 2013, an evaluation of the program was completed in fall 2015 and was published on the web. Included in this evaluation were results of a survey of residents within Organics Collection areas. In 2015, DSNY worked with the Baruch College Survey Research Center, a nationally recognized survey institute with extensive experience with NYC agencies, to survey randomly selected New Yorkers the sections in which curbside organics collection had been implemented. Among the findings was strong support of the Organics Collection Program, and a reported participation rate of almost 70%, on average across all areas surveyed.

During each Organics Collection Program expansion, DSNY has conducted extensive on the ground outreach and education, supplementing DSNY field staff with Community Outreach Associates through the Department's NYCCP partnerships (described below) Outreach Associates worked each season of the 2015 and 2016 Organics Collection Pilot Rollouts.

Additional neighborhoods in Brooklyn, the Bronx, Queens and Staten Island will be added to the New York City Organics Collection Program in CY 2017, with an additional 450,000 households targeted to be added to Organics Collection coverage.

High Rise Organics Collection Program

In addition, during the Reporting Period, DSNY continue to recruit high rise (10+ units) apartment buildings in Organics Collection Programtarget areas, as well as in Manhattan, for curbside organics collection, with the number of served buildings growing from over 300 at the end of 2014 to 660 by the end of 2016. These additional enrollments added another 30,000 households in Manhattan to program coverage.

Counting both the Organics Collection Program and the High Rise Organics Program, by the end of 2016, the population in households with access to the Organics Collection Pilot had nearly reached 1 million New Yorkers.

Agencies/Institutions

During the Reporting Period, eight public institutions, including houses of worship, university, and city agency sites, had enrolled in the Organics Collection Program.

3.1.3 RECYCLABLES PROCESSING/ADDITIONAL MATERIALS:

In accordance with Local Law 35 of 2010, DSNY evaluated the recycling of rigid plastic containers and began to conduct outreach programs once it was determined that these materials would be recycled. In 2013, DSNY added all rigid plastics to its recycling program. The designation of all rigid plastics in commingled metal/glass/plastic/container recycling continued during the reporting period. In 2017, DSNY plans a Citywide waste characterization which will assess the composition of curbside recycling and refuse. At that time, the effect of this addition will be quantified in terms of its contribution to diversion and capture rates.

In January 2015, DSNY issued a determination on the feasibility of adding foam plastics, also known as Expanded Polystyrene Foam (EPS), to the curbside recycling program, finding that foam single service articles can be recycled in a manner that is safe for employees, but cannot be recycled in a manner that is economically feasible or environmentally effective. This determination was based on the fact that at that time, there were no established markets to purchase and recycle the EPS that would be collected by DSNY's recycling program because it would be considered too dirty by buyers. Since DSNY determined that EPS could not be recycled, this material was to be banned as of July 1, 2015. See the Section 5.1.3 Restrictions on the Sale or Use of Expanded Polystyrene Foam discussion for details on the subsequent annulment of DSNY's January 2015 determination on EPS.

3.1.4 PUBLIC SPACE RECYCLING:

In accordance with Local Law 38 of 2010, DSNY continues to explore and expand the number of public space recycling sites in the City where it is feasible and where there is no additional cost to collection service. Currently, DSNY has deployed more than 3,000 recycling bins are located across the City's five boroughs, with locations posted on the agency's website. The city's recycling bins work the same way as the residential recycling program, and 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 almost two years early). The receptacles are bright blue and green containers placed, in most cases, adjacent to one another and alongside a trash receptacle to discourage cross-container contamination. Recycling is required at all NYC street events, including informal block parties and street fairs.

3.1.5 CITY AGENCY RECYCLING:

Under Local Law 36 of 2010, starting July 1, 2011, city agencies were required to submit to DSNY plans to increase waste reduction and recycling in all city-owned and city-managed buildings, and prepare annual updates each year thereafter. As a direct result, there has been greater compliance by city agencies and a dramatic increase in the number of agency plans and annual reports received by DSNY. DSNY will continue to promote this aspect of the Organics Collection Pilot in the next Reporting Period.

3.1.6 OUTREACH AND COMMUNICATIONS:

As described above, DSNY has undertaken proactive outreach for paper/MGPC recycling, organics recycling, e-waste recycling, textile donations, other reuse donations and exchanges, and SAFE handling of harmful products. DSNY's Bureau of Recycling and Sustainability staff has continued to enhance the existing DSNY-provided web based resources for residents and building management. All of the public education materials are available as downloadable resources which can be printed from the convenience of one's home. DSNY staff has continued to provide information, decals and brochures through 311 requests and DSNY's various websites. Most materials are available in Spanish and Chinese, and select materials are available in up to fourteen additional languages.

In 2016, DSNY's Recycling Public Education Unit was rebranded as Zero Waste Communications so as to better reflect this priority in electronic, print, and public appearance forms of information provision to the public. DSNY has been developing facility with the newest forms of electronic communication, including Facebook, Twitter and Instagram. Creative examples of this facility with new social media platforms are "Instameet" events, unique opportunities for the public to post photos on Instagram of places not normally accessible.

Instameet events were held to showcase the following venues during the Reporting Period: Treasures in the Trash Collection; Freshkills Park; Materials For The Arts; Spring Street Garage and Salt Shed; SIMS Material Recovery Facility; Lower East Side Ecology Center's E-waste Warehouse; Earth Matter on Governor's Island; and the Staten Island Transfer Station.

DSNY also coordinated the production and distribution of popular promotional items such as reusable orange bags made from recycled plastic branded with 0x30 messaging, flexible cutting boards to remind residents to separate their food scraps, and NYC <3 Recycling and NYC <3 Organics campaign buttons.

In 2016, DSNY redesigned existing blue and green recycling bin costume characters, created a Zero Waste superhero costume character, and a brown organics bin character to promote organics curbside collection. The costume characters appear at both DSNY and public events upon request – members of the public can have photos taken with the characters and the photos are posted to our NYCzerowaste social media channels.

For calendar years 2015 and 2016, DSNY produced and mailed over 30 different notifications to various audiences, such as schools, commercial businesses, NYC Housing Authority residents, new recipients of organics curbside collection and residents living near our SAFE Disposal Events. In addition to these notifications, a monthly mailing is sent to all residents who have registered to change their address with the United States Postal Service.

During the Reporting Period, DSNY won two SWANA Awards for Communications, Education and Marketing & Awareness

To promote recycling diversion, DSNY recycling outreach staff has also continued to assist the City's landlords, building managers, co-op boards and 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, coop, and condo association meetings, as well as providing hands on outreach assistance to individual superintendents and building management where needed.

Furthermore, DSNY has 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. Among these include the NYC City Service Corps, an AmeriCorps program run by NYC Service, unites a diverse group of professionals to serve full-time at City agency host sites, including DSNY, working to address community needs; and the NYC Summer Internship Program, which provides City government internships allow students to make important contributions to the City while participating in a challenging and rewarding work experience.

Further, as described below, additional programs that target textiles, electronics, special wastes, reuseables, and community composting have grown and strengthened during the reporting period. Also, as described below, two new programs were launched that target textiles and e-waste.

NYCHA Outreach and Communications

DSNY supported NYCHA in rolling out its recycling program starting in 2015, providing new access to recycling to over 147,000 residents in the ten lowest diversion districts. As part of this effort, DSNY added new recycling pickup locations, trained NYCHA staff, and funded resident education for the residents in over 800 buildings located in the ten lowest diversion districts.

One innovative feature of this partnership is the Environmental Ambassador program, in which NYCHA residents can volunteer to become community recycling experts. After completing two recycling trainings, Environmental Ambassadors conduct 12 hours of local outreach at their own development, encouraging their neighbors to participate in the NYCHA Recycles! Program.

In 2017, DSNY will be undertaking a characterization of NYCHA containerized refuse and will continue to work with NYCHA to gather further data on the composition of recycling and refuse at all Housing Authority Sites.

Low Diversion Districts

During the Reporting Period, DSNY intensified its focus on the Community Districts of New York City with the lowest diversion rates. In 2016, BRS worked with the Baruch College Survey Research Center, a nationally recognized survey institute with extensive experience working with NYC agencies, to survey randomly selected New Yorkers in Low Diversion Districts and compare responses on knowledge, behaviors, attitudes and building structure to residents of higher diversion districts. Results continued to confirm findings of research in past years that show that residents of LDD's show no significant differences from other NYC residents in knowledge of what and how to recycle, belief in the importance of recycling and other waste reduction behaviors, and support for the NYC recycling program. Lack of internal storage space was, in contrast, revealed to be a leading difference between the two groups.

In calendar years 2017 - 2018, DSNY plans to intensify targeted outreach to Low Diversion Districts. Also, as described below, two new programs were launched in the Reporting Period that target textiles and e-waste.

3.1.7 SOUTH BROOKLYN MARINE TERMINAL RECYCLABLES PROCESSING FACILITY:

The Sims Municipal Recycling's construction of the recyclables processing facility at the South Brooklyn Marine Terminal began in fall 2011 and continued through 2013. The MRF, which accepts DSNY-managed metal, glass and plastic recyclables predominantly by barge began accepting and processing materials at the new facility in December 2013. The Recycling Education Center opened in 2014. A wind turbine located on-site, the first turbine permitted to operate in the City, began operations in 2014. The turbine and the rooftop photovoltaic array provide a portion of the electrical needs of the energy intensive facility.

3.1.8 SPECIAL WASTE AND ELECTRONIC RECYCLING:

Special Waste

DSNY's Special Waste Programs target harmful product generated by residents and DSNY-managed institutions, including solvents, automotive materials, flammables and electronics (SAFE materials) as well as other potentially harmful household products, an increase from the prior reporting period.

During the Reporting Period, DSNY held twenty SAFE events, two per year in each of the five boroughs, attracting almost 40,000 residents and receiving over 1.8 million pounds of Harmful Products and Pharmaceuticals, in addition to Electronics (described below).

Event Series	Bronx	Brooklyn	Manhattan	Queens	Staten Island
Spring 2015	Orchard Beach	MCU Park	Columbia University	Cunningham Park	Midland Beach
Fall 2015	Fordham University	Prospect Park	Union Square	Astoria Park	Midland Beach
Spring 2016	Orchard Beach	Prospect Park	Columbia University	Cunningham Park	Midland Beach
Fall 2016	Fordham University	Floyd Bennett Field	Union Square	Astoria Park	Midland Beach

Calendar Year	Harmful Products	Pharmaceuticals	Total Attendees
2015	707,517	6,280	16,138
2016	1,112,706	7,100	23,354

DSNY also continued to operate Special Waste Dropoff sites for residential use in each Borough. These sites took roughly 500,000 pounds of special waste material during the Reporting Period. In addition, DSNY worked with the NYC Department of Education and other city agencies on its Agency Safe Handling program, which provides guidance in proper handling of fluorescent

bulbs, ballasts, batteries, mercury-containing items, and electronics. Nearly 2.5 million pounds of material were diverted from disposal under this partnership during the Reporting Period.

Finally, DSNY targeted refrigerants from air conditioners, refrigerators, water coolers, freezers and dehumidifiers for collection and safe handling. Refrigerants act as potent greenhouse gases if released into the atmosphere. Local Law 69 of 2013 was enacted to establish a manufacturer funded program for the recovery of refrigerants from refrigerant-containing appliances that are being disposed of by residential generators in the City of New York. Manufacturers of air conditioners, water coolers, refrigerators, and freezers are responsible for properly recovering and removing ozone-depleting refrigerants when they are thrown away. Manufacturers are billed for their appliances if DSNY collects them through its refrigerant recovery program.

DSNY supports the idea of Extended Producer Responsibility (EPR) and follows the movement of legislation in this arena. Paint EPR has been on the legislative agenda for several years now, but has yet to pass. On January 1, 2015, it became illegal for New Yorkers to dispose of their electronics in the trash. DSNY has created several convenient programs for New Yorkers to responsibly dispose of their electronics including E-cycleNYC (servicing apartment programs), SAFE Disposal Events, and Special Waste Drop-Off sites. DSNY will continue to look for new ways to manage harmful household products.

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. Activities included growing and expanding the E-cycleNYC program by more than 6500 residential sites, serving over 10,000 buildings and almost 650,000 households during the reporting period. Ten institutional sites were enrolled as well in 2015 and 2016. During the Reporting Period, these sites generated nearly 2,300 tons of e-waste recycling.

In the fall 2016, DSNY launched a curbside E-cycle collection pilot in Staten Island, collecting over 100 tons of electronics through the end of 2016. In conjunction with this effort, DSNY

developed an online scheduling system to enable residents to request pickup. DSNY also established a protocol for the separate collection of electronics illegally left at curbside, diverting another 400 tons of material, and in 2015 began accepting year round drop offs of e-waste at DSNY's Special Waste sites described above, yielding over 460 tons over the Reporting Period.

The City's E-cycleNYC partner is Electronic Recyclers International (ERI), who is certified with e-stewards and R2/RIOS, ensuring that all materials will be handled in an environmentally responsible manner and not landfilled or exported illegally.

Over this time, DSNY conducted extensive outreach to promote enrollment in the E-cycle program, and facilitated public donation events in buildings and in public venues. Furthermore, DSNY facilitated e-waste recycling via Take-Back at retailers, mail-back to manufacturers, and donation to nonprofit organizations, publicizing these venues on its website. Examples of these programs include drop-off sites at Goodwill, Salvation Army, Best Buy, Staples and the Lower East Side Ecology Center.

3.2 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 established its citywide program, Re-FashionNYC, for apartment buildings with 10 or more units in 2010. This program provides donation bins for eligible buildings to reuse and recycle unwanted clothing and linens. The Apartment Building Recycling Initiative helps building managers, supers, and residents to improve recycling operations through on-site assessments and training.

BRS continued to expand its Re-FashionNYC program for the recovery and reuse of unwanted clothing and non-clothing textiles, in partnership with the New York City nonprofit Housing Works. Clothing and accessories donated through Re-FashionNYC are sorted out at the Housing Works warehouse in Queens. All proceeds from donations support the charitable mission of Housing Works to end the dual crises of homelessness and AIDS.

The cornerstone Re-FashionNYC is the building enrollment program, which places textile donation bins in residential buildings of ten units or more, as well as office buildings, commercial businesses, schools, and institutions, for on call collection. During the reporting period, Re-FashionNYC added over 350 sites, comprising nearly 550 residential buildings, and almost 55,000 additional households. It also added seven public institutional sites and 15 Commercial Establishments. During the reporting period, donations through Re-FashionNYC totaled nearly 3,500 tons. During this time, DSNY conducted extensive outreach throughout the New York City to promote Re-FashionNYC. DSNY publicized the program through its website, social media accounts, and participated in a number of events, such as New York Fashion week. DSNY also facilitated six donation events in public venues

In addition, in fall 2015, DSNY ran a Curbside Textile Collection pilot in four Community Districts: Bronx 8, Brooklyn 11, Queens 11, and Staten Island 3 (over 213,000 households), offering weekly collection of bagged textiles at the curb over a four week period. The pilot yielded over 15,000 bags with a total weight of 150 tons. Analysis of bag contents showed a very low contamination rate, averaging 3%.

3.2.1 MATERIALS REUSE

DSNY launched <http://nyc.gov/donate> a new website and mobile app aimed at diverting unwanted goods from landfills through reuse. This program integrates DSNY's *NYC Stuff Exchange* and *NYC WasteMatch* programs into 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 and mobile app, and businesses and nonprofits can use the donateNYC Exchange to donate or receive gently used and surplus commercial goods. DSNY also continued its longstanding donateNYC Partnership program, which encourages the growth and development of the nonprofit reuse sector in NYC by providing support network for local organizations that accept and distribute second-hand and surplus donated goods. donateNYC partners include over 40 thrift stores, social service providers, and creative arts programs. Participating organizations diverted over 25,000 tons of reusable materials in 2015-16, all while serving over 1.3 million New Yorkers through health and human services.

3.2.2 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 recovery of food scraps to produce rich, fertile material to local use in farming, gardening, and community beautification.

DSNY also continued its work with Food Scrap Drop Off Sites throughout the five boroughs, increasing the number of sites from 53 at start of CY2015 to 88 by the end of CY2016. In CY 2016, the first year usage statistics were compiled, almost 400,000 New Yorkers utilized these sites, dropping off nearly 3,000 tons of material.

A total of 18 the 88 sites operated by GrowNYC, another DSNY partner, were serviced by DSNY collections, with the remainder served via the network of NYCCP affiliated sites.

In addition, in 2016 DSNY worked with NYSDEC on the matter of enforcement distraction with respect to certain provisions of 6 NYCRR Part 360 relating to composting facilities that accept food scraps, in order to encourage community composting site operations for local residents and businesses. DSNY also worked with the NYC Business Integrity Commission on a program to encourage community composting organizations that collect organics from business generators to operate according to BIC guidelines.

3.2.3 COMMERCIAL RECYCLING

In 2013, Local Law 146 mandated that designated covered establishments source-separate organic waste for beneficial use and dispose of organic waste through one or more of the following methods: private carting, self-hauling or on-site processing and pursuant to specific regulations for each method of disposal. During the Reporting Period, commercial organics rules were adopted that designated the covered establishments and established that enforcement for the first designation would begin on January 19th, 2017. The following subset of establishments is covered by the commercial organics rules:

- All food service establishments in hotels with 150 or more rooms
- All food service vendors in arenas and stadiums with seating capacity of at least 15,000 people
- Food manufacturers with a floor area of at least 25,000 square feet
- Food wholesalers with a floor area of at least 20,000 square feet

In 2016, DSNY adopted new business recycling rules that revised Local Law 87 of 1992. Generators (businesses) and private carters in New York City are required to recycle designated recyclable materials, including paper, cardboard, metal, glass and plastic. This revision applies the same rules for all businesses. Businesses must contract with a licensed private carter (with minor exceptions) for waste collection. Businesses must post a sign identifying all carters utilized and material collected. In addition, the rules allow all designated recyclable materials, including metal, glass, plastic, paper and cardboard to be collected through one of the following types of recycling collection: source-separation, co-collection, or single-stream. The rules prohibit private carters from placing any source separated recyclables material with refuse in the same compartment of a waste hauling truck. All containers for refuse and recycling must be labeled by material type. Businesses should post and maintain signs in public, staff, and maintenance and waste storage areas describing how recyclables and garbage should be separated. Enforcement of the new commercial recycling rules begins on August 1, 2017.

During the Reporting Period, DSNY initiated a comprehensive outreach and education strategy for commercial businesses in NYC, and private carters who serve them, to promote compliance with these laws and to encourage further voluntary efforts to minimize and sustainably manage waste. In 2016, DSNY conducted a total of 7,551 educational site visits at businesses in all five boroughs among all industries. Of these, 669 site visits were made relating to the commercial organics rules and 76 sites with complaints from 311 were investigated. Printed and online education materials were redesigned and made available in English, Chinese, Spanish, Arabic, Bengali, French, Haitian-Creole, Hindi, Korean, Russian, and Urdu. DSNY also conducted a total of 51 trainings with an overall attendance of 1,065. The trainings consist of 17 in-house and 28 off-site trainings as well as two outreach events and four meetings. Commercial trainings are geared toward business owners and employees, building management companies, and

chambers/associations and typically consist of a 45-minute power point presentation followed by Q&A.

DSNY collaborated with the following city/state agencies and stakeholders:

Sharing Information

- Manhattan Borough President's Office
- Brooklyn Borough President's Office
- NYS Department of Agriculture & Markets
- Business Integrity Commission (BIC)
- City of Philadelphia – Recycling Office
- Mayor's Office of Media and Entertainment (MOME)
- Mayor's Office of Sustainability (MOS)
- Department of Environmental Conservation (DEC)
- Department of Buildings (DOB)
- NYC Economic Development Corporation (EDC)
- Department of Finance (DOF)

Enforcement

- Department of Environmental Protection (DEP)

ALL LONG-TERM EXPORT MILESTONES: STATUS AND IMPLEMENTATION

**Table 5:
SWMP Milestones – Long Term 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 and begin facility operation	2014	2010	See § 3.2	Operations expected to begin July 2017
DSNY SOUTHWEST 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	Construction underway; operation expected in spring 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	Construction underway; Operation expected in fall 2018

**Table 5:
SWMP Milestones – Long Term Export**

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
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, ² 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

² Only one of the two private waste transfer stations in the Bronx requires permit modifications and construction.

**Table 5:
SWMP Milestones – Long Term Export**

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
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 + Table 3.2-1	Completed 2006
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

3.3 LONG-TERM EXPORT IMPLEMENTATION

3.3.1 HAMILTON AVENUE CONVERTED MTS, HAMILTON AVENUE AT GOWANUS CANAL, (SUNSET PARK) BROOKLYN

Project Overview: The Hamilton Avenue Converted MTS (MTS) will replace the former MTS at the same location and serve the same waste shed (Brooklyn Collection Districts 2, 6 - 10, 14 and 16 – 18). The MTS will accept an average of 1,900 tons per day of DSNY-managed waste from those communities and in the evening hours, the facility would be able to accept up to 1,240 tons of commercial waste per day. The facility will operate 24 hours per day, six days a week.

The MTS is an enclosed processing building (with ramps) constructed along the Gowanus Canal (the former overwater MTS has been demolished). 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 will be placed by an outside gantry crane system onto barges for transport to an intermodal facility where the containers would be placed onto rail cars or larger barges for transport to a disposal site. The design of the processing building and ramp allow for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The MTS is a City-owned facility; DSNY will accept waste and load and lid containers. DSNY has awarded a contract 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 an out-of-City disposal facility (see discussion under CONVERTED MTS REPORTING/PERMITTING provided below).

Permitting: After substantial completion of the final MTS design and 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 operate and construct (including demolition of the existing over-water MTS and construction dredging) the MTS on June 3, 2008 (renewed in June 2013). The project required an Army Corps of Engineers (ACOE) permit for in-water demolition and dredging activities and, the construction of a barge fendering system; the ACOE nationwide permit was issued for the MTS on May 22, 2008 (renewed in 2010).

Construction: Pursuant to competitive bid procurement, DSNY awarded contracts in 2010 and construction began in May 2010. In the aftermath of Super Storm Sandy, basic flood proofing measures were incorporated into the design of the MTS. Construction will be substantially complete in spring 2017.

Operations: MTS operations are expected to begin once a long-term transport and disposal vendor contract can be registered and the vendor can provide service (expected in summer/fall 2017).

3.3.2 SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41ST STREET, (BENSONHURST) BROOKLYN

Project Overview: The Southwest Brooklyn Converted MTS (MTS) is being 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 will accept an average of 950 tons per day of DSNY-managed waste from those communities and in the evening hours, would be able to accept up to 718 tons of commercial waste per day. The facility will operate 24 hours per day, six days a week.

The MTS, including a fully enclosed processing building and ramp structures, is being constructed on land on the edge of Gravesend Bay. 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 to be placed by an outside gantry crane system onto barges for transport directly to an intermodal facility where the containers would be placed onto rail cars or larger barges for transport to a disposal site. The design of the processing building and ramp allow for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The MTS will be a City-owned facility; DSNY will accept waste and load and lid containers. DSNY has awarded a long-term service contract 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 an out-of-City disposal facility (see discussion under CONVERTED MTS REPORTING/PERMITTING provided below).

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. 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 1 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 is 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 is for dredging activities, the construction of a barge fendering system and a king pile wall to protect the adjacent marina and barge staging that will affect littoral and non-littoral zones. The ACOE permit was modified to extend dredging until December 15, 2015 and to modify the storm water outfall and king pile wall protection design.

Construction dredging for the MTS was completed in December 2015 and resulted in the issuance of a Notice of Violation to DSNY for failure to fully close an environmental bucket during dredging in areas where timber debris was being removed as part of the dredging operation. The king pile wall has been installed; in-water work continues at the site.

In accordance with the NYSDEC Part 360 Permit for the MTS, DSNY submitted a Part 360 Permit renewal application to NYSDEC in January 2017. NYSDEC natural resources permits were modified and reissued in 2017 to reflect changes in storm water outfall and king pile wall protection designs.

Construction: A construction contract was awarded in 2014 and construction began in December 2014. In the aftermath of Super Storm Sandy, basic flood proofing measures were incorporated into the design of the MTS. Construction is expected to be substantially complete at the end of calendar 2017. The facility is expected to be operational in spring 2018.

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

Project Overview: The proposed E. 91st Street Converted MTS will replace the existing MTS on the site and serving the same waste shed as the former MTS (Manhattan Collection Districts 5, 6, 8 and 11), will accept an average of 720 tons per day of DSNY-managed waste from those communities. In the evening hours, the facility will accept up to 780 tons of commercial waste per day. The facility will operate 24 hours per day, six days a week.

The Converted MTS being constructed is an over-water processing building, barge pier, and includes ramp structures that entirely replace the existing MTS structure in the East River at the

terminus of E. 91st Street on Manhattan's east side. The Converted 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 would be placed by an outside gantry crane system onto barges for transport directly to a disposal site or to an intermodal facility where the containers would be placed onto rail cars or larger barges for transport to a disposal site. The design of the processing building and ramp allow for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The Converted MTS will be a City-owned facility. DSNY will accept waste and load and lid containers. DSNY has awarded a long-term service contract 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 an out-of-City disposal facility (see discussion under CONVERTED MTS REPORTING/PERMITTING provided below).

Permitting: After substantial completion of final designs for the E. 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 E. 91st Converted 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 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 1 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. In December 2011, the Appellate Court affirmed the dismissal of the challenge.

DSNY filed timely and complete renewal applications for NYSDEC environmental permits for the MTS in April 2014 and the permits were renewed by NYSDEC in 2015.

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 requires 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 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 lawsuits 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 primarily completed (except for the ramp) in 2013. In the aftermath of Super Storm Sandy, basic flood proofing measures were incorporated into the design of the MTS.

Operation: Construction of the MTS is expected to be completed in mid-2018 and the facility is anticipated to be operational at the end of 2018.

New MTS and Southbound FDR Entrance Ramp Construction: A new MTS entrance ramp is 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 ramp projects are now in design and will be subject to approval under the City's Uniform Land Use Review Procedure and an environmental review. The MTS will operate using the already constructed ramp at the foot of E. 91st Street and York Avenue until the new East 92nd Street MTS ramp is complete.

3.3.4 NORTH SHORE CONVERTED MTS, 31ST AVENUE AND 122ND STREET, (COLLEGE POINT) QUEENS

Project Overview: The North Shore Converted MTS (MTS) replaced the former MTS on the site and serves the same waste shed (Queens Collection Districts 7 -14). The MTS accepts an average of 2,200 tons per day of DSNY-managed waste from those communities and in the evening hours, would be able to accept up to 1,000 tons of commercial waste per day (in the future). The facility operates 24 hours per day, six days a week.

The MTS is an over-water processing building with an over-water barge pier and ramp structures that replaces the demolished former MTS structure in Flushing Bay. 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 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 design of the processing building and ramp allows for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The MTS is a City-owned facility operated by DSNY, at which DSNY accepts waste and loads it into containers and lids the containers. The maintenance and operation of the cranes on the facility barge pier and the receipt of loaded containers for transport to and disposal at an out-of-City disposal facility (see discussion under CONVERTED MTS REPORTING/PERMITTING provided below) is provided for through a long-term service contract with a private vendor.

DSNY contracts for the services of a wildlife biologist for the implementation of an approved integrated wildlife hazard management program for the MTS, located across Flushing Bay from LaGuardia Airport.

Permitting: After substantial completion of final designs for the MTS and 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

submitted an application for renewal of its Part 360 Solid Waste Management Facility permit to NYSDEC in March 2017.

DSNY submitted an application 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 final ACOE permit was issued on January 11, 2010.

Construction: Pursuant to a competitive bid solicitation, DSNY received construction bids for the project on March 12, 2009 and awarded contracts thereafter. 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 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.

Operation: The MTS began ramp up operations in March 2015 and reached operating capacity in summer/fall 2015. The MTS has experienced some mechanical problems that have resulted in the replacement of portions of the container loading system. Additional work on the MTS floor slabs is expected to be undertaken in 2017 that will require that repairs be staggered to prevent waste delivery interruptions. Lessons learned from the operation of the MTS were translated into changes that have been incorporated into the construction of the Hamilton Avenue, Southwest Brooklyn and East 91st Street MTSs.

3.3.5 BRONX LONG TERM EXPORT PROCUREMENT

Pursuant to a procurement issued in December 2003, Waste Management of New York, L.L.C. (“Company”) was awarded a 20-year Service Contract, with two five-year renewals to containerized transport by rail and dispose of an average of 2,100 tons per day of DSNY-managed waste from the Bronx, the waste shed historically handled by the South Bronx Marine

Transfer Station. The Service Contract terms require the Company to accept, manage, transport and dispose of Bronx long-term Service Contract Waste (“Contract Waste”), delivered by the City to the Company’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 the Company for Uncontrollable Circumstances, for disposal of unacceptable waste and for acceptance of deliveries on Sundays and certain 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.

3.3.6 BROOKLYN LONG TERM EXPORT PROCUREMENT

Pursuant to a procurement issued in December 2003, Waste Management of New York, L.L.C. (“Company”) was awarded a 20-year Service Contract, with two five-year renewals to containerize, transport by rail and dispose of an average of 950 tons per day of DSNY-managed waste from Brooklyn Collection Districts 1, 3, 4 and 5, the Brooklyn waste shed historically handled by the Greenpoint Marine Transfer Station. The Service Contract terms require the Company to accept, manage, transport and dispose of Brooklyn long-term Service Contract waste (“Contract Waste”), delivered by the City to the Company’s Varick Avenue Transfer Station located at 215 Varick Avenue, 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 the Company for Uncontrollable Circumstances, for disposal of unacceptable waste and for acceptance of deliveries on Sundays and certain holidays. The Company must manage, operate and maintain the Varick Avenue Transfer Station.

Full rail service began for DSNY-managed 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.

At the request of Brooklyn elected officials, a Brooklyn Long-Term Export Facility Community Advisory Group (CAG) was established in 2008 in connection with the Brooklyn long-term export Service Contract. The CAG, which is no longer meeting, was established to advise the Mayor and the City Council on the operation of the Varick Avenue Transfer Station.

3.3.7 QUEENS LONG TERM EXPORT PROCUREMENT

In November 2013, DSNY awarded to Waste Management of New York, L.L.C. (WM), a long-term rail export 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 1,200 tons per day generated by Queens Collection Districts 1 - 6 and includes the Queens waste shed formerly served by the Greenpoint MTS. This contract is similar to the 20-year long-term rail export contracts entered into by DSNY for the use of Harlem River Yards Transfer Station for Bronx waste and Varick Avenue Transfer Station for a portion of Brooklyn's waste.

In May 2009, WM applied for an NYSDEC Part 360 permit modification to increase capacity and revised its application in December 2011 to reflect new dray and rail yard 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 in connection with the permit modification. The modification was issued in June 2012.

In September 2013, WM submitted an application to further modify the permit to allow for on-site rail so as to eliminate the proposed dray of containers to and from Review Avenue TS's western entrance and the Blissville Yard, a 100 meter round trip on Railroad Avenue and to enlarge the existing processing building rather than build a new processing building on another portion of the site. The permit application was supported by a SWMP FEIS Technical Memorandum. NYSDEC approved the permit modification for the TS in 2014; service began under the Service Contract in July 2015. Up to 451 tons per day of commercial waste could be permitted to be transferred at the TS in the evening hours with DSNY prior authorization.

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

DSNY entered into a 20-year Government to Government Agreement with the Port Authority of New York (PANYNJ) for the use of its mass burn resource recovery facility located in Essex County, New Jersey for Manhattan waste generated in Manhattan Collection Districts 1 – 4, 7, 9, 10 and 12, the waste sheds 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 delivers an average of 1,600 tons per day of DSNY-managed waste in collection vehicles to the mass burn facility, six days per week.

3.3.9 STATEN ISLAND TRANSFER STATION

Pursuant to design and construction projects managed by DSNY, the Staten Island Transfer (SITS), a truck-to-container-to-rail facility, operated by DSNY's Bureau of Waste Disposal, began operations in November 2006 and entered into full scale rail operations in April 2007. The SITS NYSDEC Part 360 permit was issued in March 2002 and was renewed in 2007 and 2012. The SITS accepts only Staten Island DSNY-managed waste, an average of approximately, 750 tons per day. 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 waste is disposed in the Lee County Landfill, located in Bishopville, South Carolina. The SITS received the Solid Waste Assn. of North America's Golden Transfer Station award in 2008 for excellence in facility design and operation.

3.3.10 CONVERTED MTS REPORTING/PERMITTING

Pursuant to SWMP Section 3.7, DSNY is required to report to the New York City Council on the progress of the Request for Proposals procurement processes and other approvals and contract awards needed to use the four Converted Marine Transfer Stations proposed for construction and operation as facilities that would containerize DSNY-managed waste and some portion of commercial waste for barge transport and barge or rail export to a disposal facility. DSNY submitted a Progress Report to City Council on Implementation of the Marine Transfer Station

Conversion Program in April 2008, including on the establishment of Community Advisory Groups.

In 2011, the City met with the leadership of the New York City Council on the revised SWMP implementation schedule following DSNY testimony at City Council hearings in 2009, 2010 and 2011 about delays in the MTS projects. Thereafter, in March 2012, DSNY provided the February 2012 Revised SWMP Compliance Report for the period of 2009 through 2010 to the New York City Council.

3.3.11 MTS TRANSPORT AND DISPOSAL CONTRACT

During the Reporting Period, DSNY continued to negotiate two 20-year Service Contracts (with two five-year renewals) with vendors selected for discussions through a Request for Proposals procurement and Best And Final Offer processes that solicited vendors to accept 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 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. Given that the Hamilton Avenue MTS is nearly complete, the RFP sought vendor services for Hamilton Avenue MTS within one year of the issuance of a contract notice to proceed. The RFP also sought optional proposals from vendors to recover additional recyclables, including organics, from the MSW accepted. A long-term service contract was awarded in February 2017; service is expected to begin in summer/fall 2017.

DSNY may issue a notice to proceed to have the vendor (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 waste water treatment plants (the “Optional Proposal”). The parties have the option to expand the pilot to 400 tons per day by adding an additional shift and up to

600 tons per day by also adding a second organics extrusion press. 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.

3.3.12 ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING

Pursuant to SWMP Section 5.2, the New York City Economic Development Corporation was required to issue a Phase 2 Study that followed up its a Phase 1 Report on its Evaluation of New and Emerging Solid Waste Management Technologies that appeared in the SWMP. Based on a review of successful projects outside the United States, the Phase I Study concluded that anaerobic digestion and thermal processing technologies merited further consideration for a potential demonstration project in New York City, the results of which could foster an appropriate basis for commercial application once the project and legal risks were sufficiently defined. The Phase I Study also concluded that hydrolysis technology might also be the subject of a demonstration project and recommended that a focused, detailed review be undertaken in the Phase 2 Study to supplement and verify the information provided for the Phase 1 Study before a final determination was made that any of the three technologies warranted a demonstration project in New York City. Thereafter, NYCEDC issued a Phase 2 Study Report entitled Focused Verification and Validation of Advanced Solid Waste Management Conversion Technologies conducted by Alternative Resources, Inc..

The Phase 2 Study sought to provide a more detailed evaluation of the more advanced technologies so that they could be independently validated to the extent possible. Coupled with that evaluation was the consideration of technical, environmental and costs issues that were anticipated to arise if the implementation of one or more demonstration projects was deemed to be warranted by the technical analyses. The demonstration projects would be a key feature of long range planning for commercial application of these technologies for beneficial use of waste materials and for the purpose of developing feasible alternatives to waste export and landfilling - the technologies on which the SWMP long-term export plan relies.

The Phase 2 Study contained detailed, independent technical and environmental reviews and evaluation for two anaerobic digestion technologies and four thermal processing technologies.

On a technical basis, it was confirmed that anaerobic digestion and thermal processing technologies are in commercial application for mixed MSW and no issues were identified that would prevent the technologies from being piloted in New York City. Recyclable materials and process products recovery rates were verified (along with residue disposal needs) and equipment layouts and site requirements were developed. The environmental findings are that there is the potential for anaerobic digestion and thermal processing technologies to perform better than waste-to-energy facilities in some areas – decreased air emissions, less residue requiring disposal and better beneficial use of waste rates.

Building on the findings of the Phase 2 Study, in 2008, the City established the Composting/New Technology Facility Task Force to identify the site needs (including for preprocessing feedstock waste) for the technologies under consideration and identify and investigate sites, ownership arrangements, regulatory requirements and potential product markets.

With the assistance of the Composting/New Technology Facility Siting Task Force, NYCEDC developed a scope and engaged a consultant to perform a siting study that assessed the availability of sites for a demonstration project of an anaerobic digestion, thermal or hydrolysis technology. The Phase 3 siting study undertaken in compliance with SWMP Section 2.4 and in connection with the work of the Composting/New Technology Facility Siting Task Force was issued in March 2012.

In March 2012, DSNY issued a Request for Proposals for New and Emerging Solid Waste Management Technology (RFP) in compliance with a SWMP requirement. The RFP sought proposals to develop new and emerging solid waste management technology pilot facilities to process DSNY-managed MSW. The RFP sought to replace one or more long-term export contracts with facilities in the City or region that would create energy and avoid the cost and impacts of long-term export transport and disposal of waste at remote landfills that emit greenhouse gases or at other disposal facilities. Proven technologies such as mass burn, traditional waste-to-energy and RDF technologies were not eligible for consideration. The RFP initially offered a portion of a site adjacent to the Fresh Kills Compost Facility for proposals; the site was subsequently withdrawn. Proposers were required to submit proposals for sites in the City or within 80 miles of the City's borders.

After evaluation of the proposals, DSNY cancelled the procurement in 2014, concluding that there were a number of challenges presented by the anaerobic digestion (AD) and plasma gasification proposals selected for contract negotiations, including high costs for proposed facilities with low throughputs, and depending on the technology proposed, a failure to provide validated emissions testing (gasification) and unreasonably high residue rates (AD).

DSNY has a strong continuing interest in alternative solid waste management technology and continues to evaluate advances in solid waste technologies and new technology and equipment.

ALL COMMERCIAL WASTE MILESTONES

**Table 6:
SWMP Milestones – 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 2/2012 submitted to City Council in 3/2012
USE OF CONVERTED MTSs TO CONTAINERIZE COMMERCIAL WASTE				
Assess alternative implementation methods	2013	2009	See § 4.3	Pending MTS Operation for 1 year
Implement selected method	2014	2010	See § 4.3	Pending MTS Operation for 1 year
Report on use of MTSs for transport and disposal of commercial waste	2015	2010	See § 4.3	Pending
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	Pending; NSMTS commenced full scale operation in FY2016 (summer 2015)
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	Issued in 2008

**Table 6:
SWMP Milestones – Commercial Waste**

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Current Status
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		2006	See § 4.4	Oral agreements reached and under review by Council
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	Negotiations w/Council in FY2014; DSNY to work w/Council to establish mutually acceptable reductions.
MTS host district specific and Bronx capacity reductions to occur	2014	2010	See § 4.4	Pending
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

3.4 COMMERCIAL WASTE IMPLEMENTATION

In New York City, DSNY collects waste and recyclables from residential buildings, government agencies, and institutions. Private carting companies, licensed by the Business Integrity Commission (BIC), collect waste and recyclables from commercial establishments, office buildings, and other businesses. The commercial waste market is a highly competitive one, with several hundred firms providing a range of services and service levels to customers.

Commercial Waste Collection Zones

In recent years, cities such as Los Angeles and San Jose have established commercial waste franchise systems with exclusive hauler districts or zones in order to achieve multiple environmental, economic, and labor-related policy goals in exchange for the right to operate in a given zone.

In April 2015, Mayor Bill de Blasio released “One New York: The Plan for a Strong and Just City.” As part of One New York, the City committed to conducting a comprehensive study of commercial waste collection zones to determine if there are substantial inefficiencies in the way waste is collected and if so, whether exclusive collection zones would reduce those inefficiencies and possibly create ancillary benefits such as improved recycling rates, working conditions, and wages.

To meet this commitment, in October 2015 the City commissioned an independent private carting study, including a market analysis, cost assessment, benchmarking study, and cost impact study. The Private Carting Study, conducted by a team of consultants that included BuroHappold Engineering, Appleseed, Sam Schwartz Engineering, and Paul Carpenter Associates, concluded that the current open-market commercial waste system generates excess truck traffic, is highly concentrated among a few carters, has little transparency in pricing, and inhibits private carting companies from achieving efficiencies that allow investments in recycling initiatives or cleaner trucks. Today, commercial waste trucks travel over 23 million miles annually to collect refuse and recycling material from approximately 108,000 businesses.

A commercial waste collection zone system would divide the City into several geographic zones and assign private carters to serve businesses within each zone through a competitive bidding process. In this type of system, the study shows, trucks would travel much less distance, resulting in far less overlapping truck traffic on commercial streets and highways.

The Study found that collection zones would reduce truck traffic by an estimated 49 to 68 percent as measured in vehicle miles travelled (VMT) along with a 42 to 64 percent reduction in associated greenhouse gas emissions. The Study also found that collection zones would reduce other air pollutants resulting from commercial waste trucks, including those most closely linked with asthma and other respiratory illnesses, by between 34 and 62 percent. The Study concludes that reducing commercial collection truck traffic will lead to cleaner air, less traffic congestion, safer streets, and quieter nights in neighborhoods across New York City.

DSNY intends to start a multi-year process of transforming the current system into a system of commercial waste zones. Only a few basic elements of the new system have been decided to date, including the establishment of the geographic zones to contain routes, the decision to award rights to service zones to carters through a competitive bidding process, and a focus on collection of the commercial putrescible waste stream as well as recyclables and organics. The many other details of the system have not yet been developed, including the number and boundaries of zones, whether they will be exclusive, and the various guidelines or requirements that may be part of a zone-servicing agreement related to customer service, pricing, recycling, waste reduction, safety, infrastructure investment, and labor standards.

This policy decision begins what will become a 6- or 7-year process; the first step of which is working closely over the next two years with all stakeholders to develop an implementation plan. DSNY recently released a Request for Proposals to solicit a consultant team to help lead the stakeholder engagement process, develop a detailed implementation plan, perform environmental reviews, provide technical assistance during local law development, develop the solicitation for carters to bid on zones, and provide assistance during the evaluation of responses and awarding of zones. DSNY is currently evaluating proposals and expects the consultant team to begin work in summer 2017.

DSNY advanced the completion of SWMP Commercial Waste Milestones during the Reporting Period, as follows:

3.4.1 ASSESS FEASIBILITY OF USING WEST 59TH STREET MTS FOR PROCESSING COMMERCIAL WASTE

The MTS is a permitted facility that is operated by DSNY seven days per week for the receipt of mixed paper recyclables collected by DSNY and private carters. Pursuant to a contract with DSNY, paper is barged by Visy Paper to its paper mill located in Staten Island and used to make linerboard. Pursuant to a 2014 permit renewal for the MTS, DSNY re-located the scale from the bottom of the ramp to the top, thus reducing the potential for on-street truck queuing. The scale relocation was completed in 2015.

DSNY assessed the feasibility of developing the West 59th Street MTS to serve as a transfer point for Manhattan commercial waste as required by SWMP Sections 3.6 and 4.3 and issued a Request for Procurement (RFP) in 2007 to determine the best way to use the site to achieve the goals of the SWMP. The RFP sought proposals for a two-phased approach to using the site to transfer Manhattan commercial waste. During the first phase, the West 59th Street MTS would serve as a transfer point for commercial waste, as well as recyclable paper. This shared usage would continue until the Gansevoort MTS facility could be reactivated. Once Gansevoort was operational for the receipt of Manhattan paper recyclables, the West 59th Street MTS would be available to handle an additional quantity of commercial waste. Sims Metal Management (Sims) was selected for negotiations on October 14, 2007.

DSNY was required to submit a report to the New York City Council on its efforts to implement the West 59th Street MTS in compliance with SWMP Section 4.3; a report on future Manhattan capacity for commercial waste and West 59th Street Marine Transfer Station progress was issued on February 14, 2008 (see discussion below).

So that both shared and exclusive use of the MTS could be negotiated with Sims, DSNY began to work with its consultants to gather the necessary information to analyze the potential impacts of a C&D transfer operation as a precursor to an environmental review of the project. As a result of this analysis of the C&D operations, it was determined that dust from the C & D in the

enclosed MTS would require the installation of special purpose air handling systems, similar to systems used in the transfer of coal dust, and intensive spraying of the C&D as it is dumped into the barge. The installation, operation and maintenance of these special systems were determined to place logistical restrictions on the paper transfer operations. As a result, DSNY determined that shared use of the MTS was infeasible. The exclusive use of the MTS as an export facility for the barging of Manhattan commercial waste was deferred until the paper operations can be moved to the new Gansevoort MTS recyclables facility, pending the execution of a Memorandum of Understanding between the City and the State for the funding of the new Gansevoort MTS (described in Future Manhattan Capacity below). The February 2012 Revised SWMP Compliance for the period of 2009 – 2010, submitted to the City Council, contained revised milestone dates for a number of SWMP milestones, including the development of a commercial waste export facility at West 59th Street MTS.

During the Reporting Period, DSNY finished the upgraded truck weighing operation at the West 59th Street MTS so that there is now both an inbound and outbound scale. The scales have been appropriately located to prevent street queuing of collection vehicles. As part of this project, a deteriorating subsurface structure was replaced under West 59th Street directly in front of the MTS and signage and interface was improved between the MTS traffic, pedestrians and Hudson River Park Bikeway users. A refurbishment of the MTS, including in-water work, began in 2016 to fortify the structural integrity of the facility and ensure that it can support a future use over the next several decades.

3.4.2 USE OF CONVERTED MTSS TO CONTAINERIZE COMMERCIAL WASTE

It is worth noting that in connection with its use of three private transfer facilities for export services, DSNY's 20-year service contracts for containerization, rail transport and disposal of DSNY-managed waste require that commercial waste accepted at the facilities be transported by rail from the facility. The requirements are designed to reduce truck congestion and emissions by encouraging private transfer station operators to export waste by barge or rail.

The four Converted MTSS, one of which, North Shore MTS, was operating and three of which were still in construction during the Reporting Period, were designed to accept a portion of

commercial waste between the hours of 8 PM and 8 AM, the hours when DSNY collections are very limited and when commercial carters typically collect. Commercial waste trucks deliveries would be limited pursuant to the Final Environmental Impact Statement for the SWMP to specific numbers in each hour of the delivery period so as to avoid noise exceedances during the quiet nighttime hours. Commercial waste maximum acceptance per day is as follows: North Shore – 1,000 tpd; E. 91st Street -- 780 tpd; Southwest Brooklyn -- 718 tpd; and Hamilton Avenue -- 494 tpd.

In the next Reporting Period, DSNY will propose a mechanism to attract commercial waste to the MTSs. Consideration of this effort by DSNY has been delayed by mechanical and other issues experienced at the North Shore MTS that resulted in repairs undertaken in 2016 and plans to undertake additional repairs to the floor slabs in 2017 that will require that repairs be staggered to prevent waste delivery interruptions

Pursuant to SWMP Section 4.3, DSNY will report to the New York City Council on the use of the Converted MTSs for the transport and disposal of commercial waste. If after three years of operation, any MTS has received less than 50% of the MTS's commercial capacity, DSNY will report on the status of commercial recycling and, as necessary, propose modifications to the mechanism employed to attract commercial waste to the MTSs.

3.4.3 FUTURE MANHATTAN CAPACITY

DSNY issued a Report to the New York City Council on Future Manhattan Capacity for Commercial Waste (Report) in fulfillment of SWMP Section 3.6 in February 2008. The Report describes efforts to explore opportunities to increase the collective commercial waste capacity in Manhattan through the ongoing implementation of the Marine Transfer Station on Pier 52 on the Gansevoort Peninsula (Gansevoort MTS) and the West 59th Street MTS on Pier 99 (see discussion above). The Gansevoort MTS will be a state-of-the-art recycling center, designed to handle recyclable metal, glass, plastic and paper generated in Manhattan that is currently trucked to facilities in the Bronx, Brooklyn and New Jersey. It will also host an environmental education center that will be a destination for school groups and users of Hudson River Park. The environmental center will house a classroom that could provide much-needed indoor space for

community uses, as well as viewing platform and education panels that will describe the importance of recycling, alternative modes of transportation and the history and ecology of New York Harbor. The new facility would free up capacity at the W. 59th Street MTS to accept more Manhattan construction and demolition debris under a contract to be negotiated with The Sims Group. As a result, the implementation of the Gansevoort MTS will help to achieve SWMP goals to make each borough responsible, to the extent practicable, for the transfer of its own waste and recyclables.

The Report also describes DSNY's assessment of proposals brought forward by stakeholders, including its review of the Pier 76 Siting Study presented by Friends of Hudson River Park, judged to be excessively expensive in comparison to DSNY's two facilities, W. 59th Street and Gansevoort MTSs, sited separately, but designed to result in new recyclables and commercial waste transfer capacity for Manhattan. The Pier 76 Study was also reviewed by DSNY consulting engineers, Greeley and Hansen, LP in a July 2000 Study of the Friends of the Hudson River Park Pier 76 Concept that concluded that the existing substructure and concrete deck structure of Pier 76 could not carry the expected loads from a DSNY containerization facility and a rooftop park.

Since the issuance of the Report, the State Legislature enacted legislation to amend the Hudson River Park Act to allow for the Gansevoort MTS to be constructed and to require that a Memorandum of Understanding (MOU) be executed that would delineate the financial and other responsibilities of the State and the City on the Gansevoort implementation project. The draft MOU has not yet been executed. A contract for design was awarded by DDC in 2014 and a pre-schematic design was prepared for the project in 2015. Pending execution of the MOU, the design and environmental review of the MTS project would be anticipated to be completed within two years; thereafter construction would be expected to take three years to complete. DDC began demolition of the DSNY facilities on the Gansevoort Peninsula in 2015; DSNY will vacate its facilities in stages during the two-year phased demolition project.

3.4.4 TRANSFER STATION CAPACITY REDUCTION

Pursuant to SWMP Subsection 4.4.4, DSNY, in cooperation with the New York City Council, reached oral agreements on voluntary reductions in permitted transfer station capacity with the overwhelming majority of relevant transfer station operators. To do so, DSNY and the Council met with all the operators of the twenty-six (26) different putrescible and construction and demolition debris transfer stations located in the community districts of Bronx 1, Brooklyn 1 and Queens 12. As required by the SWMP, these reductions would be achieved no later than one year after the city-owned Marine Transfer Station (MTS) serving the borough in which each particular community district is located becomes operational. In the Bronx, where no MTS will be constructed, the reductions were to be achieved within one year after the first MTS became operational.

SWMP-dictated factors to determine whether to reduce the lawful permitted putrescible capacity of a transfer station include: 1) the overall concentration of transfer stations in the community district in which the transfer station is located; 2) a transfer station's proximity to other transfer stations; 3) a transfer station's unused throughput capacity in relation to its lawful permitted capacity during the twelve month period immediately preceding the date when the obligation to reduce authorized capacity became effective; 4) the City's solid waste management needs; 5) a transfer station's compliance with revised operating rules promulgated by DSNY in 2005; 6) a transfer station's ability to facilitate export of waste outside the city by barge or rail; 7) a transfer station's ability to provide on-site truck queuing; and 8) number and type of violations issued to a transfer station during the eighteen month period immediately preceding the date when the obligation to reduce the authorized capacity became effective.

A DSNY summary of the negotiated voluntary transfer station capacity commitment reductions was reviewed by the New York City Council. In 2013, a bill was introduced in the City Council that would have reduced transfer station capacity in the four impacted Collection Districts. The bill was not enacted into law. In 2014, a similar transfer station capacity reduction bill, Intro 495, was introduced in the City Council. The Council's Committee on Sanitation & Solid Waste Management held a hearing on the 2014 bill. During the Reporting Period, DSNY has continued to work with the Council to accomplish mutually acceptable reductions.

3.4.5 TRUCK TRAFFIC ANALYSIS

Pursuant to SWMP Subsection 4.4.5 that required the conduct of a feasibility study of routing alternatives for commercial waste trucks, representatives of the New York City Department of Transportation (NYCDOT), DSNY and Urbitran Associates, Inc. met with members of the Greenpoint, Williamsburg and Bushwick communities in Brooklyn in November 2007 to outline the goals of the study. The proposed alternative routes were presented to the Brooklyn communities in September 2008.

3.4.6 NYCDEP FOOD WASTE DISPOSAL STUDY

Pursuant to SWMP Section 5.4, the New York City Department of Environmental Protection (NYCDEP) conducted a Food Waste Disposal Study that analyzed the economic, engineering, and environmental impacts that food waste disposers (FWD) could have on NYCDEP infrastructure and operations and on the commercial waste management system. The scope of services included a commercial food waste characterization study; laboratory analysis of food waste; evaluation of the current land disposal system for food waste; capital and operations and maintenance (O&M) impacts on sewers, other NYCDEP infrastructure, and programs including water conservation, nitrogen removal, combined sewer overflows, solids handling and disposal, secondary treatment, and sewer back-up and maintenance; the comparison of the two disposal methods; energy use assessments; and a neighborhood-scale study area assessment. The December 2008 Study analyzed 50% penetration of commercial food waste diverted by FWDs from food service establishments likely to use FWDs. The penetration of this food waste (approximately 500 tons per day) represents 4% of total commercial waste and would thus divert only a small percentage of the volume handled by commercial waste transfer stations and trucks.

The Study found that approximately nine trucks would be diverted from city streets by the diversion of food waste; this figure accounts for the reduction of solid waste disposal trucks which would be offset by the additional trucks required by NYCDEP to transport the increased sludge. The Study concluded that use of commercial FWDs at a 50 percent penetration rate would result in the need for very costly investments of \$1.4 to 1.7 billion; should primary tanks be required at Newtown Creek Water Pollution Control Plant, an additional investment of \$1.7

billion would be required for a total of \$3.1 to 3.4 billion. Annual O&M costs associated with these investments would be between \$34 and 35 million a year. These costs would likely be borne by the City's water and sewer ratepayers at an increase of up to 3-6% per year.

SECTION 4 – PLANNING UNIT RESOURCES

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

4.1 ADOPTED BUDGET HIGHLIGHTS

The City's budgets provided adequate expense and capital funding during the Reporting Period for recycling, composting, exportation of solid waste and Fresh Kills Landfill closure construction, as well as the continued implementation of the MTS Conversion Program. The Reporting Period and current expense funding for SWMP implementation is set forth in Table 9. The City's FY 2018 Capital Budget has not been adopted yet, but provided below in Table 10 is Reporting Period and proposed Capital Budget information on SWMP programs.

**Table 7:
Expense Budget OTPs Funding**

Programs	FY 2015*	FY 2016*	FY 2017**	FY 2018**
Metal, Glass & Plastic Processing	\$16,955,160	\$16,955,160	\$20,390,018	\$20,792,587
Composting	3,069,573	1,797,000	13,633,505	14,382,206
Public Education/Outreach	6,563,336	4,853,020	7,302,065	6,098,089
NYC Grow, Printing, Postage, Contracts & Professional Services	5,275,237	3,469,210	14,281,503	4,335,830
Household Hazardous Waste Program	1,000,000	1,000,000	2,605,502	2,605,502
Export Contractual Cost***	348,911,611	393,732,015	359,468,624	392,394,289
Fresh Kills Closure Cost	55,954,476	83,530,060	53,958,393	71,150,000
Long Term Export (Legal/Engineering)	2,702,909	797,032	2,269,789	1,856,303
Staten Island Transfer Station	767,869	767,869	767,869	767,869
Long-Term MTS & Headquarters	1,710,465	1,710,465	1,684,940	2,524,327
Total	\$455,940,480	\$841,939,849	\$476,362,208	\$516,908,002

***Information based on January Budget 2016**

****Information based on January Budget 2018**

*****Includes interim and long-term export funds**

Table 8:
Fiscal Year 2014 Adopted Capital Budget
Reporting Period
SWMP - Related Projects
\$ in 000's (as of June 2015)

Item Description	FY 2016	FY 2017
Staten Island Transfer Station*	\$4,564	\$80
Composting Remediation***	\$1,460	\$0
Long-Term Export**/**	\$40,422	\$213
Long-Term Export Design	\$0	\$0
Recycling	\$0	\$0
Totals	\$46,446	\$293

*Includes Export Equipment
 **Includes \$53 in FEMA funds
 ***Includes Composting Equipment

Table 9:
Preliminary Capital Budget
Current
SWMP - Related Projects
\$ in 000's

Item Description	FY 2018	FY 2019
Staten Island Transfer Station*	\$0	\$900
Composting Remediation**	\$2,764	\$0
Long-Term Export*	\$26,608	\$0
Long-Term Export Design	\$0	\$0
Recycling	\$0	\$0
Totals	\$29,372	\$900

*Includes Export Equipment / ** Includes Composting Equipment

4.1.1 STAFFING LEVELS

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

**Table 10:
Headcount**

Programs	FY 2015*	FY 2016*	FY 2017**	FY 2018**
Recycling	41	61	51	51
Waste Management Eng.	20	22	19	19
Export Unit BWD & BCC	60	60	62	62
Staten Island Transfer Station	36	36	35	35
Long Term MTS & HQ	166	290	110	202
Adm. - SWMP IFA	3	3	3	3
Legal Affairs - SWMP IFA	1	1	1	1
Long Term Export Unit	11	11	13	13
Total	<u>338</u>	<u>482</u>	<u>274</u>	<u>366</u>

*January Budget 2016

** January Budget 2018

4.1.2 EVALUATION OF WASTE STREAM FOR ADDITIONAL RECYCLABLES

DSNY conducts ongoing evaluations for additional recyclables (see Section 3 – SWMP Status/Implementation recycling milestone tables and narratives).

4.1.3 NEW ISSUES

New issues have not been separately identified. See the Executive Summary and Section 3 SWMP Status / Implementation narratives for issues related to specific projects.

SECTION 5 - SOLID WASTE AND RECYCLABLES INVENTORIES

5.1 DATA COLLECTION METHOD AND DATA SOURCES

Sources for the data collected to provide the information in this Compliance Report include the City's 2014 Adopted Budget, DSNY's FY 2016 and FY 2018 January Plans, the FY'14 –FY'23 Executive Budget Ten Year Capital Plan, Residential Recycling Diversion Reports and Loads and Tonnage Exported Reports for the Reporting Period. The Recycling Diversion Reports derive information on recycling diversion from scale data and from commercial waste recycling from quarterly reports submitted by private transfer stations operating in the City. The Loads and Tonnage Exported Reports reflect the sum of all DSNY-managed tonnage exported for the period based on scale data.

5.1.1 LIST OF DESTINATIONS FOR SOLID WASTE GENERATED IN PLANNING UNIT

The lists of destinations for solid waste generated in the City during the Reporting Period are appended hereto as Attachment 1 and Attachment 2, respectively.

5.1.2 LIST OF DESTINATIONS FOR RECYCLABLES GENERATED IN PLANNING UNIT

The Reporting Period list of destinations for recyclables generated in the City is appended hereto as Attachment 3.

5.1.3 NEW OR REVISED SOURCE SEPARATION AND/OR SOLID WASTE MANAGEMENT-RELATED LAWS, ORDINANCES, REGULATIONS, RESOLUTIONS AND RULES (TOGETHER LEGISLATION) WITHIN THE PLANNING UNIT

The following local and state legislation on source separation or solid waste management were enacted or revised during the Reporting Period. Copies of the local laws or rules are provided in Attachments 4A (2015) and 4B (2016).

Commercial Recycling

On February 5, 2016, DSNY published a final rule governing recycling requirements for commercial establishments and institutions and residences that have their refuse and recyclables

collected by private carters. This rule went into effect on August 1, 2016. However, DSNY cannot issue any violations pursuant to such rule until August 1, 2017.

This rule revises the City's current commercial recycling rules by simplifying the requirements and making them easier for businesses to understand. Currently, not all businesses are required to recycle the same materials. Applying the same rules for all businesses will facilitate greater recycling participation. This rule designates a standard set of recyclable materials that all businesses receiving private-carter collection are required to recycle, including, but not limited to, metal, glass, plastic, paper and cardboard. The rule for commercial establishments will now be consistent with the recycling requirements for New York City residents.

In addition, allowing designated recyclable materials, including metal, glass, plastic, paper and cardboard, to be placed in the same bag or bin by the business generator, referred to as single stream recycling, and prohibiting private carters from placing any source separated recyclables material with refuse in the same compartment of a waste hauling truck, will help make commercial recycling easier and can significantly increase the diversion of recyclables.

Commercial Organics

On December 18, 2015, DSNY published a final rule governing source separation and handling requirements for organic waste generated by certain commercial establishments. This rule went into effect on January 18, 2016. As per the local law (Local Law 146 of 2013) and DSNY's rule, enforcement, other than a warning period, did not begin until January 19, 2017

DSNY's rule designates the first phase of specific covered establishments under the program to include stadiums, large hotels, food manufacturers and food wholesalers. The rule also provides source separation, storage, set-out, handling and signage requirements for the designated covered establishment and includes enforcement compliance following an education and outreach period.

Recycling Processing Facilities

On September 23, 2016, DSNY published a final rule governing registration requirements for recycling processing facilities in New York City that receive and process recyclable materials. This rule became effective on October 24, 2016.

This rule requires recycling processing facilities to register with DSNY and authorizes DSNY to inspect a facility's site operations to ensure that recyclable materials are effectively processed and that such facility is accurately maintaining records detailing the amount of recyclables received by the facility. To further this goal, recycling processing facilities must submit quarterly reports to DSNY summarizing the amount of materials handled during each quarterly period. This will allow DSNY to more accurately determine the recycling diversion rate within New York City.

Refuse Burning Equipment and the Use of Compactors

Local Law 38 of 2015 ("Local Law 38") amended the New York City Charter, the Administrative Code of the City of New York, the New York City Building code, and the New York City Mechanical Code, in relation to the New York City Air Pollution Control Code.

Specifically, Local Law 38 amends subchapter three of the Air Code, which regulates refuse burning equipment, incinerators and crematoriums, to repeal section 24-117, relating to refuse burning equipment, because refuse burning is no longer permitted in the City, except in circumstances addressed elsewhere in the Air Code. Additionally, section 24-118 of subchapter three is amended to update the limited exceptions to the Air Code's prohibition on installation of equipment designed to burn solid waste in the City and to expressly allow equipment for energy generation by the Department of Environmental Protection and resource recovery by DSNY.

Additionally, section 24-119, relating to waste compactors, was repealed from the Air Code, and essentially moved the substantive part of former section 24-119 related to waste compactors to a new section 16-120.2 in title sixteen, which will be enforced by DSNY.

Plastic Carry-out Bags*

In 2016, the City Council passed two local laws aimed at reducing the use of plastic and paper carry-out bags in New York City.

Local Law 63 of 2016 requires that covered stores charge customers a fee of at least 5-cents per plastic or paper carryout bag which the stores are allowed to retain, unless the customer brings his/her own reusable bag(s). This law was slated to go into effect on October 1, 2016. However, Local Law 81 of 2016 delayed the effective date until February 15, 2017.

[*Chapter 7 of 2017 of the Laws of the State of New York suspended implementation of the NYC Carryout Bag Fee.]

Publicly-Accessible Collection Bins

On February 5, 2015, DSNY published a final rule relating to the regulation of publicly accessible collection bins, as authorized by Local Law 67 of 2014. This rule set forth the procedure by which an illegally located publicly accessible collection bin that is removed by DSNY can be retrieved. This rule also set forth the registration and reporting requirements for owners of publicly accessible collection bins that are lawfully placed on private property.

Additionally, Chapter 524 of 2015 of the Laws of the State of New York prohibits the placement of collection bins on public property and imposes maintenance requirements for bins. The law also strengthens the disclosures that must be placed on these bins, including whether or not a bin is operated by a non-profit organization or a for-profit business. Additionally, disclosure is required if the bin is operated by a for-profit business in conjunction with a non-profit organization, a practice referred to as “rent-a-charity.” Bin owners are subject to fines for violations of the disclosure and maintenance requirements of the bill.

Electronic Waste

On February 18, 2015, DSNY published a final rule that prohibits the disposal of electronic waste and establishes penalties for those who illegally dispose of electronic waste.

As of January 1, 2015, the New York State Electronic Equipment Recycling and Reuse Act (Chapter 99 of the laws of 2010) prohibits the disposal of electronic waste as solid waste in the State of New York. This act prohibits electronic waste from being placed or disposed of in any solid waste management facility, or being placed out for collection for disposal at a solid waste management facility or hazardous waste management facility in the state of New York. Therefore, the final rule clarifies that it is a violation for any person to place out electronic waste for DSNY solid waste or recycling collection or for any person to place out electronic waste when such electronic waste is intended for disposal at a solid waste management facility or hazardous waste facility in New York State.

Recovery of Refrigerants

On March 11, 2015, DSNY published a final rule amending the rules governing the recovery of refrigerants. This rule became effective on April 10, 2015.

Enacted in August 2013, Local Law 69 makes manufacturers of refrigerant-containing appliances responsible for the lawful recovery of refrigerants from their appliances when their appliances are discarded by residents. As provided for in the law, the Department will continue to provide its own refrigerant removal program in which manufacturers can participate for a fee. The fee imposed by this rule will allow the Department to recover a portion of the program costs incurred through servicing the manufacturers' appliances.

Subsequent to the enactment of Local Law 69, a lawsuit challenging the legality of Local Law 69 was brought against the City of New York. As a result of the settlement of this lawsuit, DSNY is amending its rules governing refrigerant recovery. The amendments clarify existing provisions of the rules and lower the fee amount from twenty dollars to fifteen dollars for each appliance that DSNY services and recovers refrigerants.

Restrictions on the Sale or Use of Expanded Polystyrene Foam

On December 30, 2013, Local Law 142 of 2013 was signed requiring the Sanitation Commissioner to make a one-time determination of the recyclability of expanded polystyrene foam (EPS), commonly known as foam, by January 1, 2015.

In a determination dated January 1, 2015, DSNY determined that foam single service articles can be recycled in a manner that is safe for employees, but cannot be recycled in a manner that is economically feasible or environmentally effective. This determination was based on the fact that at that time, there were no established markets to purchase and recycle the EPS that would be collected by DSNY's recycling program because such EPS would be considered too dirty by buyers. Since DSNY determined that EPS could not be recycled, foam was to become banned on July 1, 2015.

In April 2015, a coalition of plaintiffs representing various New York City and businesses, manufacturers, recyclers and purchasers of EPS products instituted a lawsuit challenging the January 1, 2015 determination. The January 1, 2015 determination was subsequently annulled in the case of *Restaurant Action Alliance v. New York City Department of Sanitation*, 100734/15 (Sup. Ct., N.Y. County 2015), and the determination was remanded to DSNY for reconsideration consistent with the Court's opinion. The Court held that DSNY did not clearly state the basis of the conclusions found in the determination.

Littering

Local Law 75 of 2016 ("Local Law 75") amended section 16-118 of the Administrative Code relating to the distribution of advertising material that had been found unconstitutional, and added a new provision relating to spitting in a public space or a stairway of a private building. Local Law 75 also amends the civil penalties for public urination and regular littering by an individual, and reduces the possible jail penalties for these offenses.

Removal of Trees

Local Law 21 of 2014 (“Local Law 21”) amended the New York City Administrative Code in relation to the removal of trees downed or damaged as a result of a severe weather event. Local Law 21 codified existing practice by the New York City Parks Department to develop a plan for the removal of such trees in consultation with DSNY, New York City Emergency Management, and utility companies.

Removal of Derelict Bicycles

On August 25, 2016, DSNY published a final rule amending an existing rule relating to the criteria used for the removal of derelict bicycles from public property.

This rule amends DSNY’s existing rule by reducing the requirements of a bicycle to be considered derelict from a minimum of three characteristics to a minimum of two characteristics. It also removes flat or missing tires as a derelict condition characteristic and changes the minimum amount of rust cover from 75 percent to 50 percent.

Removal of Refuse and Recyclable Material

On January 16, 2015, DSNY published a rule relating to the time at which those that receive DSNY or private carter collection may place out their refuse and recyclables at the curb for pick-up. This rule became effective on February 15, 2015.

Section 16-120 of the New York City Administrative Code requires that all refuse and recycling be kept inside a building or at the rear of a building prior to collection time by DSNY or a private carter. This rule specifies how long before scheduled collection receptacles and bags containing refuse and recyclables may be placed at the curb for collection.

Fleet

Local Law 41 of 2015 requires that New York City establish a car sharing program for the fleet of light-duty passenger vehicles owned by the City, excluding certain emergency, specially designed, enforcement, and inspection vehicles. Over a five-year period beginning in 2016, the City would be required to reduce the size of City's light-duty passenger vehicle fleet by at least nine percent through strategies including car sharing. The City would also be required to submit annual reports on the program to the Council.

Local Law 56 of 2015 ("Local Law 56") requires the installation of side guards, which are devices fit to the side of a truck that help prevent pedestrians and cyclists from falling into the exposed space between a vehicle's axels. Under Local Law 56, all large vehicles in the City fleet and City-licensed trade waste hauling vehicles weighing over 10,000 pounds would be required to have side guards by January 1, 2024. Specialized vehicles on which side guard installation is impractical would be exempt from the requirement. Owners or operators of trade waste hauling vehicles that fail to install side guards would be subject to penalties of \$10,000 per vehicle and license revocation or denial.

Health and Safety

Local Law 57 of 2015 requires that the Department of Transportation ("DOT") conduct a study on truck route compliance. The study would include locations where large numbers of truck drivers regularly operate off designated truck routes may also include areas of concern identified by Council Members and Community Boards. Based on the study, DOT would institute measures to increase truck route compliance, including but not limited to, converting two-way streets to one-way streets, posting of signs regarding the permissible use of certain routes by trucks, and education and outreach to the trucking industry. DOT would post the study, including the locations of such measures, on its website and submit a copy to the Council no later than January 1, 2017.

Local Law 103 of 2015 requires that the Department of Mental Health and Hygiene ("DOHMH") conduct an annual community air quality survey. The survey would be required to

measure air pollution around New York City, and to determine the relationship between air pollution levels around the city and factors such as traffic and building emissions. Based on the data collected, DOHMH would be required to issue an annual report to the Council by April 22 of each year, and to post the report on its website.

ATTACHMENT 1

DSNY Private Vendor Disposal Sites For CY15

Facility	Contracted Tons Per Day	Avg Delivered Tons Per Day	Price Per Ton	Tons/Day by disposal site	Disposal Sites Used	State	Miles to LF/WTE	R/T miles to LF/WTE	Truck or RR	Long Haul		In-City Miles to interstate	Long-hauls: Miles/year on non-interstate	Long Haul City egress Hudson R. Crossing	In City Long Haul Truck trips/day	DSNY truck trips to/from facility/day
										Truck VMTs/yr (301 days)	RR VMT / year					
STATEN ISLAND TRANSFER STATION - 600 W. Service Rd Staten Island, New York	1,950	671	\$ 114.67	671	Lee County LF	SC	642	1284	RR	NA	3,457,744		0.0		0	125.4
HARLEM RIVER YARD 98 LINCOLN AVE BRONX, NY	3,150	1901	\$ 100.31	1901	Atlantic Waste Waverly LF	VA	665	1330	RR	NA	8,455,859			Selkirk	0	355.3
WASTE MANAGEMENT 215 VARICK ST BKLYN, N.Y.	2,000	414	\$ 92.56	0 16 0 8 45 1 344	Harlem R. Transfer Yd & Waverly LF** Grand Central Sanitary Bridgeport Resco * Westchester Resco, Peekskill * High Acres Wheelabrator Falls * Grows North LF	VA PA CT NY NY PA PA	670 150 57 48 365 85 88	1340 300 114 96 730 169 176	RR T T T RR T T	0 65,891 0 10,571 450,941 2,320 831,104	0 0 128,414	1.6 1.8 2.0 1.3 1.3	0.0 788.1 0.0 284.6	Selkirk N/A N/A	0.0 1.5 0.0 0.7 4.1 0.1 31.3	77.4
WASTE MANAGEMENT 215 VARICK ST BKLYN, N.Y. Long Term Contract	1,425	731	\$ 120.65	0 361 370	Amelia/Maplewood Atlantic Waste Waverly LF High Acres	VA VA NY	659 674 365	1318 1348 730	RR RR RR	N/A N/A	0 1,902,273 1,055,845			Selkirk Selkirk		136.6
WASTE MANAGEMENT 485 SCOTT AVE BKLYN, NY	1500	40	\$ 92.56	34 0 0 0 1 1 4	Grows North Harlem R. Transfer Yd & Waverly LF** Bridgeport Resco * Covanta - Union * Grand Central Sanitary Covanta - Essex* Wheelabrator Falls * Westchester Resco, Peekskill *	PA VA CT NJ PA NJ PA NY	82 670 57 50	164 1340 114 100	T RR T T	110,222 0 0 7,907	0 0	0.9	736.8 0.0	Goethals Selkirk	2.7 0.0	7.5
IESI OF NY 577 COURT STREET BROOKLYN, NY	745	584	\$ 87.00	4 46 177 341 16	Covanta - Delaware Valley - Chester * Bethlehem LF Blue Ridge LF Seneca Meadows LF Tullytown	PA PA PA NY NY	112 96 230 295 83	224 192 460 590 166	T T T T T	12,306 121,239 1,117,675 2,761,790 36,460		0.5 0.5 0.5 0.5 5.7	54.7 629.4 2421.7 4665.5 2495.6	Goethals Goethals Goethals Goethals Goethals	0.4 4.2 16.1 31.0 1.5	109.2
IESI OF NY 110 50TH STREET BROOKLYN, NY	1,075	837	\$ 87.00	10 149 81 18 0 579	Covanta - Delaware Valley - Chester * Bethlehem LF Blue Ridge LF Tullytown Keystone LF Seneca Meadows LF	PA PA PA PA PA NY	110 91 226 83 131 298	220 182 451 166 262 596	T T T T T T	30,167 372,256 501,782 41,017 0 4,737,062		0.7 0.7 0.7 5.7	191.5 2854.0 1551.5 2807.5	Goethals Goethals Goethals Goethals	0.9 13.5 7.4 1.6 0.0 52.6	156.4
ACTION ENVIRONMENTAL 941 STANLEY AVENUE BROOKLYN, N.Y.	350	259	\$ 86.50	15 0 0 0 244	Covanta - Delaware Valley - Chester * Tullytown Covanta - Hempstead * Commonwealth Envir System Keystone LF	PA PA NY PA PA	117 83 30 180 130	234 166 60 360 260	T T T T T	48,183 0 0 0 870,858		5.7 5.7 5.7 5.7 5.7	2339.6 0.0 0.0 0.0 38057.3	Goethals Goethals Goethals Goethals Goethals	1.4 0.0 0.0 0.0 22.2	48.4
BROOKLYN TRANSFER 105-115 THAMES STREET BROOKLYN, NY	500	339	\$ 81.50	0 39 0 0 300	Covanta - Delaware Valley - Chester * Covanta - Hempstead * Grand Central Sanitary Keystone Meadows LF Grows North LF	PA NY PA PA PA	116 25 150 132 0	232 50 300 264 0	T T T T T	0 26,768 0 0 0		1.8 1.8 1.8 1.8	0.0 1920.9 0.0 0.0 14776.4	Goethals N/A N/A N/A N/A	0.0 3.5 0.0 0.0 27.3 0.0 0.0	63.4
WASTE MANAGEMENT 38-50 REVIEW AVE QUEENS, NY	1800	851	\$ 123.86	5 0 309 1 485 51	Westchester Resco, Peekskill* Harlem R. Transfer Yd & Waverly LF** Grows North Bridgeport Resco * High Acres Grand Central Sanitary	NY VA PA CT NY PA	49 670 88 60 367 107	98 1340 176 120 734 214	T T/RR T T RR T	6,726 0 746,544 1,647 4,886,772 149,819	0 0	0.7 0.7 0.7 0.7 0.7	95.8 0.0 5918.8 19.2 0.0 976.9	Goethals Selkirk Goethals Goethals Goethals Goethals	0.5 0.0 28.1 0.1 4.6	159.1
WM - A-1 COMPACTION 325 YONKERS AVENUE YONKERS, NEW YORK, 10701	400 400	130	MN - \$72.95 Qns - \$94.45	0 115 15 0	Bridgeport Resco * Westchester Resco, Peekskill* Grows North Wheelabrator Falls *	CT NY PA PA	57 32 88	114 64 176	T T T	0 32,902 36,240		0.9	2832.1	N/A N/A	N/A	24.3
TULLY ENVIRONMENTAL 127-30 34TH AVE CORONA, NY	1345	504	\$ 98.41	87 103 7 56 45 1 100 49 6 2 38	Covanta - Delaware Valley - Chester * Liberty Waste/Apex OMNI Commonwealth Envir System LF Seneca Meadows LF Covanta - Essex* Keystone LF Covanta - Hempstead * Shoosmith Bros. Superior Greentree (or Greentree) LF Big Run	PA OH NY PA NY NJ PA NY VA PA KY	135 555 42 182 310 30 132 30 375 305 593	270 1110 84 364 620 60 263 60 750 610 1186	T T/RR T T T T T T T T/RR	322,454 104,778 8,072 280,063 382,991 824 361,165 40,358 61,773 16,746 618,661	458,844	0.3 0.3 0.3 0.3 0.3 0.3 0.3 0.3 0.3 0.3	714.2 845.5 57.5 459.7 369.4 820.9 402.2 49.3 16.4 311.9	GWB HT GWB GWB GWB GWB GWB GWB GWB GWB	7.9 9.4 0.6 5.1 4.1 9.1 4.5 0.5 0.2 3.5	94.2

				9	Tunnel Hill Reclamation Blue Ridge LF	OH PA	530 241	1060 482	T/RR T	130,958 0	38,287	0.3 0.3	73.9 0.0	GWB	0.8 0.0	
REGAL RECYCLING 172-06 DOUGLAS AVENUE JAMAICA, NY, 11433	250	99	\$ 100.00	15 60 13 11	Covanta - Union * Covanta - Hempstead * Covanta - Delaware Valley - Chester * Covanta - Essex*	NJ NY PA NJ	40 15 130 30	80 30 260 60	T T T T	16,473 24,709 46,398 9,060		1.6	569.2	Goethals	1.4 5.5 1.2 1.0 0.0	18.5
AMERICAN RECYCLING 172-33 DOUGLAS AVENUE JAMAICA, NEW YORK,	750	538	\$ 102.50	538	Seneca Meadows LF	NY	315	630	T	4,652,722		1.8	26,498.9	Tappen Zee	48.9	100.6
WASTE MANAGEMENT 864 JULIA ST ELIZABETH, N.J.	600	5	\$ 67.00	0 0 5 0	Victory Gardens Zwicky Industries Grows North Keegan LF	PA PA PA NJ	80 110 70 11	160 220 140 22	T T T T	0 0 9,609 0						0.9
WASTE MANAGEMENT 61 Broad Ave Fairview, NJ	400	221	\$ 67.00	35 186 0	Grows North Tullytown Grand Central Sanitary	PA PA PA	71 70 94	141 140 188	T T T	0 357,458 0		0 0 0				
DART 540 DOREMUS AVE NEWARK, N.J.	300 250 250		Bklyn \$66.40 Man \$68.14 Qns \$64	0 0 0 83 0	Commonwealth Environmental Covanta Essex * Keystone LF Big Run Kearney/Apex	PA NJ PA KY OH	140 3 115 690 444	280 6 230 1380 888	T T T RR T/RR	0 0 0 0 0			383,073 0	N/A	0	15.5
INTERSTATE WASTE SERVICES 375 US 1 TRUCK RT JERSEY CITY, NJ	700 555	400	Bklyn \$70.89 Man \$71.23	338 12 0 0 0 50	Cumberland County Keystone Commonwealth Environmental Covanta - Raway * Covanta - Essex * Western Berks Kearney/Apex	PA PA PA NJ NJ PA OH	187 111 140 18 4 140 530	374 222 280 36 8 280 1060	T T T T T T RR	1,735,292 36,569 0 0 0 0 7,947				N/A	0	74.8
North Shore Marine Transfer Station 120-15 31st AVE College Point, NY 11354	3,672	756	\$ 179.47	540 163 53	Covanta - Delaware Valley - Chester * Covanta - Niagara * Lee County *	PA NY SC	109 445 665	218 890 1330	RR RR RR	442,922 545,826 265,219						141.3
Covanta Energy-Essex* 183 RAYMOND BLVD NEWARK, N.J.	1,800	1122	\$ 84.38	1122	NA - Waste to Energy Plant *	NJ		NA						N/A	0	209.7
TOTALS										27,242,249	18,718,474		141,021.1		361.0	1918.5

RCD - 11/22/11

* Denotes waste to energy or out-of-town transfer facility to which DSNY trucks haul directly; no waste transfer occurs within NYC.
 All other facilities: trucks assumed to haul an average of 22 tons top-loaded with no backhauling.
 GWB denotes George Washington Bridge. VMT means vehicle miles traveled.
 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; DSNY direct haul to such facilities (Covanta-Essex & Covanta-Hempstead) excluded.
 Distances conservatively assumed to be the shortest (or least congested) typical route; model added 10 miles to trip to avoid Manhattan tunnels and associated congestion.
 Numbers may not add due to rounding.
 Barges from North Shore MTS transport containers to GCT to be loaded on rail. 80 tons/car.

Waste to Energy 22.1%

Total VMT's 45,960,723

0.52% of Long Haul VMTs are non-interstate in NYC.

Long-Haul Truck Trips at Hudson River
 Crossings per Day
 GWB 32.0
 Goethals 221

Rail TPD 4,872.00

3938 In City rail 37.6%
 4275 Delivered to truck-based NYC facilities. 40.8% Percent of total DSNY managed waste.
 4872 Total delivered or drayed to rail, incl NJ 46.5% Percent transported by rail to Landfills.

NOTE: RR VMT's are misleading; show RR Car Miles, not locomotive

ATTACHMENT 2

	A	B	C	D	E	F	G	I	J	K	L	M	N	O	P	Q	R	S
1	APPENDIX A.																	
2	DSNY Private Vendor Disposal Sites For CY16																	
3												Long Haul		In-City	Long-hauls: Miles/year on	Long Haul City egress	In City Long Haul	DSNY truck trips to/from
4	Facility	Contracted Tons Per Day	Avg Delivered Tons Per Day	Price Per Ton	Tons/Day by disposal site	Disposal Sites Used	State	Miles to LF/WTE	R/T miles to LF/WTE	Truck or RR	Truck VMTs/ yr (302 days)	RR VMT / year	Miles to interstate	In-City roads non-interstate	Hudson R. Crossing	Truck trips/day	facility/day	
5	STATEN ISLAND TRANSFER	1,950	684	\$ 115.77	684	Lee County LF	SC	642	1284	RR	NA	3,536,444		0.0		0	58,036	
6	STATION - 600 W. Service Rd																	
7	Staten Island, NY																	
8	HARLEM RIVER YARD	3,150	1932	\$ 101.09	1932	Atlantic Waste Waverly LF	VA	665	1330	RR	NA	8,622,301			Selkirk	0	139,558	
9	98 LINCOLN AVE																	
10	BRONX, NY																	
11					0	Harlem R. Transfer Yd & Waverly LF**	VA	670	1340	RR	0	0	1.6	0.0	Selkirk	0.0	52,928	
12	WASTE MANAGEMENT				43	Grand Central Sanitary	PA	150	300	T	177,082		1.8	2125.0		3.9		
13	215 VARICK ST				0	Bridgeport Resco *	CT	57	114	T	0		2.0	0.0	N/A	0.0		
14	BKLYN, NY	2,000	628	\$ 96.26	2	Westchester Resco, Peekskill*	NY	48	96	T	2,643		1.3	71.4	N/A	0.2		
15					0	High Acres	NY	365	730	RR	0	0				0.0		
16					1	Wheelabrator Falls *	PA	85	169	T	2,320					0.1		
17					582	Grows North LF	PA	88	176	T	1,406,112		1.3	20772.1	Goethals	52.9		
18	WASTE MANAGEMENT				0	Amelia/Maplewood	VA	659	1318	RR	N/A	0			Selkirk		50,406	
19	215 VARICK ST	1,425	738	\$ 119.71	0	Atlantic Waste Waverly LF	VA	674	1348	RR	N/A	0			Selkirk			
20	BKLYN, NY				738	High Acres	NY	365	730	RR		2,112,980						
21	Long Term Contract																	
22	WASTE MANAGEMENT				3	Grows North	PA	82	164	T	9,725		0.9	65.2	Goethals	0.2	362	
23	485 SCOTT AVE	1500	3	\$ 96.26	0	Harlem R. Transfer Yd & Waverly LF**	VA	670	1340	RR	0	0		0.0	Selkirk	0.0		
24	BKLYN, NY				0	Bridgeport Resco *	CT	57	114	T	0							
25					0	Covanta - Union *	NJ											
26					0	Grand Central Sanitary	PA											
27					0	Covanta - Essex*	NJ											
28					0	Wheelabrator Falls *	PA											
29					0	Westchester Resco, Peekskill *	NY	50	100	T	0		0.9	0.0	Goethals	0.0		
30	IESI OF NY				0	Covanta - Delaware Valley - Chester *	PA	112	224	T	0		0.5	0.0	Goethals	0.0	47,668	
31	577 COURT STREET	745	623	\$ 90.48	0	Bethlehem LF	PA	96	192	T	0		0.5	0.0	Goethals	0.0		
32	BROOKLYN, NY				181	Blue Ridge LF	PA	230	460	T	1,142,933		0.5	2484.6	Goethals	16.5		
33					442	Seneca Meadows LF	NY	295	590	T	3,579,798		0.5	6067.5	Goethals	40.2		
34					0	Tullytown	NY	83	166	T	0		5.7	0.0	Goethals	0.0		
35	IESI OF NY				0	Covanta - Delaware Valley - Chester *	PA	110	220	T	0		0.7	0.0	Goethals	0.0	51,698	
36	110 50TH STREET	1,075	806	\$ 90.48	8	Bethlehem LF	PA	91	182	T	19,987		0.7	153.7	Goethals	0.7		
37	BROOKLYN, NY				64	Blue Ridge LF	PA	226	451	T	396,470		0.7	1230.0	Goethals	5.8		
38					0	Tullytown	PA	83	166	T	0		5.7	0.0	Goethals	0.0		
39					0	Keystone LF	PA	131	262	T	0					0.0		
40					734	Seneca Meadows LF	NY	298	596	T	6,005,188		0.7	14106.1	Goethals	66.7		
41	ACTION ENVIRONMENTAL				0	Covanta - Delaware Valley - Chester *	PA	117	234	T	0		5.7	0.0	Goethals	0.0	18,734	
42	941 STANLEY AVENUE	350	260	\$ 89.96	0	Tullytown	PA	83	166	T	0		5.7	0.0	Goethals	0.0		
43	BROOKLYN, NY				0	Covanta - Hempstead *	NY	30	60	T	0							
44					0	Commonwealth Envir System	PA	180	360	T	0		5.7	0.0	Goethals	0.0		
45					260	Keystone LF	PA	130	260	T	927,964		5.7	40687.6	Goethals	23.6		
46	BROOKLYN TRANSFER				1	Covanta - Delaware Valley - Chester *	PA	116	232	T	3,185		1.8	49.4	Goethals	0.1	13,294	
47	105-115 THAMES STREET	500	183	\$ 84.76														
48	BROOKLYN, NY				58	Covanta - Hempstead *	NY	25	50	T	39,809		1.8	2866.3	N/A	5.3		
49					0	Grand Central Sanitary	PA	150	300	T	0		1.8	0.0		0.0		
50					0	Keystone Meadows LF	PA	132	264	T	0		1.8	0.0		0.0		
51					124	Grows North LF	PA		0	T	0		1.8	6127.9		11.3		
52																0.0		
53																0.0		
54	WASTE MANAGEMENT				0	Westchester Resco, Peekskill*	NY	49	98	T	0		0.7	0.0	Goethals	0.0	65,290	
55	38-50 REVIEW AVE				0	Harlem R. Transfer Yd & Waverly LF**	VA	670	1340	T/RR	0	0	0.7	0.0	Selkirk	0.0		

	A	B	C	D	E	F	G	I	J	K	L	M	N	O	P	Q	R	S
1	APPENDIX A.																	
2	DSNY Private Vendor Disposal Sites For CY16																	
3												Long Haul		In-City	Long-hauls:	Long Haul	In City	DSNY truck
4	Facility	Contracted Tons Per Day	Avg Delivered Tons Per Day	Price Per Ton	Tons/Day by disposal site	Disposal Sites Used	State	Miles to LF/WTE	R/T miles to LF/WTE	Truck or RR	Truck VMTs/ yr (302 days)	RR VMT / year	Miles to interstate	In-City roads non-interstate	Hudson R. Crossing	Truck trips/day	DSNY truck trips to/from facility/day	
56	QUEENS, NY	1800	910	\$ 124.84	0	Grows North	PA	88	176	T	0		0.7	0.0	Goethals	0.0		
57					0	Bridgeport Resco *	CT	60	120	T	0		0.7	0.0	Goethals	0.0		
58					910	High Acres	NY	367	734	RR	9,168,995	2,241,310		0.0				
59					0	Grand Central Sanitary	PA	107	214	T	0		0.7	0.0	Goethals	0.0		
60	WM - A-1 COMPACTION				0	Bridgeport Resco *	CT	57	114	T	0							
61	325 YONKERS AVENUE	400	140	MN - \$74.41	113	Westchester Resco, Peekskill*	NY	32	64	T	32,330		0.9	2792.1	N/A	N/A	8,600	
62	YONKERS, New York 10701	400		Qns - \$0	27	Grows North	PA	88	176	T	65,232							
63					0	Wheelabrator Falls *	PA											
64	TULLY ENVIRONMENTAL				34	Covanta - Delaware Valley - Chester *	PA	135	270	T	126,016		0.3	280.0	GWB	3.1	29,628	
65	127-30 34TH AVE				1	Liberty Waste/Apex	OH	555	1110	T/RR	1,017	4,470	0.3	8.2		0.1		
66	CORONA, NY				0	OMNI	NY	42	84	T	0		0.3	0.0	GWB	0.0		
67		1345	334	\$ 100.38	122	Commonwealth Envir System LF	PA	182	364	T	610,137		0.3	1004.8	GWB	11.1		
68					91	Seneca Meadows LF	NY	310	620	T	774,493		0.3	749.5	GWB	8.3		
69					0	Covanta - Essex*	NJ	30	60	T	0							
70					65	Keystone LF	PA	132	263	T	234,757		0.3	535.4	GWB	5.9		
71					9	Covanta - Hempstead *	NY	30	60	T	7,413		0.3	74.1	GWB	0.8		
72					0	Shoosmith Bros.	VA	375	750	T	0		0.3	0.0	GWB	0.0		
73					2	Superior Greentree (or Greentree) LF	PA	305	610	T	16,746		0.3	16.5	GWB	0.2		
74					0	Big Run	KY	593	1186	T/RR	0	0	0.3	0.0		0.0		
75					5	Tunnel Hill Reclamation	OH	530	1060	T/RR	72,755	21,341	0.3	41.2		0.5		
76					5	Atlantic Waste Waverly LF	VA	665	1330	RR	NA	22,314			Selkirk	0.0	29,628	
77					0	Blue Ridge LF	PA	241	482	T	0		0.3	0.0	GWB	0.0		
78	REGAL RECYCLING				0	Covanta - Union *	NJ	40	80	T	0					0.0	11,254	
79	172-06 DOUGLAS AVENUE				131	Covanta - Hempstead *	NY	15	30	T	24,709					11.9		
80	JAMAICA, NY 11433	250	131	\$ 102.00	0	Covanta - Delaware Valley - Chester *	PA	130	260	T	0		1.6	-	Goethals	0.0		
81					0	Covanta - Essex*	NJ	30	60	T	0					0.0		
82																0.0		
83	AMERICAN RECYCLING																	
84	172-33 DOUGLAS AVENUE	750	175	\$ 104.55	175	Seneca Meadows LF	NY	315	630	T	1,513,432		1.8	8,648.2	Tappen Zee	15.9	14,248	
85	JAMAICA, NY																	
86																		
87																		
88																		
89	WASTE MANAGEMENT				0	Victory Gardens	PA	80	160	T	0							
90	864 JULIA ST																	
91	ELIZABETH, NJ	600	14	\$ 68.34	0	Zwicky Industries	PA	110	220	T	0							
92					14	Grows North	PA	70	140	T	26,905							
93					0	Keegan LF	NJ	11	22	T	0							
94	WASTE MANAGEMENT				210	Grows North	PA	71	141	T			0				11,742	
95	61 Broad Ave	400	210	\$ 68.34	0	Tullytown	PA	70	140	T	0		0					
96	Fairview, NJ				0	Grand Central Sanitary	PA	94	188	T			0					
97																		
98	DART				0	Commonwealth Environmental	PA	140	280	T	0							
99	540 DOREMUS AVE			Bklyn \$0	0	Covanta Essex *	NJ	3	6	T	0							
100	NEWARK, NJ			MN \$0	0	Keystone LF	PA	115	230		0				N/A			
101			0	Qns \$0	0	Big Run	KY	690	1380	RR		0				0		
102					0	Kearney/Apex	OH	444	888	T/RR	0	0						
103	INTERSTATE WASTE SERVICES				299	Cumberland County	PA	187	374	T	1,535,066							
104	375 US 1 TRUCK RT	700		Bklyn \$0	0	Keystone	PA	111	222	T	0							
105	JERSEY CITY, NJ	555	317	MN \$70.89	0	Commonwealth Environmental	PA	140	280	T	0							
106					0	Covanta - Rahway *	NJ	18	36						N/A	0		

	A	B	C	D	E	F	G	I	J	K	L	M	N	O	P	Q	R	S
1	APPENDIX A.																	
2	DSNY Private Vendor Disposal Sites For CY16																	
3													Long Haul	In-City	Long-hauls:	Long Haul	In City	DSNY truck
4	Facility	Contracted Tons Per Day	Avg Delivered Tons Per Day	Price Per Ton	Tons/Day by disposal site	Disposal Sites Used	State	Miles to LF/WTE	R/T miles to LF/WTE	Truck or RR	Truck VMTs/ yr (302 days)	RR VMT / year	Miles to interstate	In-City roads non-interstate	Hudson R. Crossing	Truck trips/day	trips to/from facility/day	
107					0	Covanta - Essex *	NJ	4	8									
108					0	Western Berks	PA	140	280	T	0							
109					18	Kearney/Apex	OH	530	1060	T/RR	2,861	76,829						
110	North Shore Marine Transfer Station				555	Covanta - Delaware Valley - Chester *	PA	109	218	RR		456,737						100,652
111	120-15 31st AVE	3,672	1285	\$ 172.49	730	Covanta - Niagara *	NY	445	890	RR		2,452,618						
112	College Point, NY 11354				0	Lee County	SC	665	1330	RR		0						
113																		
114	Covanta Energy-Essex*				1202	NA - Waste to Energy Plant *	NJ			NA						N/A	0	74,850
115	183 RAYMOND BLVD	1,800	1202	\$ 84.72														
116	NEWARK, NJ																	
117											27,926,078	19,547,344		110,956.9		285.2	807,604	
118	TOTALS		10,575															
119																		
120																		
121	RCD - 11/22/11		Waste to Energy	26.8%							Total VMT's	47,473,422		0.40% of Long Haul VMTs are non-interstate in NYC.				
122	* Denotes waste to energy.																	
123	All other facilities: trucks assumed to haul an average of 22 tons top-loaded with no backhauling.																	
124	GWB denotes George Washington Bridge. VMT means vehicle miles traveled.																	
125	Rail transport from Harlem River Yard averages 90 tons/car; from WM/Julia 85 tons/car and WM-Varick Ave 77 tons/car																	
126	Long-haul trucks to waste-to-energy resource recovery facilities are included; DSNY direct haul to such facilities (Covanta-Essex & Covanta-Hempstead) excluded.																	
127	Distances conservatively assumed to be the shortest (or least congested) typical route; model added 10 miles to trip to avoid Manhattan tunnels and associated congestion.																	
128	Numbers may not add due to rounding.																	
129	Barges from North Shore MTS transport containers to GCT to be loaded on rail. 80 tons/car.																	
130																		
131																		
132						5554	In City rail		52.5%									
133						3795	Delivered to truck-based NYC facilities.		35.9%									
134						5578	Total delivered or drayed to rail, incl NJ		52.7%									

NOTE: RR VMT's are misleading; show RR Car Miles, not locomotive

Long-Haul Truck Trips at Hudson River Crossings per Day		
GWB		29.4
Goethals		207

Rail TPD 5,578.00

ATTACHMENT 3

DSNY Recycling Processors & Tonnage for 2015 & 2016 Calendar Years*

Processor	Address	Material Type (s) Processed	Tonnage	
			2015	2016
A.R. Lobosco	105-115 Thames St. Brooklyn, NY	Paper	32,307	5,158
Metropolitan	854 Shepherd Ave. Brooklyn, NY 11208	Paper	36,906	0
Brooklyn Transfer (Pilot)	105-115 Thames St. Brooklyn, NY 11237	Organics	5,681	1,431
Regal Recycling (Pilot)	168-58 Douglass Ave. Jamaica, NY 11433	Organics	155	4,072
Sims Municipal Recycling	Processing Address: One Linden Ave. East Jersey City, NJ 472 2 nd Ave. Brooklyn, NY 11200 30-27 Greenpoint Ave. LIC, NY 11101 850 Edgewater Rd. Bronx, NY 10474	Paper	104,204	171,344
		Metal Glass Plastic/Jersey City	48,970	54,093
		Metal Glass Plastic/Brooklyn	60,416	64,645
		Metal Glass Plastic/LIC	68,462	75,532
		Metal Glass Plastic/Bronx	76,428	84,710
		Bulk Metal Acceptance	3,682	4,282
		Bulk Metal Removal	939	921
Waste Management (Pilot)	123 Varick Ave. Brooklyn NY 11237	Organics	797	5,534
Waste Management (New Contract)	123 Varick Ave. Brooklyn NY 11237	Organics	0	4,440
WeCare Organics LLC (Pilot)	Processing Address: IESI 577 Court St. Brooklyn, NY 11231 Tully 127-50 Northern Blvd. Flushing, NY 11368	Organics/Court St	2,951	3
		Organics/Tully	2,574	372
Visy	4435 Victory Blvd. Staten Island, NY 10314	Paper	149,831	155,607

Material type	MGP	Paper & comingled	Organics	Bulk Metal
2015	254,276	323,248	12,157	4,621
2016	278,980	332,109	15,852	5,203
Total tons calendar years 15/16	533,256	655,357	28,009	9,824

*Materials provided directly to the City's Staten Island, Rikers Island and Soundview Park composting facilities are not included.

ATTACHMENT 4A

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 21

Introduced by Council Members King, Arroyo, Chin, Dickens, Koo, Levine, Palma, Rose, Williams, Rosenthal, Richards, Cohen, Weprin, Constantinides, Deutsch, Maisel, Lancman, Torres, Rodriguez, Vallone, Treyger, Cornegy, Mendez, Miller, Mealy, Van Bramer, Dromm, Greenfield, Kallos and Lander.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the removal of trees downed or damaged as a result of a severe weather event.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-142 to read as follows:

§ 18-142 Tree removal protocol. a. The department, in consultation with the office of emergency management, department of sanitation, local electric corporations, and other utility corporations identified by the department, shall develop a protocol for the removal of trees on city property that have been downed or damaged as a result of severe weather events. Such protocol shall require the department:

1. to establish effective means of communication with local electric corporations and other utility corporations identified by the department, so that the department is notified in a timely manner (i) of downed or damaged trees that have fallen on powered electrical wires or cables, and (ii) whether it is safe to remove such trees;

2. to effectively coordinate city personnel engaged in tree removal on city property, upon receiving information regarding the status of downed or damaged trees;

3. to establish a system whereby each report of downed or damaged trees is provided with a unique identifier or tracking number and a method to notify the local electric corporation and other utility corporations identified by the department when a downed or damaged tree on city property has been removed; and

4. to establish a system whereby department personnel engaged in tree removal may be deployed with local electric corporation or other utility corporation personnel, if practicable, to assess and remove downed or damaged trees that have fallen on powered electrical wires or cables.

b. The department shall publish prominently on its website as soon as is practicable after a severe weather event information instructing persons how to notify the city of downed or damaged trees or downed wires.

c. The department shall submit a description of such protocol to the mayor and the speaker of the council, and publish such description prominently on its website, within one hundred eighty days after the enactment of the local law that added this subdivision.

§2. This local law shall take effect ninety days after it shall have become a 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 February 26, 2015 and approved by the Mayor on March 18, 2015.

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. 21 of 2015, Council Int. No. 74-A of 2014) 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.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 38

Introduced by Council Members Richards, Chin, Constantinides, Koo, Johnson, Rosenthal, Lancman, Rodriguez, Torres, Reynoso, Koslowitz, Kallos, Crowley, Arroyo, Levin and Van Bramer.

A LOCAL LAW

To amend the New York city charter, the administrative code of the city of New York, the New York city building code, and the New York city mechanical code, in relation to the New York city air pollution control code.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 1049-a of the New York city charter, as amended by vote of the electors of the city of New York at a general election held on November 2, 2010, is amended to read as follows:

a. There shall be in the office of administrative trials and hearings an environmental control board consisting of the commissioner of environmental protection, the commissioner of sanitation, the commissioner of buildings, the commissioner of health and mental hygiene, the police commissioner, the fire commissioner and the chief administrative law judge of the office of administrative trials and hearings, who shall be chair, all of whom shall serve on the board without compensation and all of whom shall have the power to exercise or delegate any of their functions, powers and duties as members of the board, and six persons to be appointed by the mayor, with the advice and consent of the city council, who are not otherwise employed by the city, one to be possessed of a broad general background and experience in the field of air pollution control, one with such background and experience in the field of water pollution control, one with such

background and experience in the field of noise pollution control, one with such background and experience in the real estate field, one with such background and experience in the business community, and one member of the public, and who shall serve for four-year terms. Such members shall be compensated at a rate that may be specified by the chair and approved by the mayor. Within the board's appropriation, the chair may appoint an executive director, subject to the approval of the board, and such hearing officers, including non-salaried hearing officers, and other employees as the chair may from time to time find necessary for the proper performance of the board's duties. The board shall be convened by the chairperson or in his or her absence a deputy commissioner of the office of administrative trials and hearings or at the request of any three members thereof. Five members of the board, at least two of whom shall not be city officials, shall constitute a quorum.

§ 2. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-120.2 to read as follows:

§16-120.2 Refuse compacting systems; multiple dwellings after May twentieth, nineteen hundred sixty-eight.

(a) Definitions. When used in this section:

“Refuse compacting system” means any machine or system of machines capable of reducing refuse by means other than burning so that such refuse is reduced by a volume to be determined by the commissioner and is suitable for collection by the department.

(b) All multiple dwellings erected after May twentieth, nineteen hundred sixty-eight that are four or more stories in height and occupied by twelve or more dwelling units, or that are "class B" multiple dwellings as defined by the multiple dwelling law shall be provided with a refuse compacting system constructed in conformity with all applicable laws and rules.

(c) On and after the effective date of the local law that added this section, any refuse compacting system that is required to be installed in a multiple dwelling pursuant to subdivision a of this section shall be utilized to compact all refuse that is not required to be source separated for other purposes pursuant to any provision of this title or any rules promulgated by the department in such multiple dwelling before such refuse is placed outside for collection by the department. Such refuse compacting system shall be maintained in good working condition and operated in accordance with the rules of the department and in conformity with all other applicable laws and rules.

(d) Any person who violates the requirements of this section shall be liable for a civil penalty of two hundred fifty dollars for the first offense, five hundred dollars for the second offense committed within any twelve-month period and one thousand dollars for the third and any subsequent offense committed within any twelve-month period. For purposes of this section, the second and any subsequent violation shall only occur after notice of the first violation has been properly served and an opportunity to cure such violation has been provided to the violator, provided that such opportunity to cure shall not exceed thirty days. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board.

§ 3. Subchapter 1 of chapter 1 of title 24 of the administrative code of the city of New York, section 24-102 and subdivision 18 of section 24-104 as amended by local law number 39 for the year 1989 and subdivision 48 of section 24-104 as amended by local law number 22 for the year 2002, is amended to read as follows:

SUBCHAPTER 1

SHORT TITLE, POLICY, AND DEFINITIONS

§24-101 Short title. [chapter] Chapter one of this title of the code of the city of New York shall be known and may be cited as the “New York city air pollution control code”.

§24-102 Declaration of policy. It is hereby declared to be the public policy of the city to preserve, protect and improve the air [resources] quality of the city so as to promote health, safety and welfare, prevent injury to human, plant and animal life and property, foster the comfort and convenience of its inhabitants and[, to the greatest degree practicable,] facilitate the enjoyment of the natural attractions of the city. It is the public policy of the city that every person is entitled to air that is not detrimental to life, health and enjoyment of his or her property. It is hereby declared that the emission into the open air of any harmful or objectionable substance, including but not limited to smoke, soot, fly ash, dust, fumes, gas, vapors, odors or any products of combustion or incomplete combustion resulting from the use of fuel burning equipment or refuse burning equipment is a menace to the health, welfare and comfort of the people of the city and a cause of extensive damage to property. For the purpose of controlling and reducing air pollution, it is hereby declared to be the policy of the city to actively regulate and eliminate such emissions. The necessity for legislation by the enactment of the provisions of this chapter is hereby declared as a matter of legislative determination. This code shall be liberally construed so as to effectuate the purposes described in this section. Nothing herein shall be construed to abridge the emergency powers of the board of health of the department of health and mental hygiene or the right of such department to engage in any of its necessary or proper activities.

§24-104 Definitions. When used in the New York city air pollution control code:

[(1) Air contaminant] “Air” means all the respirable gaseous mixture available for human, animal or plant respiration.

“Air contaminant” means any [particulate matter] particulates, aerosol or any gas or any

combination thereof in the open air, other than uncombined water [or air].

[(2) Air contaminant detector] “Air contaminant detector” means a device or combination of devices [which] that cause audible and/or visible signals in the presence of an air contaminant of a particular concentration, density or opacity.

[(3) Air contaminant recorder] “Air contaminant recorder” means an apparatus [which] that produces a record of the time, duration, concentration and density or opacity of an air contaminant.

[(4) Alteration] “Air pollution” means the presence in the open air of one or more contaminants in quantities, of characteristics and of a duration that are or may be injurious to human, animal or plant life or to property or that unreasonably interfere with the comfortable enjoyment of life and property.

“Alteration” means any modification or change of the design, capacity, process or arrangement, or any increase in the connected load of equipment or any apparatus [which] that will affect the kind [or amount] of air contaminant emitted or increase the amount of an air contaminant emitted. Alteration does not include replacement or repair of [wornout] worn out or defective equipment.

[(5) Anthracite coal] “Anthracite coal” means [the current definition of] anthracite coal as classified by the [American society for testing and materials] ASTM standard D388-12.

[(6) Apparatus] “Apparatus” means any device [which] that prevents, controls, detects, or records the emission of any air contaminant from fuel burning equipment.

[(7) Bituminous coal] means the current definition of bituminous coal and subbituminous coal as classified by the American society for testing and materials.

[(8) Board] “Architectural coating” means coating to be applied to stationary structures and

their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Adhesives and coatings applied in shop applications or to nonstationary structures such as airplanes, ships, boats, railcars, and automobiles are not considered architectural coatings for the purposes of this code.

“Biodiesel” means a fuel, designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of ASTM standard D6751-12.

“Bioheating fuel” means a fuel comprised of biodiesel blended with petroleum heating oil that meets the specifications of ASTM standard D396-12, or other specifications as determined by the commissioner.

“Board” means the environmental control board of the city of New York.

[(9) Boiler] “Boiler” means equipment [which] that is used to heat water for the purpose of generating hot water and/or steam.

[(10) Btu input] means the quantity of heat generated by a fuel fed into a furnace under conditions of complete combustion, measured in British thermal units. Btu input includes sensible heat, calculated above sixty degrees F., available from materials introduced into the combustion zone.

[(11) Capacity rating] The hot water and/or steam generated by a boiler may be used for heating, processing, or generating power or for other purposes, including but not limited to, cooking and sanitation.

“British thermal unit” or “Btu” means the amount of energy needed to heat one pound of water by one degree Fahrenheit.

“Capacity rating” means the fuel burning equipment manufacturer's guaranteed maximum

[Btu] heat input rating in millions of Btu per hour, or the maximum four-hour average actual rate, whichever is higher.

[(12) Certificate] “Certificate of operation” means [an operating, sulfur exemption, temporary operating, or temporary sulfur exemption certificate] a document issued by the department authorizing the operation of a specific piece of equipment or apparatus that may emit an air contaminant.

[(13) Charter] “Chain-driven commercial char broiler” means a commercial char broiler that is a semi-enclosed cooking device with a mechanical chain that automatically moves food through the device.

“Charter” means the New York city charter[, including all of its amendments].

[(14) City] “City” means the city of New York.

[(15) Combustion controller] “City agency” means a city, county, borough, administration, 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.

“Clean wood” means wood or wood pellets that have not been painted, stained, or treated with any coating, glue or preservative.

“Cogeneration system” means equipment for the simultaneous production of electricity and heat from a single fuel source, such as natural gas, biomass, waste heat, or oil. Cogeneration system is also known as a combined heat and power system.

“Combustion controller” means an apparatus [which] that automatically and continually maintains the proper fuel to air ratio for the optimum combustion of fuel.

[(16) Combustion shutoff] “Combustion shutoff” means an apparatus [which] that is designed to halt automatically a combustion process when proper combustion conditions are not

being maintained.

[(17) Commissioner] “Commercial char broiler” means a device that consists primarily of a grated grill and a heat source and that is used to cook meat, including beef, lamb, pork, poultry, fish, and seafood, for human consumption at a food service establishment, as such term is defined in section 81.03 of the New York city health code.

“Commissioner” means the commissioner of environmental protection.

[(18) Control apparatus] “Control apparatus” means any device [which] that prevents or controls the emission of [any] an air contaminant.

[(19) Department] “Cook stove” means any wood fired or anthracite coal fired appliance used primarily for cooking food for onsite consumption at a food service establishment, as such term is defined in section 81.03 of the New York city health code.

“Demolition” means the complete or partial removal, razing, or dismantling of any exterior part of a building or structure.

“Department” means the department of environmental protection.

[(20) Dust] “Dust” means solid [particulate matter which has] particulates that have been released into the [open] air by natural forces or by manual or mechanical processes.

[(21) Emission] “Emergency generator” means an internal combustion engine that operates as a mechanical or electrical power source only when the usual source of power is unavailable.

“Emission” means dispersion of an air contaminant into the open air of the city.

[(22) Emission rate potential] “Emission rate potential” means the rate in pounds per hour at which an air contaminant would be emitted to the open air in the absence of air pollution control facilities or other control measures. The emission rate potential for cyclic operations shall be determined by considering both the instantaneous emission potential and the total emission

potential over the time period of the cycle.

[(23) Emission source] “Emission source” means a point at which an emission occurs.

[(24) Environmental rating] “Engine” means a motor designed to convert energy into useful mechanical motion.

“Environmental rating” means a rating [indicated by the letters A, B, C or D in table 1, section 24-153 of the code] as established in part two hundred twelve of title six of the New York codes, rules and regulations.

[(25) Equipment] “Equipment” means any device capable of causing the emission of an air contaminant into the open air, or any stack, conduit, flue, duct, vent or similar device connected or attached to, or serving such device.

[(26) Equipment used in a process means equipment (except refuse burning equipment or fuel burning equipment) used in any industrial, commercial, agricultural or other activity, or in any operation, manufacture or treatment in which chemical, biological or physical properties of materials are changed.

(27) Excess air means the quantity of air which exceeds the theoretical quantity of air required for complete combustion.

(28) Exhaust and ventilation source] “Exhaust” or “ventilation source” means a system [which] that removes [and] or transports an air contaminant to the exterior of a building or other structure.

[(29) Fuel burning equipment] “Experimental installation” means equipment not previously used or tested in the city, or equipment using fuel not regulated by this code or rules promulgated thereunder.

“Fireplace” means a hearth and fire chamber or similar prepared place in which a fire may

be made and which is built in conjunction with a chimney.

“Flare” means an open or closed flame gas combustion device used for burning off unwanted gas or flammable gas. A flare may include some or all of the following components: the foundation, flare tip, structure support, burner, ignition, flare controls including air injection or steam injection systems, flame arrestors, knockout pots, piping and header systems.

“Fuel burning equipment” means equipment, other than a motor vehicle, designed to burn oil, natural gas, or renewable fuel.

[(30) Installation] “Fuel oil grade no. 1” means a fuel oil meeting the definition of fuel oil grade no. 1 as classified by ASTM standard D396-12.

“Fuel oil grade no. 2” means a fuel oil meeting the definition of fuel oil grade no. 2 as classified by ASTM standard D396-12.

“Fuel oil grade no. 4” means a fuel oil meeting the definition of fuel oil grade no. 4 as classified by ASTM standard D396-12.

“Fuel oil grade no. 6” means a fuel oil meeting the definition of fuel oil grade no. 6 as classified by ASTM standard D396-12.

“Generator” means any internal combustion engine that operates as a mechanical or electrical power source.

“Heat input” means the quantity of heat generated by fuel fed into equipment under conditions of complete combustion, measured in British thermal units. Heat input includes sensible heat, calculated above sixty degrees Fahrenheit, available from materials introduced into the combustion zone.

“Horsepower” means a unit of power in the United States Customary System, equal to 745.7 watts or thirty-three thousand foot-pounds per minute.

“Installation” means the placement, assemblage or construction of equipment or apparatus at the premises where the equipment or apparatus will be used, and includes all preparatory work at such premises.

[(31) Major deficiency means a defect in the design and/or installation that may cause the equipment to generate unnecessary air pollution.

(32) Minor deficiency means a defect in the design and/or installation that does not accomplish or provide the monitoring or maintenance capability required by the permit issued to install or alter the equipment.

(33) Motor vehicle] “Kilowatt” means a unit of electrical power equal to one thousand watts.

“Mobile food vending unit” shall have the same meaning as set forth in section 89.03 of the New York city health code.

“Motor vehicle” means equipment [which] that is propelled by an engine in or upon which a person or material may be transported on the ground.

[(34) Odorous air contaminant] “Odorous air contaminant” means any air contaminant [which] that is released in sufficient concentrations to be detected by the human olfactory sense.

[(35) Open air] “Open air” means all the air available for human, animal, or plant respiration, but shall not include the air in equipment and private dwellings.

[(36) Open fire] “Open fire” means any outdoor fire or smoke producing process wherein the products of combustion are emitted directly into open air and are not directed thereto through a stack, conduit, flue, duct, vent or similar device.

[(37) Owner] “Outdoor wood boiler” means a device designed to burn wood that is either located outdoors or is specified by the manufacturer for outdoor installation or installation in

structures not normally occupied by humans, and is used to heat building space or water by means of gas or liquid heated in the device.

“Owner” means and includes the owner [of the freehold] of the premises or lesser estate therein or mortgagee thereof, a lessee or an agent of any of the above persons, a lessee of the equipment or his or her agent, a tenant, operator, or any other person who has regular control of equipment or apparatus.

[(38) Particulate matter means any liquid, other than water, or any solid which is or tends to be capable of becoming windblown or being suspended in air, or other gas or vapor which becomes a solid or liquid at standard conditions of thirty-two degrees F. and 14.7 psia. Particulate matter measured on a dry basis shall be comprised of all materials collected at two hundred fifty degrees F. on and prior to the dry filter medium which achieves an efficiency greater than 99.9 per cent for particles 0.3 microns in diameter based on dioctyl phthalate smoke] “Particulate” means any air or gas-borne material, except water, that exists as a liquid or solid. The quantity of particulates present in a stack shall be determined in accordance with emission testing methods as prescribed by the commissioner by rule. As used in this code, particulate matter shall have the same meaning as particulates.

[(39) Permissible emission rates] “Peak shaving” means the practice of utilizing on-site generating capacity for use at a facility at the request of the primary electricity supplier, provided that peak shaving shall not include emergency generation when the usual sources of heat, power, and lighting are temporarily unavailable.

“Permissible emission rates” means the maximum rate in [lbs. hr.] pounds per hour (lbs./hr.) at which air [contaminant may] contaminants are allowed to be emitted to the open air.

[(40) Permit means an installation or alteration permit.

(41) Person] “Person” means individual or partnership, company, corporation, association, firm, organization, governmental agency, administration or department, or any other group of individuals, or any officer or employee thereof.

[(42) Portable equipment] “Portable” means (i) designed to be and capable of being carried or moved from one location to another, and (ii) not kept at one location for more than twelve consecutive months. Mechanisms indicating that an object is designed to be and capable of being carried or moved from one location to another include, but are not limited to, wheels, skids, carrying handles or platforms.

“Portable equipment” means equipment designed to be transported from place to place for temporary operation[, other than a motor vehicle, or lawn mower, snowblower or other similar domestic, non-commercial equipment] and to provide heat or hot water.

[(43) Process weight means total weight of the materials including solid fuels introduced into any specific process but excluding liquid and gaseous fuels and combustion air.

(44) Process weight per hour means process weight divided by the number of hours from the beginning of any specific process to the completion of the process, excluding any time during which the equipment used in the process is idle.

(45) Professional certification] “Portable generator” means any internal combustion engine whose uses may include, but are not limited to, the generation of electric power, designed to be and capable of being carried or moved from one location to another.

“Process” means any industrial, commercial, agricultural or other activity, operation, manufacture or treatment in which chemical, biological and/or physical properties of the material or materials are changed, or in which the material(s) is conveyed or stored without changing the material(s) (where such conveyance or storage system is equipped with a vent(s) and is

non-mobile), and which emits air contaminants to the outdoor atmosphere. A process does not include an open fire, operation of a combustion installation, or incineration of refuse other than by-products or wastes from processes.

“Professional certification” means certification by a professional engineer or registered architect who is licensed to practice engineering or architecture under section seven thousand two hundred two or seven thousand three hundred two of the education law.

[(46) Refuse burning equipment] “Professional engineer” means a person licensed and registered to practice the profession of engineering pursuant to the New York state education law.

“Refuse burning equipment” means equipment designed to burn [waste material, garbage and refuse] biological materials from hospitals or crematoriums, waste material burned for the purpose of energy generation, or such other material as may be designated by the department by rule.

[(47) Refuse compacting system means any machine or system of machines capable of reducing waste material and garbage by means other than burning. So that it reduces by a volume to be determined by the commissioner and is suitable for collection by the department.

(48) Refuse containerization system means any system for the disposal of waste material and garbage jointly approved as to specifications by the department of health and mental hygiene, the department of housing preservation and development and the department pursuant to section 27-2021 of the code, which utilizes containers compatible with mechanical loading systems on vehicles operated for the collection of refuse.

(49) Residual fuel oil] “Registered architect” is a person licensed and registered to practice the profession of architecture pursuant to the New York state education law.

“Registered design professional” means a professional engineer or registered architect.

“Registration” means a notification to the department of the use or operation of equipment that may result in the emission of an air contaminant.

“Renewable biomass” means crops and crop residue from existing agricultural land, tree residues, animal waste material and byproducts, slash and pre-commercial thinnings from non-federal forest land, biomass cleared from the vicinity of buildings and other areas to reduce the risk of wildfire, algae, and separated yard waste or food waste. Such term shall not include processed materials such as particle board, treated or painted wood and melamine resin-coated panels.

“Renewable fuel” means fuel produced from renewable biomass or captured from landfills or wastewater treatment.

“Residual fuel oil” means a fuel oil meeting the current definition of fuel oil grades No. 5 and 6 as classified by the [American society for testing and materials] ASTM standard D396-12.

[(50) Scrubber] “Scrubber” means a control apparatus [which] that uses water or other fluids to remove an air contaminant from [a gas] an exhaust stream.

[(51) Solid fuels] means anthracite and bituminous coal, or coke as currently defined by the American society for testing and materials.

[(52) Standard smoke chart] “Standard smoke chart” means the Ringelmann chart, as published by the United States bureau of mines, photographically reduced to 1/18th in size for use in the field.

[(53) This code] “Stationary” means (i) not designed to be or capable of being carried or moved from one location to another, or (ii) kept at one location for more than twelve consecutive months.

“Stationary reciprocating compression ignition internal combustion engine” shall have the

same meaning as set forth in section 60.4219 of title forty of the code of federal regulations.

“This code” means the air pollution control code.

“Ultra low sulfur diesel fuel” means diesel fuel that has a sulfur content of no more than fifteen parts per million.

“Under-fired commercial char broiler” means a commercial char broiler that has a grill, a high temperature radiant surface, and a heat source that is located below the food.

“Water heater” means a boiler used to heat and store water.

“Wood burning heater” means any enclosed, permanently installed, indoor device burning pellets designed to be used primarily for aesthetic purposes.

“Work permit” means a permit issued for the installation or alteration of a device or apparatus.

§ 4. Subchapter 2 of chapter 1 of title 24 of the administrative code of the city of New York, paragraphs 3 and 4 of subdivision (b) of section 24-109 as amended by local law number 48 for the year 1989, subdivision (f) of section 24-109 as amended by local law number 49 for the year 1985, as redesignated pursuant to section 14 of chapter 907 of the laws of 1985, is amended to read as follows:

SUBCHAPTER 2

GENERAL PROVISIONS

§24-105 General powers of the commissioner. (a) Subject to the provisions of this code, the commissioner may take such action as may be necessary to control the emission of any air contaminant [which] that causes or may cause, by itself or in combination with other air [contaminant] contaminants, detriment to the safety, health, welfare or comfort of the public or to a part thereof, injury to plant and animal life, or damage to property or business. The commissioner

may exercise or delegate any of the functions, powers and duties vested in him or her or in the department by this code. The commissioner may adopt such rules, regulations and procedures as may be necessary to effectuate the purposes of this chapter, including rules, regulations and procedures to establish fees and to authorize and encourage the development and use of environmentally beneficial technologies.

(b) The commissioner shall appoint an advisory committee, which shall include but need not be limited to representatives of the restaurant industry and related industries, representatives of the construction industry, representatives of the environmental protection and environmental justice communities, persons with expertise regarding the health effects of pollutants associated with cooking devices, and may include employees of the department and of other relevant city agencies. The city council may appoint a representative to serve on the committee. The committee shall provide advice and recommendations to the department relating to the development and use of emissions control technologies for commercial char broilers and shall assist the department in the development of rules regarding emissions control technologies. The commissioner shall consult with the committee regarding any proposed amendments of such rules. In the development of such rules the commissioner shall consider factors such as the availability and cost of proposed technologies.

§24-106 Investigations and studies by commissioner. The commissioner may make or cause to be made any investigation or study [which] that in his or her opinion is desirable for the purpose of enforcing this code or controlling or reducing the amount or kind of air [contaminant] contaminants. For such purposes, the commissioner may make tests, conduct hearings, compel the attendance of witnesses, and take their testimony under oath and may compel the production of books, papers and other things reasonably necessary to the matter under consideration.

§24-107 Testing by order of commissioner. (a) If the commissioner has reasonable cause to believe that any equipment or fuel is in violation of this code, the commissioner may order the owner of the equipment or fuel to conduct such tests as are necessary in the opinion of the commissioner to determine whether the equipment, its operation, or the fuel is in violation of this code, or whether material used in any manufacturing process is contributing to any violation of this code and to submit the test results to the commissioner within ten days after the tests are completed.

(b) Such tests shall be conducted in a manner approved by the commissioner. The test shall be certified by a laboratory acceptable to the commissioner. The entire test results shall be reviewed and certified by a professional engineer.

(c) The owner shall notify the commissioner of the time and place of a test at least seven days before the commencement of such test. Reasonable facilities shall be made available for the commissioner to witness the test.

(d) If in the opinion of the commissioner tests by the department are necessary, the commissioner may order the owner to provide (1) sampling holes at such points in the stack, conduit, flue, duct or vent, as the commissioner may reasonably request, to provide a power source suitable to the points of testing, and to provide allied facilities, exclusive of sampling and sensory devices, or (2) test ports for gas burning equipment. These provisions shall be made at the expense of the owner of the equipment. The owner shall be furnished with copies of the analytical results of the samples collected.

(e) If the results of tests conducted pursuant to this section show that the equipment or fuel is in violation of this code, the commissioner shall order the owner to cure the defect within thirty days.

§24-108 Inspection and samples. (a) The department may inspect at any reasonable time and in a reasonable manner any equipment, apparatus, or fuel[, matter or thing which] that affects or may affect the emission of an air contaminant including but not limited to the premises where the equipment, apparatus, or fuel is used, or where the fuel is stored, purchased, sold, or offered for sale for use in the city of New York [city].

(b) The department may inspect at any reasonable time and in a reasonable manner any record relating to a use of equipment or apparatus [which] that affects or may affect the emission of an air contaminant, or relating to the use of fuel, or the distribution, storage or transportation of fuel for use in the city of New York [city].

(c) The department may, at any reasonable time and in a reasonable manner, obtain a sample of an air contaminant[, fuel, process material, or other material which] or any other substance used in a process that affects or may affect the emission of an air contaminant.

(d) If an authorized employee of the department obtains a sample of an air contaminant[, fuel, process material or other material which] or any other substance used in a process that affects or may affect the emission of an air contaminant during the course of an inspection, he or she shall give to the owner of the equipment or fuel, prior to leaving the premises, a receipt for the sample obtained.

(e) No person shall refuse entry or access into a place of business or into the public areas of a multiple dwelling [or a place of business] to an authorized employee of the department who presents appropriate credentials nor shall any person refuse entry or access into any other portion of a premises to an authorized employee of the department who presents appropriate credentials and a search warrant.

(f) The owner of every building, other than a one- or two-family [home] dwelling, shall

make the area where the heating system [or refuse burning equipment, or both,] is located readily accessible to members of the department pursuant to the requirements of section 27-2033 of the code.

§24-109 Registrations [generally]. (a) [In addition to the registrations required by subdivision (b) of this section the commissioner may order the written registration of emission sources other than those located in one or two family dwellings and motor vehicles. A period of sixty days from publication in the City Record of the commissioner's order shall be allowed for the filing of such registration. In cases of an emergency, the commissioner may designate a shorter period of time.

(b) No person shall cause or permit the following unless he or she has first registered with the department:

(1) [the] The spraying of any insulating material in or upon any building or other structure during its construction, alteration or repair[;].

(2) [the] The demolition of any building or other structure, or part thereof, unless the demolition of the building or structure is being [demolished pursuant to chapter one of title seventeen or article eight of subchapter two of chapter one of title twenty-six of the code] conducted by or on behalf of a city agency pursuant to chapter one of title seventeen of the code or pursuant to an order issued by the department of buildings under article two hundred fifteen of chapter two of title twenty-eight of the code.

(3) The installation, alteration, use or operation of [any fuel burning equipment which in the aggregate, feeding into a common emission point,] an individual boiler or water heater that has a [Btu] heat input [or gross output] equal to or greater than three hundred fifty thousand Btu per hour but less than [one] four million two hundred thousand Btu per hour.

(4) The installation, alteration, use or operation of [any fuel burning equipment which] any boilers, including water heaters, that are owned by the same person in a single building and would not individually require a registration or certificate of operation, if in the aggregate[, feeding into a common emission point, has] such boilers have a [Btu] heat input [or gross output] equal to or greater than three hundred fifty thousand Btu per hour [but less than 2.8 million Btu per hour and which uses a fuel gas, gasoline, or fuel oil grades Nos. 1 or 2 as classified by the American society for testing and materials]. Such boilers shall be registered together in a single registration.

(5) The use or operation of fuel burning equipment or portable equipment with a heat input equal to or greater than three hundred fifty thousand Btu per hour but less than four million two hundred thousand Btu per hour, except as otherwise provided in this section.

(6) The use or operation of any emergency generator that has an output equal to or greater than forty kilowatts.

(7) The use or operation of any portable generator with an output equal to or greater than forty kilowatts.

(8) The use or operation of a portable engine with an input equal to or greater than fifty horsepower but less than six hundred horse power, unless such engine is used to power self-propelled construction or landscaping equipment.

(9) The use or operation of a stationary generator, other than an emergency generator, with an output equal to or greater than forty kilowatts but less than four hundred fifty kilowatts.

(10) The use or operation of a stationary engine with an input of equal to or greater than fifty horsepower but less than six hundred horsepower.

(11) The use or operation of an engine with an input equal to or greater than fifty horsepower that is used exclusively at a construction site, unless such engine is used to power

self-propelled construction or landscaping equipment.

(12) The use or operation of equipment with an environmental rating of C that produces a flow rate equal to or greater than one hundred standard cubic feet per minute but less than two thousand standard cubic feet per minute.

(13) The use or operation of a cogeneration system that has a total input equal to or greater than three hundred fifty thousand Btu per hour but less than four million two hundred thousand Btu per hour.

(14) The installation, use or operation of any flare.

(15) The installation, use or operation of any gasoline dispensing station.

(16) The installation, alteration, use or operation of any commercial char broiler.

(17) Any other emission source or activity not listed in paragraphs one through sixteen of this subdivision that the commissioner requires by rule to be registered with the department, provided that the commissioner shall not require by rule the registration of an engine used to propel a motor vehicle or any emission source or activity located in a one- or two-family dwelling.

(b) Registration shall not be required for any fuel burning equipment for which a certificate of operation is required pursuant to subchapter four of this code.

(c) Registration shall be [made] filed on forms [furnished] prescribed by the department.

(1) [Forms for registration pursuant to subdivision (a) of this section may require information concerning the unit of equipment covered by the registration, the kind and amount of air contaminant emitted by the equipment, medical and other scientific information concerning the effects of the air contaminant on persons, animals, and plants, and any additional information required by the commissioner for the purpose of enforcing this code.

(2) Forms for registration pursuant to paragraph one of subdivision (b) of this section shall

require information concerning the kind and amount of insulating material that will be sprayed, the composition of the insulating material, medical and other scientific information concerning the effects of the insulating material on persons, animals, and property, the precautions that will be taken to prevent the insulating material from being emitted into the open air, and any additional information required by the commissioner for the purpose of enforcing this code. Registration for spraying of insulating material shall be filed at least five days prior to commencement of such spraying work.

(3) Forms for registration pursuant to paragraph two of subdivision (b) of this section shall require information concerning the kind and amount of particulate matter that it is reasonably anticipated may be released as a result of the demolition, the precautions that will be taken to prevent particulate matter from becoming air-borne, and any additional information required by the commissioner for the purpose of enforcing this code.

(4) The registrant shall maintain the registration in current status by notifying the commissioner of any change in any item of information furnished in compliance with this section, other than a change in ownership, within a reasonable time not to exceed fifteen days] An application for the registration of any boiler shall include documentation that the boiler has passed a combustion efficiency test. The commissioner shall specify by rule the requirements for such test.

(2) (i) An application for the registration of any generator shall include documentation that the generator has passed a smoke test performed in accordance with the procedures set forth in "Method 9 - Visual determination of the opacity of emissions from stationary sources," Appendix A-4 to part sixty of title forty of the code of federal regulations, or documentation in the form of certification by a professional engineer or registered architect that a stack test has been performed

in accordance with the rules of the department.

(ii) The department may require that any portable generator being registered for the first time be made available for a smoke test to be conducted by the department before the application for registration will be processed. If the department conducts such smoke test, the documentation required in subparagraph (i) of this paragraph shall not be required.

(iii) The requirements of this paragraph shall not apply to any newly installed generator that is being registered for the first time and that is equipped with an engine certified to the tier four emissions standards established by the United States environmental protection agency as set forth in table one of section 1039.101 of title forty of the code of federal regulations or to any subsequent United States environmental protection agency emissions standard for such engine that is at least as stringent, provided that the requirements of this paragraph shall apply to such generator upon renewal of such registration.

(d) Registration shall be [made] filed by the following persons:

(1) [If the registrant is a partnership or group other than a corporation, the registration shall be made by an individual who is a member of the group.

(2) If the registrant is a corporation, the registration shall be made by an officer of the corporation.

(3) In the case of registration pursuant to subdivision (a) of this section by the owner of the equipment.

(4) In the case of registration pursuant to paragraph one of subdivision [(b)] (a) of this section, by the [person] contractor responsible for the [construction, alteration or repair of the building or other structure in or upon which] spraying [will occur] of the insulating material.

[(5)] (2) In the case of registration pursuant to paragraph two of subdivision [(b)] (a) of this

section, by the [person] contractor responsible for the demolition [of the building or structure] activity.

(3) In the case of registration pursuant to any other paragraph of subdivision (a) of this section, by the owner of the equipment or his or her authorized agent.

(e) [Registration shall be made in duplicate. Upon approval thereof, a stamped] After a registration has been approved, the department shall return an approved copy to the registrant. The approved copy [of the registration shall be returned to the registrant, and] shall be displayed in accordance with section 24-113 of this subchapter.

(f) [Registration of equipment or apparatus shall be valid for a period of up to three years from the date of approval of the initial registration or renewal, unless sooner revoked or cancelled by the commissioner. Where a registration is renewed after its expiration, the registration fee charged in accordance with the provisions of this part shall be increased on a monthly pro-rated basis for the period of time between such expiration and renewal, unless it is shown to the satisfaction of the commissioner that registration was not required under the provisions of this chapter.] Any registrant, except a registrant of equipment described in paragraphs seven or eight of subdivision (a) of this section, shall notify the department within fifteen days of any change in the information submitted in the registration. If the change in information relates to a change in ownership of the equipment then the new owner shall notify the department of the change.

(g) Registrations shall be valid for up to three years from the date of approval, unless cancelled by the department. Registrations shall be renewed in a timely manner prior to expiration. A registration that has been expired for a period of one year or more shall be considered cancelled by the department. Applications for registration renewals shall be submitted on a form prescribed by the department.

(h) The application for a registration of new equipment shall indicate whether the new equipment is replacing existing registered equipment. The existing registration shall be cancelled upon registration of the new equipment.

(i) The registrant shall notify the department when removing registered equipment, and the registration shall be cancelled upon such notification.

§24-110 Variances. (a) The commissioner may grant individual variances[, except to governmental agencies, beyond the limitations prescribed by this code,] whenever it is found, upon presentation of adequate proof, that compliance with any provision of this code, or with any regulation or order of the commissioner in respect to this code, would impose unreasonable hardship. In granting a variance the commissioner may impose such conditions as the policies of this code may require and shall [publish in the City Record] post on the Internet, through a web portal that is linked to nyc.gov or any successor website maintained by or on behalf of the city of New York, no later than seven days after the granting of such variance, the variance and a written opinion, stating the facts and reasons leading to his or her decision.

(b) Any variance granted pursuant to this section shall be granted for such period of time[, not to exceed six months,] as shall be specified by the commissioner at the time of the grant of such variance and upon the condition that the person who receives such variance shall [make such periodic progress reports] provide such documentation as the commissioner shall specify. Such variance may be extended [for periods not to exceed six months] by affirmative action of the commissioner, but only if satisfactory progress has been shown.

(c) Any person seeking a variance shall do so by filing a petition for variance in a form acceptable to the commissioner. The commissioner shall promptly give written notice of such petition to any person in the city who has in writing requested notice of variance petitions, and

shall publish notice of such petition [in the City Record] for a variance on the Internet, through a web portal that is linked to nyc.gov or any successor website maintained by or on behalf of the city of New York. If the commissioner, in his or her discretion, concludes that a hearing would be advisable, or if any person files a written objection to the grant of such variance within twenty-one days from the publication of notice [in the City Record] as described in this subdivision, then a public hearing shall be held.

(d) The commissioner may grant individual or group variances beyond the sulfur content restriction prescribed by section 24-169 of this code, whenever it is found, upon presentation of adequate proof, that the supply of fuel oil is insufficient to meet the demands of residents of the city of New York for heat, hot water, and electrical power. Where an applicant can show that it has an insufficient reserve of fuel oil meeting the sulfur content requirements of this code and that it is unable to buy a sufficient amount of such fuel oil to meet its fuel oil demands during the pendency of its variance application, the commissioner may grant a variance for up to forty-five days without complying with the procedural [requirement] requirements of this section, except for the [publication] requirement of subdivision (a) to post a written opinion. During the time in which a temporary variance is running, the commissioner shall review, as soon as practicable, the application for a variance treating it as any other variance application.

[(e) With respect to a variance for the spraying of any substance containing asbestos in or upon a building or other structure during its construction, alteration or repair the commissioner shall in determining undue hardship take cognizance that such construction, alteration or repair was commenced or a permit has been granted for same by the department of buildings prior to August twentieth, nineteen hundred seventy-one or six months thereafter and that a non-asbestos spray material has not been approved for fireproof purposes by the department of buildings.]

§24-111 Interfering with or obstructing departmental personnel. No person shall interfere with or obstruct [the commissioner or] any department employee in carrying out any official duty [for the commissioner or the board].

§24-112 False and misleading statements; unlawful reproduction or alteration of documents. (a) No person shall knowingly make a false or misleading statement or submit a false or misleading document to the department as to any matter within the jurisdiction of the department.

(b) No person shall make, reproduce or alter or cause to be made, reproduced or altered a work permit, certificate of operation or other document issued by the commissioner or required by this code if the purpose of such reproduction or alteration is to evade or violate any provision of this code or any other law.

§24-113 Display of work permits, certificates of operation, registrations and other notices[; removal or mutilation prohibited]. (a) Any work permit, certificate of operation or registration required by this code shall be [displayed in the vicinity of the equipment on the premises designated on the permit or certificate, or in the vicinity of the equipment which will be operated or supervised, or in the case of registration pursuant to subdivision (b) of section 24-109 of this code, in the vicinity of the premises designated on the registration.

(b) A notice containing the provisions of subchapters six, seven and eight of this chapter, or a summary of them, shall be displayed in the vicinity of the equipment of any vessel while it is in waters within the jurisdiction of the city of New York. The notice shall be in the language of the country of registry, and in the language commonly spoken by the crew of the vessel.

(c) A notice printed in not less than twelve point type shall be displayed in the vicinity of fuel burning equipment using residual oil containing information as may be prescribed by the

commissioner] prominently displayed in a manner visible to any person inspecting the equipment, and in the case of registration pursuant to section 24-109 of this code, shall be displayed in the vicinity of the premises designated on the registration.

§24-114 Enforcement of this code by other than compulsory means. Nothing in this code shall prevent the commissioner from making efforts to obtain voluntary compliance by way of warning, notice or educational means. However, such non-compulsory methods need not be used before proceeding by way of compulsory enforcement.

§24-115 Service of papers. (a) Service of any written notice, order or decision related to equipment as required by this code shall be made [on the owner] as follows:

(1) Either by mailing the notice, order or decision directed to the owner of the equipment at the address listed in his or her application, work permit or [operating] certificate of operation or at the address where the equipment is located; or

(2) By leaving the notice, order or decision with the owner of the equipment, or if the owner is not an individual, with a member of the partnership or group concerned or with an officer or managing agent of the corporation.

(b) Service of any written notice, order or decision not related to equipment as required by this code shall be made on a person:

(1) [Either by] By mailing the notice, order or decision directed to the person at his or her principal place of business; or

(2) By leaving the notice, order or decision with the person, or if the person is not an individual, with a member of the partnership or group concerned, or with an officer or managing agent of the corporation.

(c) Service of any written notice required by this code shall be made on the department[,] or

the commissioner [or the board as follows:

(1) Either] by mailing the notice to the commissioner[; or

(2) By leaving the notice at the department with an employee of the department designated for this purpose].

§24-116 Inconsistent provisions. Insofar as the provisions of this code are inconsistent with the provisions of any other title of the code, or any rule or regulation of any governmental agency of the city of New York, the provisions of this code shall be controlling.

§24-116.1 Addition, modification and deletion of referenced standards. The standards referenced in this code, including standards promulgated by ASTM International, may be added to, deleted or modified by rule of the department.

§ 5. The heading of subchapter 3 of chapter 1 of title 24 of the administrative code of the city of New York is amended to read as follows:

SUBCHAPTER 3

REFUSE BURNING EQUIPMENT[, REFUSE COMPACTING SYSTEMS AND REFUSE CONTAINERIZATION SYSTEMS]; INCINERATORS AND CREMATORIUMS

§ 6. Section 24-117 of the administrative code of the city of New York is REPEALED.

§ 7. Section 24-118 of the administrative code of the city of New York is amended to read as follows:

§24-118 Installation of refuse burning equipment, [other than] municipal equipment, [prohibited; new installation] incinerators and crematoriums. No person shall cause or permit the installation of [refuse burning] equipment[. This prohibition shall not apply to refuse burning equipment operated by] designed to burn solid waste, as such term is defined in section 16-209 of the code, provided that the following equipment shall not be prohibited:

(1) [Any] An incinerator operated by any hospital, biological laboratory or other medical facility required to incinerate dressings, biological and obstetrical wastes, contagious and infectious materials, disposable syringes and needles, amputations, and [general rubbish] other materials under [the public health law] any state or local laws, or rules or regulations promulgated thereunder; or

(2) [The] Equipment operated by the department [or the department of sanitation] in connection with sewage treatment plants [and solid waste disposals] for energy generation; or

(3) [The department of transportation in connection with waterborne marine transportation facilities operated under its jurisdiction] Equipment operated by or on behalf of the department of sanitation in connection with solid waste disposal or processing for energy generation or other resource recovery or such other purposes as may be permitted by the rules of the department; or

(4) Crematoriums used to reduce human or animal remains to their basic elements using high heat.

§ 8. Section 24-119 of the administrative code of the city of New York is REPEALED.

§ 9. Subchapter 4 of chapter 1 of title 24 of the administrative code of the city of New York, paragraph (2) of subdivision (b) of section 24-122 as amended by local law number 49 for the year 1985 and as redesignated pursuant to section 14 of chapter 907 of the laws of 1985, subdivision (d) of section 24-122 as added by local law number 49 for the year 1985 and as redesignated pursuant to section 14 of chapter 907 of the laws of 1985, subdivision (b) of section 24-123 as amended by local law number 14 for the year 1989, and subdivision (c) of section 24-125 as added by local law number 58 for the year 1991, is amended to read as follows:

SUBCHAPTER 4

WORK PERMITS AND CERTIFICATES OF OPERATION

§24-120 Installation and alteration; work permit required. No person shall cause or permit the installation or alteration of equipment or apparatus, except as provided in section 24-121 of this code, without first obtaining a work permit from the commissioner, and such other licenses or permits as may be required by other governmental agencies and departments.

§24-121 [Permits,] Work permits; exemptions. (a) A work permit shall not be required for the installation or alteration of the following equipment or apparatus:

(1) Air conditioning, ventilating, or exhaust systems not designed to remove air [contaminant] contaminants generated by or released from equipment or exhaust systems for controlling steam and heat.

(2) Air contaminant detector or air contaminant recorder.

(3) Construction equipment except for generators.

(4) Deicing storage tanks.

(5) Dilution ventilating systems for control of welding fumes and gases.

[(4) Exhaust systems for controlling steam and heat.

(5) Fuel burning equipment, other than smoke house generators, which in the aggregate has a Btu input or gross output of not more than one million Btu per hour.]

(6) Equipment with an environmental rating of D.

(7) Fuel burning equipment [which in the aggregate] that has a Btu input or a gross output of less than [2.8] four million two hundred thousand Btu per hour and uses a fuel gas, natural gas, gasoline or fuel oil grade No. 1 or 2 [as classified by the American society for testing and materials].

[(7) Fumigation vaults having an environmental rating of D in accordance with section 24-153 of this code.]

(8) Installations for the preparation of food for on-site consumption or retail purchase, unless required elsewhere in this code or pursuant to [regulations] rules issued by the commissioner.

(9) Internal combustion engines used to power any motor [vehicles] vehicle or [other] any stationary [engines which have a Btu] engine that has an output of not more than [three hundred fifty thousand Btu per hour] six hundred horsepower.

(10) Laboratory equipment used exclusively for chemical or physical analyses of non-radioactive material.

(11) Refrigeration equipment used for cold storage.

(12) [Sewing equipment] Steam safety valves.

(13) Vents used exclusively by tanks used [in] for the storage of[:

(i) Residual and distillate] fuel oil[; or

(ii) (A)], biodiesel, liquid soap, liquid detergent, tallow or vegetable oil, waxes, or emulsions.

(14) Vents used exclusively as part of a sanitary or storm drainage systems[; or

(B) steam or air safety valves; or

(iii) Liquid soap, liquid detergent, tallow or vegetable oil, waxes, or emulsions.

(14) Type metal crucible or melting pots used in connection with printing presses and having an environmental rating of D in accordance with section 24-153 of this code].

(15) Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping.

(16) [Vents used exclusively for:

(i) Sanitary or storm drainage systems; or

(ii) Steam or air safety valves; or

(iii) Storage tanks.

(17) Ventilating or exhaust systems for [paint] storage rooms or cabinets for paint, ink, or solvents.

[(18)] (17) Water cooling towers and water cooling ponds not used for evaporative cooling of process water, or not used for evaporative cooling of condensed water for jet or barometric condensers.

(18) Equipment for which a registration is required pursuant to section 24-109 of the code.

(19) Anti-icing trucks used by the department of transportation.

(20) High-efficiency particulate air (HEPA) vacuum.

(21) Any other equipment or apparatus exempted by the commissioner by rule.

(b) A work permit shall not be required for the installation or alteration of equipment or apparatus in one and two-family dwellings.

(c) Although a work permit is not required for the installation or alteration of the equipment or apparatus listed in subdivisions (a) and (b) of this section, such equipment and apparatus shall otherwise comply with this code.

(d) A work permit shall not be required to begin an alteration of equipment or apparatus if delaying the alteration may endanger life or the supplying of essential services. The department shall be notified in writing of the alteration within twenty-four hours or on the first working day, after the alteration is commenced, and an application for a work permit shall be filed within fourteen days after the day the alteration is commenced.

(e) Nothing in this section shall in any way alter, affect, or change any other requirement or law of any other governmental agency or department.

§24-122 [Operating certificates] Certificates of operation and renewal of [operating] certificates of operation; when required. (a) No person shall cause or permit the use or operation of equipment or apparatus for which [an installation or alteration] a work permit is required without first obtaining a certificate of operation from the commissioner, except the use or operation for the purpose of testing the equipment or apparatus or for the purpose of testing an experimental installation or alteration for a reasonable period of time, [not exceeding thirty days, without first obtaining an operating certificate from the commissioner. The provisions of this subdivision concerning an experimental installation or alteration shall not apply to an installation or alteration for the purpose of obtaining a sulfur exemption certificate] as follows:

(1) Testing of the equipment, apparatus, or experimental installation or alteration is permitted for an initial period of thirty days beginning upon notification to the department of a start date.

(2) If a person discovers during testing of the equipment, apparatus, or experimental installation or alteration that the equipment requires repairs necessitating interruption of the testing, such person shall notify the department of a new start date within ten days of the discovery and shall have an additional period of time not to exceed thirty days from such new start date to test the equipment, provided that the total combined testing period shall not exceed sixty days.

(b) [Except as provided in subdivision (c) of this section, or in paragraphs three and four of subdivision (b) of section 24-109, no] No person shall cause or permit the use or operation of the following equipment, or cause or permit the keeping of any such equipment so as to be capable of being used or operated, without first obtaining [an operating] a certificate of operation from the commissioner.

(1) Fuel burning equipment [using liquid, gaseous or solid fuel];

(2) Equipment used in a process, except as otherwise provided by the commissioner by rule;

(3) Portable equipment [powered by an internal combustion engine other than a motor vehicle];

(4) [Refuse burning equipment, including equipment operated by the department;

(5) Any equipment which was required by law to have an operating certificate prior to January ninth, nineteen hundred eighty-three] Equipment described in subdivisions one through four of section 24-118 of the code.

(c) [An operating certificate is not required for fuel burning equipment or refuse burning equipment which is in a building to be demolished to permit the erection of a new building if:

(1) The new building application has been approved by the department of buildings; and

(2) Certificates of eviction have been issued by the department of housing preservation and development where required; and

(3) Final order for eviction has been issued.] No certificate of operation shall be required for equipment for which a registration is required pursuant to section 24-109 of the code.

(d) [(1) An operating] A certificate of operation for equipment[, except refuse burning equipment,] shall be valid for a period of up to three years from the date of issuance, unless sooner revoked or cancelled by the commissioner.

[(2) An operating certificate for refuse burning equipment shall be valid for a period of up to eighteen months from the date of issuance, unless sooner revoked or cancelled by the commissioner.

(3) Where an operating certificate described in paragraph one or paragraph two of this subdivision is renewed after its expiration, the fee for such certificate charged in accordance with

the provisions of this chapter shall be increased on a monthly pro-rated basis for the period of time between such expiration and renewal, unless it is shown to the satisfaction of the commissioner that such certificate was not required under the provisions of this title.

(e) An operating certificate is not required for equipment or apparatus the installation or operation of which would not require a permit pursuant to section 24-121.

(f) (e) If equipment or apparatus for which [an operating] a certificate of operation has been issued is dismantled or rendered inoperable, the owner of such equipment or apparatus shall notify the department within twenty days on forms furnished by the department. If the commissioner finds to his or her satisfaction that such equipment or apparatus has been dismantled or rendered inoperable, renewal of the [operating] certificate of operation shall not be required for as long as the equipment or apparatus remains dismantled or inoperable.

§24-123 General requirements for applications for work permits, certificates of operation, and renewal of certificates of operation. (a) Application for [an installation or alteration] a work permit, for a certificate of operation or for the renewal of a certificate of operation shall be made by the owner of the equipment or apparatus on forms furnished by the department. If the applicant is a partnership or group other than a corporation, the application shall be [made] signed by one individual who is a member of the group. If the applicant is a corporation, the application shall be [made] signed by an officer of the corporation.

(b) [Applications for permits, and operating certificates required by subdivision (b) of section 24-122 of this code, shall be filed at the department of buildings except that such applications shall be filed with the department of ports and trade with respect to buildings under the jurisdiction of such department.

(c) A separate application is required for each unit of equipment or apparatus, unless

identical units of equipment or apparatus are to be installed, altered or operated in an identical manner in the same building.

[(d)] (c) Each application shall be signed by the applicant and [professionally certified as to] by an architect, engineer or any other professional approved by the commissioner by rule. The architect, engineer or other professional shall certify the accuracy of the technical information concerning the equipment or apparatus contained in the application, plans and other papers submitted. In the case of an application for the [operating] certificate of operation required by this code, the certifying [engineer or] architect, engineer or other professional shall also certify that he or she inspected the equipment and that the equipment satisfies the provisions of this code. [For the renewal of a certificate, the applicant's professional engineer or architect shall certify that the equipment satisfies the provisions of this code.] The signature of the applicant shall constitute an agreement that the applicant will assume responsibility for the installation, alteration or use of the equipment or apparatus concerned in accordance with the requirements of this code.

[(e)] (d) Application for the renewal of [an operating] a certificate of operation shall be filed no later than [ninety] forty-five days and no earlier than one hundred twenty days prior to the expiration of the certificate of operation.

[(f)] (e) Application for [an installation or alteration] a work permit or for [an operating] a certificate of operation is automatically cancelled if a certificate of workers' compensation and a certificate of disability insurance is not filed with the department within sixty days after service on the applicant of a notice of failure to file such certificate, exclusive of the day of service.

(f) Information exempt by law from disclosure as confidential commercial information that may be required, ascertained or discovered by the department shall not be disclosed by any department employee, except that the information may be disclosed by the commissioner if the

department is subpoenaed for the information or if in the course of a court proceeding or department or administrative hearing, the information is relevant to the proceeding or hearing.

[§24-124 Information required for applications for permits, sulfur exemption certificates.

(a) Each application for a permit or installation or alteration of experimental equipment or apparatus shall be in a manner prescribed by the commissioner.

(b) An application for the installation or alteration of control apparatus to obtain a sulfur exemption certificate shall describe in detail the following:

(1) The kind and amount of fuel for which the sulfur exemption certificate is sought; and

(2) The location of the fuel burning equipment; and

(3) The manner of operation of the fuel burning equipment; and

(4) Any additional information, evidence or documentation which may be required by the commissioner.

(c) Information concerning secret processes which may be required, ascertained or discovered by the department shall not be disclosed by any department employee, except that the information may be disclosed by the commissioner if the department is subpoenaed for the information or if in the course of a departmental court proceeding or department or board hearing, the information is relevant to the proceeding or hearing.]

§24-125 Standards for granting work permits. (a) Except as provided in section 24-126 of this code, no work permit shall be granted unless the applicant [demonstrates and/or] certifies to the satisfaction of the commissioner that:

(1) The equipment is designed and will be installed or altered to operate in accordance with the provisions of this code and with any applicable rules the commissioner may promulgate pursuant to this code;

(2) The equipment [incorporates advances in the state of the art of air pollution control developed for the kind and amount of air contaminant emitted by the applicant's equipment] has been certified by a registered design professional to meet the current applicable federal, state and city emission standards;

(3) [The equipment is designed and will be installed or altered consistent with any regulations for such equipment issued by the commissioner;

(4) Equipment [which] that will have a stack [or duct three feet or more in diameter], chimney, or breaching will be provided with:

(i) Sampling ports of a size, number and location as the [department] commissioner may require, and

(ii) Safe access to each port, and

(iii) Such other sampling and testing facilities as the commissioner may require;

[(5)] (4) Refuse burning equipment operated by the department contains control apparatus which meets [the] any performance standards that may be prescribed by the commissioner;

(6) (5) When required by the commissioner, fuel burning equipment [which] that will use residual fuel oil will be installed with an air contaminant detector together with either a combustion shutoff or, when acceptable to the commissioner, an air contaminant recorder, except that no combustion shutoff shall be required on fuel burning equipment used to generate steam for off-premises sale or electricity; and

[(7)] (6) All parts of the equipment can be readily cleaned and repaired[; and

(8) Operation of the equipment will not prevent the attainment or maintenance of applicable emission criteria].

(b) In order to reduce the emission of air contaminants and to insure optimum combustion

in fuel burning equipment and refuse burning equipment, such equipment shall be shown to the satisfaction of the commissioner to:

(1) Be of a proper size to handle the planned load, be located in a proper place[,] and incorporate appropriate apparatus [and have proper operating, regulating and control devices]; and

(2) [Be operated at appropriate times and by appropriate persons; and

(3)] Burn fuel or [refuse] other material determined by the commissioner to be appropriate for the specific size and type of equipment.

(c) The commissioner may require that any equipment or apparatus [with respect to which] that requires a work permit [is required], or any class or category of such equipment or apparatus, be included on a list of accepted equipment or apparatus maintained by the department. No acceptance for listing of equipment or apparatus shall be granted unless the applicant [demonstrates and/or certified] certifies to the satisfaction of the commissioner that such equipment or apparatus complies with all applicable provisions of this code [(including the requirements of subdivisions a and b of this section) and of the rules concerning engineering criteria for fuel burning equipment] and such other applicable rules as the commissioner may promulgate pursuant to this code. [An application for acceptance shall be accompanied by the required fee.]

§24-126 Conditional approval of [permits] experimental installations and alterations. The commissioner may grant a work permit, or an alternative form of approval, for an experimental installation or alteration on conditional approval if it appears likely from all of the information submitted that the installation or alteration when completed may satisfy the standards of section 24-125 of this code. The work permit shall be [for a reasonable time,] valid for a period not to exceed three years. [This section shall not apply to a permit for the purpose of obtaining a sulfur

exemption certificate.]

§24-127 [Cancellation] Expiration of [installation and alteration] work permits. (a) [The commissioner may cancel a permit for the installation of equipment or apparatus in new buildings] In newly constructed buildings, a work permit shall expire if the installation is not completed within one year from the date of issuance of the work permit or if work on the installation under the work permit is suspended for more than ninety days.

(b) [When not a new building, the commissioner may cancel a permit for the installation or alteration of equipment or apparatus] In existing buildings, a work permit shall expire if the installation or alteration is not begun within ninety days from the date of issuance of the work permit or if the work of the installation or alteration is suspended for more than thirty days or if the installation or alteration is not completed within six months.

(c) [With the consent of the commissioner, and in his or her discretion, an applicant may secure an extension of the expiration date on written request to the commissioner stating the reasons therefor.] Extensions may be granted for a period of not more than six months per extension, provided that an application for an extension shall be made at least thirty days prior to the expiration of the work permit.

(d) An expired work permit shall be reinstated if it is filed within one year of the expiration date of the work permit. If an application for reinstatement is not filed within one year of the expiration date of the work permit, then a new application shall be filed with the department.

§24-128 Standards for granting or renewing [operating] certificates of operation. (a) No [operating] initial certificate of operation shall be granted for the use or operation of equipment or apparatus for which [an installation or alteration] a work permit is required unless the applicant [shows to the satisfaction of the commissioner that the equipment or apparatus satisfies the

standards of section 24-125 of this code and is installed or altered in accordance with the requirements and conditions contained in the permit, or if installed or altered in a manner which deviates from the permit, that the deviation from the permit does not adversely affect the emission of air contaminant] first requests an inspection by the department to certify that the equipment or apparatus is installed in accordance with the work permit and operates in accordance with this code. Such inspection shall include testing as set forth in subdivision (a) of section 24-129 of this code.

(b) [No operating certificate shall be granted for the use or operation of existing equipment for which a certificate is required by subdivision (b) of section 24-122 of this code unless the applicant files an application and plans as required by section 24-124 of this code for installation and alteration permits, and shows to the satisfaction of the commissioner that:

(1) The equipment satisfied the standards required by section 24-125 of this code for the granting of a permit for similar new or altered equipment, with the exception of the requirements relating to stacks and ducts in paragraph four of subdivision (a) of section 24-125 of this code; and

(2) Refuse burning equipment includes the installation and use of:

(i) An auxiliary gas burner regulated by automatic firing clocks; and

(ii) An overfire air fan and nozzle system; and

(iii) Control apparatus such as a scrubber and/or additional control apparatus or such equivalent as may be determined by the commissioner.

(iv) Subparagraphs (i) and (ii) shall not apply to refuse burning equipment operated by the department of sanitation.

(3) Fuel burning equipment using residual fuel oil includes the installation and use of:

(i) A combustion controller; and

- (ii) An automatic oil temperature maintenance device; and
- (iii) An automatic water temperature device or its equivalent; and
- (iv) Such additional control apparatus as may be determined by the commissioner.

(4) Fuel burning equipment using solid fuel includes the installation and use of:

- (i) A combustion controller; and
- (ii) An automatic water temperature maintenance device or its equivalent; and
- (iii) Such additional control apparatus as may be determined by the commissioner.

(c) No [operating] certificate of operation shall be granted or renewed for the use or operation of equipment or apparatus unless the applicant shows to the satisfaction of the commissioner that the equipment or apparatus covered by such certificate [continues to satisfy] of operation satisfies the standards established in the code or by rules or regulations promulgated thereunder in effect on the date of the issuance of the original [operating] certificate of operation.

[(d)] (c) An application for [an operating] a certificate of operation or any renewal or reinstatement thereof may be denied by the commissioner if any board penalty against the owner of equipment or apparatus which is the subject of the application has not been complied with or satisfied.

[(e)] (d) If an owner fails to make an application to renew [an operating] a certificate of operation within one hundred eighty days from the date of mailing of notice by the commissioner that such application is required, such owner shall be required to file a new application for a work permit pursuant to [section] sections 24-123 and 24-125 of the code.

§24-129 Testing before granting or renewing of [operating] certificates [and sulfur exemption certificates] of operation. (a) [Before an operating certificate, or a sulfur exemption certificate as provided by subdivision (a) of section 24-171 of this code is granted or renewed, the

commissioner may require the applicant to conduct such tests as are necessary in the opinion of the commissioner to determine the kind or amount of air contaminant emitted from the equipment, or to determine whether the equipment or apparatus, its operation, or the fuel or material used is contributing to, or is in, violation of this code. The test shall be made at the expense of the applicant] A certificate of operation shall not be granted or renewed unless the equipment passes such tests as the commissioner may require by rule. The commissioner may require the applicant to conduct such tests. A failing test result shall result in disapproval.

(b) [Such tests shall be conducted, reviewed and certified as provided by subdivision (b) of section 24-107 of this code. The applicant shall notify the department of the time and place of a test as provided by subdivision (c) of section 24-107 of this code. Reasonable facilities shall be made available for the department to witness the test.

(c) [If in the opinion of the commissioner tests by the department are necessary, the facilities for such tests, exclusive of sampling and sensory devices, shall be furnished by and at the expense of the owner or lessee or his or her agent as provided by subdivision (d) of section 24-107 of this code.

§24-130 Action on applications for work permits and certificates of operation. (a) The commissioner shall act within a reasonable time not to exceed [sixty] forty-five days on an application for a work permit or certificate of operation, or for a renewal of a certificate of operation, and shall notify the applicant in writing of his or her approval or disapproval of the application.

(b) If an application is disapproved, the commissioner shall set forth his or her objections in the notice of disapproval [or notice of violation].

(c) Within [sixty] forty-five days after service on the applicant of the notice of disapproval

[or notice of violation exclusive of the day of service], the applicant may request the commissioner to reconsider the application by answering in writing the commissioner's objection to the application. The application shall be deemed cancelled if the applicant fails to answer or request an extension of time within forty-five days after the service of the notice of disapproval.

(d) The commissioner shall consider the applicant's answer to his or her objections, and shall notify the applicant in writing within a reasonable time, not to exceed [sixty] forty-five days, of his or her approval or denial of the application. [Failure to answer or request an extension of time within sixty days after service of the notice of disapproval or a notice of violation shall be deemed a denial of the application.]

(e) The commissioner may grant a temporary [operating] certificate of operation for a period not to exceed sixty days upon receipt of an application for the granting or renewal of [an operating] a certificate of operation and may, at his or her discretion, renew a temporary [operating] certificate of operation for an additional period not to exceed sixty days.

§24-131 Conditions of work permits and certificates of operation to be observed. The holder of a work permit or certificate of operation shall comply with the conditions and terms contained [therein as well as all applicable provisions of this code] in the work permit or in the certificate of operation.

§24-132 Suspension or revocation of work permits and certificates of operation. (a) The commissioner shall suspend or revoke a work permit or certificate of operation when ordered to do so by the board pursuant to subchapter nine of this code.

(b) Suspension or revocation of a work permit or certificate of operation shall become final five days after service of notice[, exclusive of the day of service,] on the holder of the work permit or certificate of operation.

[§24-133 Denial of permits and certificates; departmental hearing, stay of action. (a) When the commissioner has made a final decision denying an application for a permit or certificate, the applicant for the permit or certificate may request a hearing by the commissioner to reconsider his or her action. The request for a hearing shall be served within fifteen days following service of notice of denial, exclusive of the day of service, upon an employee of the department designated for this purpose.

(b) The request for a hearing shall be in a manner prescribed by the commissioner.

(c) The person making the request shall submit a memorandum containing his or her objections to the action of the commissioner within five days following service of the request for a hearing, exclusive of the day of service.

(d) The commissioner or the designated hearing officer conducting such hearings shall:

(i) follow the procedures found in section 24-184 of this code; and,

(ii) commence the hearing within thirty days after receiving the applicant's memorandum.

(e) At the conclusion of the hearing, the commissioner or hearing officer shall issue a decision in compliance with section 24-186 of this code.]

§24-134 Surrender of work permits and certificates of operation. A work permit or certificate [which] of operation that has been cancelled or revoked pursuant to this code shall be surrendered [forthwith] to the commissioner within five business days of receipt of the notice of revocation.

§24-135 Transfer of work permits and certificates of operation. (a) [Any purported or attempted transfer of a] A work permit [automatically revokes the permit] shall not be transferred, except to the new property owner upon conveyance of the property. If the new owner employs a different registered design professional, that registered design professional shall recertify the

application.

(b) [Any purported or attempted transfer of a] A certificate [automatically revokes the certificate, except that] of operation shall not be transferred, except to the new property owner upon conveyance of the [premises in which the equipment is located a certificate may be transferred to a person other than the person named in the certificate] property.

§ 10. Subchapter 5 of chapter 1 of title 24 of the administrative code of the city of New York is REPEALED.

§ 11. Chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new heading for subchapter 5 to read as follows:

SUBCHAPTER 5

ASBESTOS

§ 12. Section 24-146.1 of subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is renumbered section 24-136 of subchapter 5, section 24-146.2 of subchapter 6 of such title is renumbered section 24-137 of subchapter 5, section 24-146.3 of subchapter 6 of such title is renumbered section 24-138 of subchapter 5, and section 24-150.1 of subchapter 6 of such title is renumbered section 24-139 of subchapter 5.

§ 13. Section 24-136 of subchapter 5 of chapter 1 of title 24 of the administrative code of the city of New York, such section 24-136 as renumbered by section 12 of this local law, as added by local law number 76 for the year 1985, and as redesignated pursuant to section 14 of chapter 907 of the laws of 1985, paragraphs (5) and (8) of subdivision (a) as amended and paragraph (10) of subdivision (a) as added by local law number 101 for the year 1989, subdivision (c) as amended by local law number 38 for the year 2009, subdivision (d) as amended by local law number 46 for the year 1988, paragraph (6) of subdivision (d) as amended and paragraph (7) of subdivision (d) as

added by local law number 101 for the year 1989, paragraph (1) of subdivision (e) as amended by local law number 21 for the year 1987, subparagraphs (a), (b) and (c) of paragraph (1) of subdivision (e) as amended by local law number 55 for the year 1991, paragraph (2) of subdivision (e) as amended by local law number 46 for the year 1988, paragraph (1) of subdivision (f) as amended by local law number 21 for the year 1989, subparagraph (a) of paragraph (1) of subdivision (f), paragraph (2) of subdivision (f), subdivision (h) as amended, subdivisions (i) and (j) as added, and subdivision (k) as relettered by local law number 46 for the year 1988, subdivisions (l) and (m) as added by local law number 101 for the year 1989, subdivision (n) as added by local law number 37 for the year 2009, second subdivision (n) as added by local law number 39 for the year 2009, and subdivision (o) as added by local law number 77 for the year 2009, is amended to read as follows:

§24-136 Asbestos work. (a) The purpose of this subchapter is to protect public health and safety and the environment by minimizing the emission of asbestos fibers into the air of the city when buildings or structures that contain asbestos-containing material are renovated, altered, repaired, or demolished.

(b) For purposes of this section, the following terms shall have the following meanings:

[(1)] "Asbestos" [shall mean] means any hydrated mineral silicate separable into commercially usable fibers, including but not limited to chrysotile (serpentine), amosite (cumingtonite-grunerite), crocidolite (riebeckite), tremolite, anthrophyllite and actinolite.

[(2)] "Asbestos inspection report" shall mean a report on the condition of a building or structure in relation to the presence and condition of asbestos therein.

[(3)] "Asbestos investigator" [shall mean] means an individual certified by the commissioner as having satisfactorily demonstrated his or her ability to identify the presence and

evaluate the condition of asbestos in a building or structure.

[(4)] "Asbestos containing material" shall mean asbestos or any material containing more than one percent asbestos by weight.

[(5)] "Asbestos removal plan" shall mean a plan which will be undertaken so as to prevent asbestos from becoming airborne in the course of an asbestos project as defined in this subdivision.

(6) "Asbestos handling certificate" [shall mean] means a certificate issued to a person who has satisfactorily completed an approved asbestos safety and health program.

[(7)] "Approved safety and health program" shall mean a program certified by the commissioner providing training in the handling and use of asbestos containing material, and safety and health risks inherent in such handling and use, together with methods for minimizing the exposure of workers and the public to asbestos fibers and, instruction in all applicable federal, state and local laws and regulations pertaining to asbestos related work.

(8) "Asbestos project" [shall mean] means any form of work performed in [connection with the alteration, renovation, modification, or demolition of] a building or structure[, as defined in section 27-232 of this code,] or in connection with the replacement or repair of equipment, pipes, or electrical equipment not located in a building or structure, which will disturb more than [two hundred sixty] twenty-five linear feet or more than [one hundred sixty] ten square feet of [friable] asbestos containing material or such smaller amounts as the commissioner may establish by [regulation] rule.

"Asbestos project notification" means a form filed to notify the department that an asbestos project will be taking place.

[(9)] "Friable asbestos material" shall mean any asbestos or any asbestos containing material that can be crumbled, pulverized or reduced to powder when dry, by hand pressure.

(10) "AHERA" [shall mean] means the asbestos hazard emergency response act of nineteen hundred eighty-six, as amended (15 U.S.C. section [641] 2641, et seq.).

[(b)] "Work place safety plan" means documents prepared by a registered design professional and submitted to the department in order to obtain an asbestos abatement permit.

(c) (1) It shall be unlawful for any individual to handle [friable] asbestos material in the course of performing work for compensation on an asbestos project unless such individual is a holder of a current, valid asbestos handling certificate.

(2) It shall be unlawful to employ or otherwise permit any individual to handle [friable] asbestos material on an asbestos project when such person is not a holder of a current, valid asbestos handling certificate.

[(c)] (d) The commissioner shall promulgate [regulations] rules establishing procedures for the safeguarding of the health and safety of the public [and all], including procedures to be followed by persons who work at or in the vicinity of an asbestos project. The commissioner, in consultation with the fire commissioner and the commissioner of buildings, shall promulgate rules [within one hundred twenty days of the enactment of this local law] which give further guidance to contractors on how to maintain egress at asbestos projects, as such projects are defined in the rules of the department, in accordance with all applicable laws, codes, rules and regulations.

[(d)] (e) (1) The commissioner shall promulgate [regulations] rules establishing criteria for certifying individuals as eligible to receive an asbestos handling certificate [and for certifying programs as approved safety and health programs]. The commissioner may restrict the asbestos handling certificate as to certain supervisory and nonsupervisory functions and responsibilities.

(2) The commissioner shall promulgate [regulations] rules establishing criteria for certifying individuals as asbestos investigators.

(3) Any certificate issued under this subdivision shall be valid for a period of two years unless sooner suspended or revoked and may be renewed for a period of two years upon submission of proof satisfactory to the commissioner that the individual continues to meet the criteria established pursuant to this subdivision.

(4) [The initial certification of safety and health programs established pursuant to this section shall expire six months after the date of such certification. Safety and health program certificates may be renewed upon presentation to the commissioner of evidence satisfactory to the commissioner that the program continues to satisfy the criteria established for such safety and health programs. Such renewal shall be valid for a period of one year unless suspended or revoked before such time. The application to renew a certificate shall be submitted with the appropriate renewal fee thirty days prior to expiration of such certificate.

(5) The commissioner[, after providing notice and an opportunity to be heard, may suspend or revoke any certificate issued under this subdivision where it is found that the holder has failed to comply with this section or any rules or regulations promulgated thereunder] may suspend or revoke any certificate issued under this subdivision where the holder has violated this section or any rules promulgated thereunder. Determinations made by the environmental control board as to notices of violation issued by the department shall be considered proof of violation for purposes of this section. The certificate holder shall be notified of the suspension or revocation by certified mail sent to the holder's address on file with the department, and shall be given an opportunity to be heard within fifteen calendar days. The hearing shall be conducted in accordance with the rules of the department. The holder's certificate shall be suspended from the date of the notice until the hearing is held and the commissioner makes a final determination.

[(6)] (5) The commissioner shall charge a fee not to exceed [one] two hundred dollars to

process the application to issue or renew an asbestos handling certificate and a fee not to exceed [two hundred fifty] five hundred dollars to process the application of an individual as an asbestos investigator.

[(7)] (6) The commissioner may suspend the processing of applications for certification of individuals as asbestos handlers[,] or investigators[, planners, designers, and other titles for which training requirements are specified by AHERA, and the certification of safety and health programs] when the commissioner determines that regulations promulgated pursuant to article thirty of the labor law for the certification of such individuals [and for the certification of safety and health programs] are essentially equivalent to [regulations] rules promulgated by the commissioner, and that such certifications are in fact being issued.

(7) No certificate issued under this subdivision shall be renewed if the holder has failed to pay in full any civil penalty imposed by the board for violations of this section or any rules promulgated thereunder.

[(e) (1) a.] (f) (1) The commissioner shall prescribe forms for and the content of asbestos [inspection reports to be submitted in accordance with the provisions of subdivisions a, b or c of section 27-198.1 of article nineteen of subchapter one of chapter one of title twenty-seven of the code. Such reports] project notifications to be submitted to the department. Such notifications shall require the furnishing of information deemed relevant by the commissioner for evaluating[, in the case of an asbestos project,] the scope, complexity and duration of [such project, or if not an asbestos project, information deemed relevant by the commissioner for evaluating the samples taken and the validity of sampling techniques utilized in preparing such inspection report,] the project and the compliance with the provisions of this section, any [regulations] rules promulgated thereunder, and any applicable federal[and or], state, or local laws, rules or regulations.

[b. An asbestos inspection report regarding an asbestos project, where the work to be performed will cause the generation of waste which is asbestos containing material, shall include: (i) the amount of such waste which will be generated; (ii) the name of the person who will remove the waste and the number of the industrial waste transporter permit issued to such person pursuant to article twenty-seven of the environmental conservation law; and (iii) the site at which such waste will be disposed of.

c. If at the time the asbestos inspection report for an asbestos project is required to be filed, any of the information required under subparagraph b of this paragraph is not known, an amended report shall be filed thereafter with the department as soon as such information becomes known. Provided no person shall authorize the transport of waste which is asbestos containing material unless all information required in paragraph b has been filed with the department not less than five business days prior to the time such waste is transported. Provided further, however, the commissioner may for good cause shown and on such terms and conditions as he or she deems reasonable and necessary permit the filing of such report less than five days prior to the time such waste is transported.

d. Copies of all asbestos inspection reports received by or filed with the department and any amendments thereto indicating that waste which is asbestos containing material will be generated shall be forwarded to the department of sanitation.

(2) The commissioner may by regulation also require for any work which is not subject to the provisions of subdivision a of section 27-198.1 of article nineteen of subchapter one of chapter one of title twenty-seven of the code and for which a permit is required under article nine of subchapter one of chapter one of such title that an asbestos investigator certify that the work to be performed will not constitute an asbestos project or that an asbestos inspection report be completed

and submitted to the department of buildings in conjunction with an application for such permit. The commissioner may exclude from any regulation promulgated pursuant to this paragraph certain types of work within a permit category.

(f) (1) a. The commissioner shall promulgate regulations establishing the requirements of an asbestos removal plan to be submitted in accordance with the provisions of subdivision c of section 27-198.1 of article nineteen of subchapter one of chapter one of title twenty-seven of the code and shall specify the type or types of demolition or alteration work for which such submission shall be required. Plans submitted shall be approved by the commissioner only upon a satisfactory showing that such plan will effect compliance with all applicable provisions of this section, regulations promulgated thereunder, all applicable federal or state laws or regulations and, in addition, that to the extent feasible, the removal of asbestos will be completed prior to the commencement of any demolition work. No plan shall be considered for approval unless accompanied by the payment of a fee established by the commissioner not to exceed eighteen hundred dollars.

b. Such plan, where] (2) If the work to be performed will cause the generation of waste which is asbestos containing material, the asbestos project notification shall include: (i) [the amount of such waste which will be generated; (ii)] the name of the person who will remove the waste and the number of the industrial waste transporter permit issued to such person pursuant to article twenty-seven of the environmental conservation law; and [(iii)] (ii) the site at which such waste will be disposed [of].

[c. If at the time asbestos removal plan is required to be filed, any of the information required under subparagraph b of this paragraph is not known, an amended plan shall be filed thereafter with the department as soon as such information becomes known. Provided no person

shall authorize the transport of waste which is asbestos containing material unless all information required in paragraph b has been filed with the department not less than five business days prior to the time such waste is transported. Provided further, however, the commissioner may for good cause shown and on such terms and conditions as he or she deems reasonable and necessary permit the filing of such amended plan less than five days prior to the time such waste is transported.

d. Copies of all asbestos removal plans filed with the department and any amendments thereto indicating that waste which is asbestos containing material will be generated shall be forwarded to the department of sanitation.

(2) The commissioner shall act within a reasonable time not to exceed sixty days on an application for approval of an asbestos removal plan, and shall notify the applicant in writing of his or her approval or disapproval of the application. If an application is disapproved, the commissioner shall set forth his or her objections in the notice of disapproval. Within sixty days after service on the applicant of the notice of disapproval, the applicant may request the commissioner to reconsider the application by responding in writing to the stated objections. The commissioner shall consider the applicant's responses to his or her objections, and shall notify the applicant in writing within a reasonable time, not to exceed sixty days, of his or her approval or denial of the application. Failure to respond to the stated objections or request an extension of time within sixty days after service of the notice of disapproval shall be deemed a denial of the application.]

(g) The commissioner may promulgate any [regulations] rules he or she deems necessary to protect [the] public health and safety [of workers] and the [public] environment in connection with work not constituting an asbestos project in which asbestos is or is likely to be disturbed.

(h) [A notice or] An order to stop work may be issued by the commissioner, or his or her

authorized representative, at any time when it is found that work is being performed in violation of the provisions of this section, or any rules or regulations promulgated thereunder and which poses a threat to human safety. Upon issuance of a stop work order by the commissioner, all work shall immediately stop unless otherwise specified. Such [notice or] order may be given orally or in writing to the owner, lessee or occupant of the property involved, or to the agent of any of them, or to the person or persons performing the work and may require all persons in or about the building or premises to vacate the same forthwith, and also require such work to be done as, in the opinion of the commissioner, may be necessary to remove the danger therefrom. [Such notice or order shall be valid for a period of time not to exceed seventy-two hours and may be extended only upon application to the board in accordance with the provisions of section 24-178 of this code.] A verbal stop work order shall be followed promptly by a written order and shall include the reason for the issuance of the stop work order. A stop work order issued pursuant to this subdivision may be appealed in accordance with the rules of the department, and the commissioner shall provide notice and an opportunity to be heard within fourteen days of the filing of such appeal. A stop work order shall be lifted (i) if, upon appeal, the commissioner determines that the issuance of such order was not proper, or (ii) when it has been determined that the condition that gave rise to its issuance has been corrected. Notwithstanding any inconsistent provision of this subdivision, if, upon inspection, the condition is determined by the inspector to be immediately curable, work shall be stopped only until the condition is corrected.

(i) The commissioner may grant individual variances for asbestos projects at specific sites, from particular requirements related to asbestos prescribed by this code and [regulations] rules or orders of the commissioner promulgated thereunder, whenever it is found, upon presentation of adequate proof, that compliance with such requirements would impose unreasonable hardship. In

granting a variance the commissioner may impose such conditions as the policies of this code may require [and shall publish in the City Record no later than seven days after the granting of such variance a statement of the reasons leading to his or her decision].

(j) [The commissioner may establish a fee to process the applications listed in this subdivision as follows:

(1) For any asbestos project not requiring a permit or plan approval issued by the department of buildings and for which an asbestos inspection report or asbestos removal plan is required by this section and by regulations promulgated pursuant thereto to be filed with the commissioner, the commissioner shall be entitled to charge a fee not to exceed twelve hundred dollars for the asbestos inspection report or eighteen hundred dollars for the asbestos removal plan.

(2) To process an application for a variance submitted in accordance with subdivision (j) of this section, the department shall be entitled to charge a fee as established by the commissioner not to exceed eighteen hundred dollars.

(3) The commissioner may establish a fee not to exceed the following amounts for processing applications for the certification or renewal of certification of safety and health programs established pursuant to this section:

PROGRAM	FEE PER PROGRAM
Asbestos Handler	\$1500.00
Asbestos Supervisor	\$300.00
Asbestos Investigator	\$750.00
Biennial Review Course	\$500.00
Refresher Course	\$300.00

(k) The commissioner may promulgate any additional regulations he or she deems necessary to effectuate the purposes of this section.

(l) The commissioner shall promulgate regulations requiring asbestos investigators to

submit on a timely basis to the commissioner the results of any asbestos survey or investigation for asbestos conducted in accordance with this section and with regulations promulgated pursuant thereto if, during or as a result of such asbestos survey or investigation, the asbestos investigator discovers asbestos containing material. The commissioner may require the submission of the asbestos investigator's findings whether or not an asbestos project is planned or scheduled.

(m)] (1) In addition to submission of the asbestos [inspection report or asbestos removal plan] project notification, the commissioner may by [regulation] rule require additional notification to the department prior to the start of the asbestos project. No person shall cause or permit any abatement of asbestos containing material without compliance with any such additional notification requirements.

(2) [Except as specified in subparagraph c of paragraph one of subdivision (e) and subparagraph c of paragraph one of subdivision (f) of this section, the] The commissioner may prescribe by [regulation] rule the circumstances under which an asbestos [inspection report or asbestos removal plan] project notification may be amended, and the circumstances under which a new [asbestos inspection report or asbestos removal plan] project notification shall be submitted to the department. The commissioner may consider the extent of the proposed amendment, including but not limited to change in floor size, quantity of asbestos containing material involved, project phasing, project duration, and replacement of abatement contractor.

[(n)] (k) The commissioner shall adopt rules specifying the standards for the construction of temporary structures for asbestos abatement activities. In addition to any other requirements, such rules shall provide that materials used in the construction of such structures be non-combustible or flame resistant in compliance with reference standard NFPA 255-06 or NFPA 701-99, as such standards may be modified by local law or by the [Department] department of

[Buildings] buildings pursuant to applicable rules.

[(n)] (l) Sharing the results of inspections. The commissioner, in coordination with the commissioner of [the department of] buildings and the fire commissioner, shall establish a procedure to share information regarding violations issued pursuant to this section, in accordance with the requirements of section 28-103.7.1 of the [administrative] code [of the city of New York].

[(o)] (m) (1) No asbestos abatement activities shall be performed within a building concurrently with demolition work for the full demolition of such building or concurrently with the removal of one or more stories of such building, except as provided in this subdivision and the rules of the department.

(2) Prior to the issuance of a full demolition permit by the department of buildings, the owner of the building to be demolished shall submit to the department of buildings (i) certification, in a form to be provided by the rules of the department of environmental protection, that the building is free of asbestos containing material or, (ii) documentation that the commissioner of environmental protection has issued a variance from this requirement pursuant to subdivision (i) of this section and the rules of the department, subject to the additional conditions set forth in paragraph four of this subdivision.

(3) Prior to the issuance of an alteration permit by the department of buildings to remove one or more stories of a building, the owner of the building shall submit certification to the department of buildings in a form to be provided by the rules of the department of environmental protection (i) that the stories to be removed are free of asbestos containing material and that no abatement activities will be performed anywhere in the building concurrently with the removal work authorized by such permit or (ii) that the commissioner of environmental protection has issued a variance from these requirements pursuant to subdivision (i) of this section and the rules

of the department, subject to the additional conditions set forth in paragraph four of this subdivision.

(4) Prior to granting any variance pursuant to subdivision (i) of this section relating to the full demolition of a building or the removal of one or more stories of a building that would permit the performance of abatement activities concurrent with such demolition or removal work within the same building, the commissioner of environmental protection shall notify and consult with the commissioner of buildings and the fire commissioner regarding the appropriate safeguards for such work. Notwithstanding any inconsistent provision of section [24-146.3] 24-138 of [the administrative] this code, where a variance is issued to perform abatement activities and demolition or removal work concurrently within the same building, the asbestos abatement activities may not be performed without an asbestos permit issued pursuant to section [24-146.3] 24-138 of this code, regardless of whether such a permit would otherwise be required to perform such activity.

(5) The commissioner shall post on-line within seven days notice of any variance granted under this subdivision with a statement of the reasons leading to his or her decision.

(6) This subdivision shall not apply to full demolition or the removal of one or more stories performed as emergency work pursuant to article 215 of chapter 2 of title 28 of the administrative code where the emergency warrants immediate commencement of the work or full demolition with asbestos in place authorized in accordance with 12 NYCRR 56-11.5.

(n) The owner of a building or structure where asbestos abatement activity occurs or where asbestos-containing material is disturbed shall be responsible for the performance of the work by the agent, contractor, employee, or other representative of such owner.

§ 14. Subdivisions (a), (d) and (g) of section 24-138 of subchapter 5 of chapter 1 of title 24

of the administrative code of the city of New York, such section 24-138 as renumbered by section 12 of this local law, subdivisions (a), (d) and (g) of such section as added by local law number 37 for the year 2009, are amended to read as follows:

(a) The commissioner shall establish a permit requirement for asbestos projects[, as defined in the rules of the department,] affecting the safety of a building. On and after a date to be provided in the rules establishing such a permit requirement, it shall be unlawful to commence or engage in such a project unless the commissioner has issued an abatement permit for such project.

(d) The commissioner may, on written notice to the permit holder, revoke any abatement permit for failure to comply with the provisions of this section or section [24-146.1] 24-136 of this code or the rules adopted pursuant thereto or whenever there has been any false statement or any misrepresentation as to a material fact in the application or other documents submitted to the department upon the basis of which such permit was issued; or whenever an abatement permit has been issued in error and conditions are such that the permit should not have been issued. Such notice shall inform the permit holder of the reasons for the proposed revocation and that the applicant has the right to present to the commissioner or his or her representative within 10 business days of delivery of the notice by hand or 15 calendar days of mailing of the notice, information as to why the permit should not be revoked. The commissioner may immediately suspend any permit without prior notice to the permit holder when the commissioner has determined that an imminent peril to life or property exists. The commissioner shall forthwith notify the permit holder that the permit has been suspended and the reasons therefore, that it is proposed to be revoked, and that the permit holder has the right to present to the commissioner or his or her representative within 10 business days of delivery of the notice by hand or 15 calendar days of mailing of the notice information as to why the permit should not be revoked.

(g) The permittee shall comply with section [24-146.1] 24-136 of this code and the rules of the department adopted pursuant to such section and with article 30 of the labor law and rules adopted pursuant to such article. The commissioner may issue a notice or order to stop work in accordance with the procedure set forth in subdivision (h) of section [24-146.1] 24-136 of this code at any time when work is being performed in violation of this section or section [24-146.1] 24-136 of this code or rules adopted pursuant to such sections and such work poses a threat to human safety.

§ 15. Subchapter 5 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-140 to read as follows:

§24-140 Spraying of asbestos prohibited. No person shall cause or permit the spraying of any substance containing asbestos in or upon a building or other structure during its construction, alteration or repair.

§ 16. Section 24-141 of subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended to read as follows:

§24-141 Emission of odorous air [contaminant (including odorous air contaminant) or water vapor; detriment to person, property or plant and animal life] contaminants. No person shall cause or permit the emission of an odorous air contaminant or steam or water vapor, [including odorous air contaminant, or water vapor] if the air contaminant or steam or water vapor causes or may cause detriment to the health, safety, welfare or comfort of any person, or injury to plant and animal life, or causes or may cause damage to property or business, or if it reacts or is likely to react with any other air contaminant or natural air, or is induced to react by solar energy to produce a solid, liquid or gas or any combination thereof which causes or may cause detriment to the health, safety, welfare or comfort of any person, or injury to plant and animal life, or which causes

or may cause damage to property or business.

[(a)The prohibition of this section includes, but is not limited to, emission of the following air contaminant:

(1) Air contaminant that contain cadmium, beryllium, mercury or any compounds thereof;

(2) Air contaminant containing asbestos, except where such an air contaminant is emitted from the brake lining of a motor vehicle during normal use.

(b) The prohibition of this section includes, but is not limited to, emissions of odorous air contaminant from the following sources:

(1) Aircraft engines,

(2) Ammonia, bleaching powder or chlorine manufacture,

(3) Asphalt manufacture or refining,

(4) Blood processing,

(5) Bag cleaning,

(6) Coal tar products manufacture,

(7) Compost heaps,

(8) Crematory,

(9) Creosote treatment or manufacture,

(10) Diesel engines,

(11) Disinfectants manufacture,

(12) Distillation of bones, coal or wood,

(13) Dyestuff manufacture,

(14) Fat rendering,

(15) Fertilizer manufacture and bone grinding,

- (16) Fish processing,
- (17) Glue, size or gelatin manufacture,
- (18) Incineration or reduction of garbage, dead animals, offal or refuse,
- (19) Oiled rubber or leather goods manufacture,
- (20) Paint, oil, shellac, turpentine or varnish manufacture,
- (21) Paper and pulp manufacture,
- (22) Petroleum refining,
- (23) Plastic or resin manufacture,
- (24) Processing of food stuffs,
- (25) Rubber manufacture,
- (26) Shoe-blackening manufacture,
- (27) Soap and detergent manufacture,
- (28) Slaughter-houses,
- (29) Sulfuric, nitric or hydrochloric acid manufacture,
- (30) Tanning, curing or storage of rawhides or skins,
- (31) Tar distillation or manufacture,
- (32) Tar roofing or waterproofing manufacture.

(c) The prohibition of this section, however, shall not include emissions of the air contaminants in paragraph (a) when restricted to the following quantities:

- (1) cadmium-0.15 micrograms per cubic meter.
- (2) beryllium-10 nanograms per cubic meter.
- (3) mercury-0.1 microgram per cubic meter.
- (4) asbestos-27 nanograms per cubic meter.]

§ 17. Section 24-142 of subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended to read as follows:

§24-142 Emission of air [contaminant] contaminants; standard smoke chart. (a) No person shall cause or permit the emission of an air contaminant of: (1) A density which appears as dark or darker than number two on the standard smoke chart or of an opacity which obscures vision to a degree equal to or greater than smoke of number two density on the standard smoke chart; or

(2) A density which appears as dark or darker than number one on the standard smoke chart, but less than number two on said chart, or of such opacity as to obscure vision to a degree equal to or greater than smoke of number one density on the standard smoke chart, but less than number two on said chart, if such an emission continues for longer than two minutes in the aggregate in any sixty minute period.

(b) (1) The density or opacity of an air contaminant shall be measured in accordance with the procedures set forth in “Method 9 - Visual determination of the opacity of emissions from stationary sources,” Appendix A-4 to part sixty of title forty of the code of federal regulations.

(2) The density or opacity of an air contaminant shall be measured at the point of its emission[, except:

(1)] provided that:

(i) When the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission; or

[(2)] (ii) In the case of an air contaminant emitted from a source outside of the city of New York, it shall be measured after the plume crosses the jurisdictional boundary of the city of New York [city].

§ 18. Section 24-143 of subchapter 6 of chapter 1 of title 24 of the administrative code of

the city of New York is amended to read as follows:

§24-143 Emission of air contaminant from internal [or external] combustion engine; visibility standard. No person shall cause or permit the emission of a visible air contaminant from the internal [or external] combustion engine of:

(a) A motor vehicle while the vehicle is stationary for longer than ten consecutive seconds;

or

(b) A motor vehicle after the vehicle has moved continuously for more than ninety yards [from a place where the vehicle was stationary].

(c) The operator or registered owner of a vehicle in violation of this section shall be responsible for such violation.

§ 19. Section 24-144 of subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is REPEALED.

§ 20. Section 24-145 of subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended to read as follows:

§24-145 Emission of [particulate matter from refuse burning equipment and fuel burning equipment; weight-rate standard. (a) No person shall cause or permit the emission of particulate matter from refuse burning equipment and fuel burning equipment if the emission from such equipment is in violation of the provisions of section 24-141 or 24-142 of this code or if the particulate matter emitted as measured in the flue exceeds the following limits:

(1) In refuse burning equipment, the permissible particulate rate shall be as provided in figure four of section 24-153 of this code. If two or more refuse burning units are connected to a single flue, the total capacity rating of all refuse burning units connected to the flue shall be the capacity rating for the purpose of computing the amount of particulate matter which may be

emitted. If a single refuse burning unit is manifold to two or more flues the capacity rating of the single refuse burning unit shall be the capacity rating for the purpose of computing the amount of particulate matter which may be emitted;

(2) In fuel burning equipment in which the preponderance of the particulate matter emitted is caused by the burning of fuel, 0.40 pounds for each million Btu per hour input if the equipment has a capacity rating of ten million Btu per hour or less. If the capacity rating of the fuel burning equipment is more than ten million Btu per hour, the amount of permissible emissions of particulate matter shall be as provided in figure three of section 24-153 of this code, as measured on a dry basis.

(b) If two or more fuel burning units are connected to a single flue, the total capacity rating of all fuel burning units connected to the flue shall be the capacity rating for the purpose of computing the amount of particulate matter which may be emitted. If a single fuel burning unit is manifold to two or more flues the capacity rating of the single fuel burning unit shall be the capacity rating for the purpose of computing the amount of particulate matter which may be emitted.] particulates. (a) Refuse burning equipment. (1) Refuse burning equipment used at a crematorium that is covered by subpart 219-4 of part two-hundred nineteen of title six of the New York codes, rules and regulations, must meet the emission limits for particulates set forth in section 219-4.3 of such title.

(2) Refuse burning equipment used to burn infectious waste that is covered by subdivision a of section 219-3.3 of title six of the New York codes, rules and regulations must meet the emission limits for particulates set forth in such subdivision.

(3) Refuse burning equipment used to burn waste material for the purpose of energy generation or that is not otherwise covered under paragraph one or two of this subdivision, and that

is covered by subdivision b of section 219-3.3 of title six of the New York codes, rules and regulations must meet the emission limits for particulates set forth in such section.

(b) Equipment used in a process. (1) Equipment used in a process that is covered by section 212.3 of title six of the New York codes, rules and regulations must meet the emission limits for particulates set forth in such section.

(2) Equipment used in a process that is covered by section 212.4 of title six of the New York codes, rules and regulations must meet the emission limits for particulates set forth in such section.

(c) Fuel burning equipment that meets the definition of a new oil-fired boiler, as such term is used in subpart JJJJJ of part sixty-three of title forty of the code of federal regulations, with a heat input capacity of ten million Btu per hour or greater and that does not meet the definition of a seasonal boiler or limited-use boiler, as such terms are used in such subpart, must meet emission limits for particulate matter applicable to such new oil-fired boilers set forth in table one to such subpart.

§ 21. Section 24-146 of subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended to read as follows:

§24-146 Preventing [particulate matter] dust from becoming air-borne; [spraying of asbestos prohibited;] spraying of insulating material and demolition regulated. (a) The purpose of this section is to protect public health and safety and the environment by minimizing the emission of dust into the air of the city.

(b) No person shall cause or permit [particulate matter to be handled,] any material that may generate dust to be transported or stored without taking such precautions as may be ordered by the commissioner or as established by the rules of the department to prevent [particulate matter]

dust from becoming air-borne.

[(b) Six months after August twentieth, nineteen hundred seventy-one no person shall cause or permit the spraying of any substance containing asbestos in or upon a building or other structure during its construction, alteration or repair, except if permitted by a variance granted pursuant to subdivision (e) of section 24-110 of this chapter.]

(c) No person shall cause or permit a building or its appurtenances or a road to be constructed, altered or repaired without taking such precautions as may be ordered by the commissioner or as established by the rules of the department to prevent [particulate matter] dust from becoming air-borne.

(d) No person shall cause or permit [untreated open areas located within the boundaries of a zoning lot] any use, as defined by section 12-10 of the zoning resolution of the city of New York, to be implemented or maintained without taking reasonable precautions as established by the rules of the department, including, but not limited to, planting or covering, to prevent [particulate matter] dust from becoming air-borne.

(e) No person shall cause or permit the spraying of any insulating material, not otherwise prohibited by this [section] code, in or upon any building or other structure during its construction, alteration or repair, unless he or she complies with the [following precautions: (1) Before the start of spraying operations, all floor areas shall be shoveled clean. Before the application of insulating material commences, the floor of the areas shall be cleared of all objects, material and equipment other than that employed in the application of the insulating material, or all objects, material, and equipment shall be covered with plastic or other approved tarpaulins in a manner that precludes the subsequent dispersal of particulate matter.

(2) The entire floor, or the part of the floor to be insulated, shall be enclosed with plastic or

other approved tarpaulins in a manner which shall preclude the escape of particulate matter from the enclosure. All interior open areas, such as elevator shafts and stairwells shall be enclosed in a manner which shall prevent the escape of particulate matter from the working area. Stack effect of the shafts and stairwells shall be considered in providing proper enclosures. An enclosure will be considered satisfactory only if visible insulating material cannot escape from the enclosure.

(3) Wet insulating material which has fallen to the floor shall be swept up to prevent dispersal of dried material. Under no condition shall this material be removed later than at the end of the working day. Swept-up material shall be placed in a heavy plastic bag strong enough to resist tearing or breaking under normal handling conditions and clearly marked as containing insulating material waste. The contents of the aforementioned plastic bags shall not be transferred to another container. The plastic bags shall be placed upon a vehicle for disposal at a site approved by the commissioner.

(4) All floors shall be vacuumed shortly after drying. The contents of the vacuum bag shall be carefully placed in a container of the type described in paragraph three of this subdivision and shall thereafter be placed on a vehicle for removal and disposal at a site approved by the commissioner.

(5) The materials used to form the enclosure shall be thoroughly vacuumed upon completion of the application of the insulation in the area. The entire floor area and ledges and surfaces including tarpaulins upon which waste insulation material may have fallen, shall then be vacuumed or revacuumed before removal of the enclosures.

(6) Enclosures shall not be dismantled until the area has been thoroughly vacuumed after completion of spraying and clean-up.

(7) All areas used for opening bags containing insulating material and/or changing of

hoppers shall be enclosed in such a manner that insulating material shall not be permitted to escape from the immediate area in which such activity takes place.

(8) Signs shall be posted outside enclosures warning persons of the hazards of entering the enclosure without appropriate apparel.

(9) All persons involved in the spraying of insulating material at the site must be furnished with suitable coveralls which must be left at the site. No person shall be permitted in an area in which spraying or handling of insulating material has taken place until the final vacuuming referred to in paragraph five of this subdivision has been accomplished, unless such person is furnished with or wears coveralls of the type described herein. Facilities shall be provided and procedures instituted and supervised that preclude the removal and dispersal of insulating material from the construction site on the clothing or other appurtenances of persons leaving the area.

(10) Any plenum or other structures coated with insulating material which are intended for use in circulation of air in the building must be thoroughly cleaned of all debris, dust and waste insulation. All applied insulation material within a plenum or duct must be coated with a sealant approved by the commissioner which precludes exposure of the material to the circulating air whenever the commissioner after ordering tests to be conducted by the manufacturer in accordance with section 24-107, determines that the insulation material needs such a sealant.

(11) A person shall be assigned the full time responsibility of supervising the spraying and related operations to assure that no insulating material is released from the construction site.

(12) In case of emission of insulation material from the construction site, immediate steps shall be taken to cause the cessation of such emissions by either effective control measures or work stoppage at the source of the emissions. There shall then be immediate and complete clean-up of all material that has escaped the construction site by measures that will insure that no further

dispersal of any insulating material into the atmosphere can occur] rules of the department regarding precautions for the spraying of insulating material.

(f) No person shall cause or permit a building or other structure to be demolished, [except pursuant to chapter one of title seventeen or article eight of subchapter three of chapter one of title twenty-six of the code,] unless he or she complies with the following precautions:

(1) Demolition by toppling of walls shall not occur except when approved by the commissioner pursuant to section 24-109 of this code, or when conducted by or on behalf of a city agency pursuant to chapter one of title seventeen of the code or pursuant to an order issued by the department of buildings under article two hundred fifteen of chapter two of title twenty-eight of the code.

(2) Before the demolition of any section of wall, floor, roof, or other structure, [adequate] necessary wetting procedures to lay the dust or other precautions to prevent dust from becoming air-borne, as set forth in this section and the rules of the department, shall be employed. All debris shall be thoroughly wetted before loading and while dumping into trucks, other vehicles or containers. In all cases and at all stages of demolition, wetting procedures shall be adequate to lay the dust. Trucks shall be adequately covered or enclosed to prevent dust dispersion while in transit to point of disposal.

(3) No structural members shall be dropped or thrown from any floor but shall be carefully lowered to ground level [by hoists].

(4) [Effective January first, nineteen hundred seventy-two, debris] Debris shall not be dropped or thrown outside the exterior walls of the building from any floor to any floor below. In buildings twelve stories or greater in height any debris [shall be] transported outside the exterior walls of the building shall be transported from the upper floors via enclosed, dust-tight chutes or

via buckets or other containers. Where chutes or shaftways are used either inside or outside the building, a water soaking spray shall be employed to saturate the debris before it reaches the point of discharge from the chute or shaftway. Where buckets or other containers are used, the debris shall be adequately wetted to preclude dust dispersion when buckets or other containers are dumped.

(5) [Effective January first, nineteen hundred seventy-two, in] (i) In the event particulate matter becomes airborne for a continuous period of fifteen minutes, despite the application of the [above] procedures set forth in this section and the rules of the department, or because freezing temperatures preclude the use of water for laying the demolition dust, the work of demolition shall cease at once until other adequate measures can be taken[. Alternate] and procedures shall be evaluated by the commissioner before initiation thereof, provided, however, that if the demolition work is being conducted by or on behalf of a city agency pursuant to chapter one of title seventeen of the code or pursuant to an order issued by the department of buildings under article two hundred fifteen of chapter two of title twenty-eight of the code and freezing temperatures preclude the use of water, then the demolition work may continue as long as necessary to complete the demolition process.

(ii) An abatement order may be issued by the commissioner, or his or her authorized representative, at any time when it is found that work is being performed in violation of the provisions of this section, or any rules promulgated thereunder, and such work poses a threat to human health and safety. Upon issuance of an abatement order, the activity giving rise to the violation shall immediately stop unless otherwise specified. Such order may be given orally or in writing to the owner, lessee or occupant of the property involved, or to the agent of any of them, or to the person or persons performing the work. Except as provided in subparagraph (iii), a verbal

order shall be followed promptly by a written order and shall include the reason for the issuance of an abatement order. The order may require all such work to be done as may be necessary, in the opinion of the commissioner, to remove the danger therefrom.

(iii) An abatement order issued pursuant to subparagraph (ii) of this paragraph may be appealed in accordance with the rules of the department, and the commissioner shall provide notice and an opportunity to be heard within fourteen days of the filing of such appeal. An abatement order shall be lifted if, upon appeal, the commissioner determines that the issuance of such order was not proper, or upon the submission of proof satisfactory to the commissioner that the requirements of such order have been satisfied. In the case of a verbal abatement order, if the commissioner determines that the condition that gave rise to the order has been immediately corrected, such order shall be lifted at once and shall not be followed by a written order.

§ 22. Section 24-147 of subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended to read as follows:

§24-147 Emission of nitrogen oxides. [No person shall cause or permit emission of an air contaminant:

(a) from a boiler with a capacity of five hundred million Btu per hour or more and completed after August twentieth, nineteen hundred seventy-one, if the air contaminant emitted has nitrogen oxides content of more than one hundred parts per million by volume of undiluted emissions at ten percent excess air.

(b) from a boiler with a capacity of five hundred million Btu per hour or more and completed before August twentieth, nineteen hundred seventy-one, if the air contaminant emitted has nitrogen oxides content of more than one hundred fifty parts per million by volume of undiluted emissions at ten percent excess air]

(a) No person shall cause or permit the use or operation of fuel burning equipment that is covered by subpart 227-2 of part two hundred twenty-seven of title six of the New York codes, rules and regulations in a manner inconsistent with the requirements regarding emission limits for nitrogen oxides set forth in such subpart.

(b) The commissioner may establish rules regulating nitrogen oxides emissions from boilers not regulated under subpart 227-2 of part two hundred twenty-seven of title six of the New York codes, rules and regulations.

§ 23. Section 24-148 of subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended to read as follows:

§24-148 Architectural coatings; solvents. [(a) After July first, nineteen hundred seventy-two, no person shall sell, offer for sale, apply, evaporate, dry, dilute or thin any architectural coating containing a photochemically reactive solvent.

(b) For the purposes of this section, a photochemically reactive solvent is any solvent with an aggregate of more than twenty percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: five percent;

2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: eight percent;

3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, or toluene: twenty percent] No person shall use an architectural coating that is covered by part two hundred five of title six of the New York codes, rules and regulations unless such architectural

coating is in compliance with the volatile organic compound limits set forth in section 205.3 of such part.

§ 24. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-149.1 to read as follows:

§24-149.1 Outdoor wood boilers. (a) No person shall burn any fuel in an outdoor wood boiler except clean wood, provided that newspaper or other non-glossy, non-colored paper may be used as starter fuel.

(b) No person shall operate an outdoor wood boiler so as to cause an emission that (1) activates a smoke detector on an adjoining property; (2) impairs visibility on a public street or highway; or (3) causes a visible plume that comes into contact with a building on an adjacent property.

(c) No person shall operate an outdoor wood boiler with a thermal output rating of two hundred fifty thousand Btu/h or less, unless such outdoor wood boiler:

(1) Is in compliance with all applicable certification standards set forth in section 247.8 of title six of the New York codes, rules and regulations;

(2) Is located at least one hundred feet from the nearest property boundary line; and

(3) Is equipped with a permanent stack extending at least eighteen feet above ground level.

(d) No person shall operate an outdoor wood boiler with a thermal output rating in excess of two hundred fifty thousand Btu/h.

§ 25. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-149.2 to read as follows:

§24-149.2 Fireplaces. (a) Definitions. As used in this section:

“Existing fireplace” means a fireplace that has been installed before the effective date of

the local law that added this section.

“New fireplace” means a fireplace that has been installed on or after the effective date of the local law that added this section.

“Treated firewood” shall have the same meaning as set forth in subdivision thirteen of section 192.5 of title six of the New York codes, rules and regulations.

(b) No person shall operate a fireplace as a primary source of heat, unless the source that normally supplies heat to the building in accordance with applicable state or local law is inoperable due to a fire, explosion, loss of power to the building or natural disaster including, without limitation, earthquakes, floods, winds, or storms, or as otherwise permitted by the rules of the department.

(c) No person shall operate any new fireplace unless it is operated solely on natural gas or on renewable fuel, as such term is defined in this code or as otherwise defined by the rules of the department for the purposes of implementing this subdivision, provided that this subdivision shall not apply if an application for approval of construction documents for such fireplace was filed with the department of buildings on or before the effective date of the local law that added this section. Any such fireplace shall be deemed to be an existing fireplace and shall be subject to the provisions of law relating to the operation of an existing fireplace.

(d) No person shall operate any existing fireplace unless it is operated with the use of treated firewood having a moisture content of twenty percent or less by weight, renewable fuel, as such term is defined in this code or as otherwise defined by the rules of the department for the purposes of implementing this subdivision, or such other material as may be designated by the rules of the department.

(e) No person shall operate a fireplace unless such fireplace is in compliance with

applicable federal emissions standards for particulate matter as set forth in section 60.532 of title forty of the code of federal regulations.

§ 26. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-149.3 to read as follows:

§24-149.3 Wood burning heaters. (a) No person shall operate any wood burning heater as a primary source of heat, unless the source that normally supplies heat to the building in accordance with applicable state or local law is inoperable due to a fire, explosion, loss of power to the building or natural disaster including, without limitation, earthquakes, floods, winds, or storms, or as otherwise permitted by the rules of the department.

(b) No person shall operate any wood burning heater unless it (i) is operated solely on renewable fuel, as such term is defined in this code or as otherwise defined by the rules of the department for the purposes of implementing this subdivision, and (ii) complies with part sixty of title 40 of the code of federal regulations.

§ 27. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-149.4 to read as follows:

§24-149.4 Commercial char broilers. (a) Definitions. As used in this section:

“New” means installed on or after the effective date of the local law that added this section.

“Existing” means installed before the effective date of the local law that added this section.

“Week” means a period of seven consecutive days starting on Sunday, unless a different start day is specified in the registration filed pursuant to section 24-109 of this code.

(b) No person shall operate any new commercial char broiler or any existing chain-driven commercial char broiler to cook more than eight hundred seventy-five pounds of meat, including but not limited to beef, lamb, pork, poultry, fish, or seafood, per week unless such commercial char

broiler is equipped with an emissions control device that meets the requirements of the rules of the department.

(c) On or after January 1, 2018, the commissioner may promulgate rules regulating emissions from: existing chain-driven commercial char broilers used to cook eight hundred seventy-five pounds or less of meat per week or existing under-fired commercial char broilers.

(d) On or after January 1, 2020, the commissioner may promulgate rules regulating emissions from new commercial char broilers used to cook eight hundred seventy-five pounds or less of meat per week.

(e) The operator of a commercial char broiler shall maintain records regarding the dates of installation, replacement, cleaning, and maintenance of any emissions control device. Such records shall be made available to the department upon request.

(f) The operator of a commercial char broiler that is not equipped with an emissions control device that meets the requirements of the rules of the department shall maintain records showing the amount of meat purchased per month. There shall be a presumption that all meat purchased in a given month was cooked on a commercial char broiler. The records required pursuant to this subdivision shall be maintained for not less than one year and shall be made available to the department upon request.

(g) Notwithstanding any other provision this section, where a facility uses more than one commercial char broiler to cook meat, the amount of meat cooked per week shall be calculated for the purposes of this section based on the total amount of meat cooked on all commercial char broilers at the same facility.

§ 28. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-149.5 to read as follows:

§24-149.5 Cook stoves. (a) Definitions. As used in this section:

“New” means installed on or after the effective date of the local law that added this section.

“Existing” means installed before the effective date of the local law that added this section.

(b) No person shall use a new cook stove for the preparation of food intended for on-site consumption or retail purchase without the use of an emission control device for odors, smoke and particulate matter that meets the requirements for such system as established by the rules of the department.

(c) No person shall use an existing cook stove unless such cook stove is in compliance by January 1, 2020, with the requirements for control systems established by the commissioner pursuant to subdivision (b) of this section.

§ 29. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-149.6 to read as follows:

§24-149.6 Stationary engines. (a) Any stationary reciprocating compression ignition internal combustion engine that is required to obtain a certificate of operation pursuant to section 24-122 of this code for the first time on or after January 1, 2018, shall be equipped with an engine certified to the tier four emissions standards established by the United States environmental protection agency as set forth in section 60.4201 of title forty of the code of federal regulations or to any subsequent United States environmental protection agency emissions standard for such engine that is at least as stringent.

(b) On or after January 1, 2025, the certificate of operation for a stationary reciprocating compression ignition internal combustion engine will be renewed only if the owner or operator of such engine can demonstrate in accordance with department rules that the engine meets the tier four emissions standards established by the United States environmental protection agency as set

forth in section 60.4201 of title forty of the code of federal regulations or any subsequent United States environmental protection agency emissions standard for such engine that is at least as stringent.

(c) The owner or operator of a stationary reciprocating compression ignition internal combustion engine may apply to the commissioner for additional time to comply with the requirements subdivision (a) or (b) of this section. If the owner or operator can show that the timeframes set forth in subdivision (a) or (b) of this section would constitute an undue hardship, the commissioner may enter into a compliance agreement with the owner or operator. In determining whether the owner or operator has demonstrated undue hardship pursuant to this subdivision, the commissioner may consider whether there is a showing of financial hardship, public necessity, or other emergency condition that would make compliance with the requirements of this section impracticable.

(d) This section shall not apply to any emergency stationary internal combustion engine, as such term is defined in section 60.4219 of title forty of the code of federal regulations, or to any emergency stationary reciprocating internal combustion engine, as such term is defined in section 63.6675 of title forty of the code of federal regulations.

§ 30. Section 24-150 of subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is REPEALED.

§ 31. Subdivision (d) of section 24-152 of subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended to read as follows:

(d) This section shall not apply to [refuse burning equipment,] refuse compacting equipment and fuel burning equipment [which] that primarily [serve] serves residents of a building or structure [which] that is occupied in whole or in part as the residence of one or more persons, or

[which] that is occupied for transacting business, for rendering professional services, or for rendering public or civic services[, or for performing other commercial services that may incidentally involve the storage of limited quantities of stocks of goods for office use or purposes].

§ 32. Section 24-153 of subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended to read as follows:

§24-153 Emissions of air contaminant; environmental ratings. (a) No person shall cause, permit or allow the emission of an air contaminant from any equipment [altered or installed after August twentieth, nineteen hundred seventy-one, which] used in a process covered by part two hundred twelve of title six of the New York codes, rules and regulations where such emission exceeds the permissible emission rates specified in [figures one, two, three, four and five, for the environmental rating as determined in accordance with table one of this section] the environmental ratings for process emissions sources as set forth in such part.

[(a) On October first, nineteen hundred seventy-one, or such later date as established by an order of the commissioner the permissible emission rates specified in this section shall become applicable to equipment in existence on or prior to August twentieth, nineteen hundred seventy-one.]

(b) The provisions of this section shall not be construed to allow or permit any person to emit an air contaminant in quantities which alone or in combination with other sources would contravene any air quality standards.

(c) This section shall be supplemental to all other provisions of this code and in the event of conflict the more stringent section shall control.

[TABLE 1 Environmental Rating Criteria

Rating

A. Includes processes, and exhaust and ventilation systems where the discharge of air contaminant results, or would reasonably be expected to result, in serious adverse effects on receptors or the environment. These effects may be of a health, economic or aesthetic nature or any combination of these.

B. Includes processes, and exhaust and ventilation systems where the discharge of contaminant results, or would reasonably be expected to result, in only moderate and essentially localized effects; or where the multiplicity of sources of the contaminant in any given area is such as to require an overall reduction of the atmospheric burden of that contaminant.

C. Includes processes, and exhaust and ventilation systems where the discharge of contaminant would reasonably be expected to result in localized adverse effects of an aesthetic or nuisance nature.

D. Includes processes, and exhaust and ventilation systems where, in view of properties and concentrations of the emissions, isolated conditions, stack heights, and other factors, it can be clearly demonstrated that discharge of contaminant will not result in measurable or observable effects on receptors and not add to an existing or predictable atmospheric burden of that contaminant which would reasonably be expected to cause adverse effects.

The following items will be considered in making a determination of the environmental rating to be applied to a particular source:

- (a) properties, quantities and rates of the emissions;
- (b) physical surroundings of emission source;
- (c) population density of surrounding area, including anticipated future growth;
- (d) dispersion characteristics at or near source;
- (e) location of emission source relative to ground level and surrounding buildings, hills,

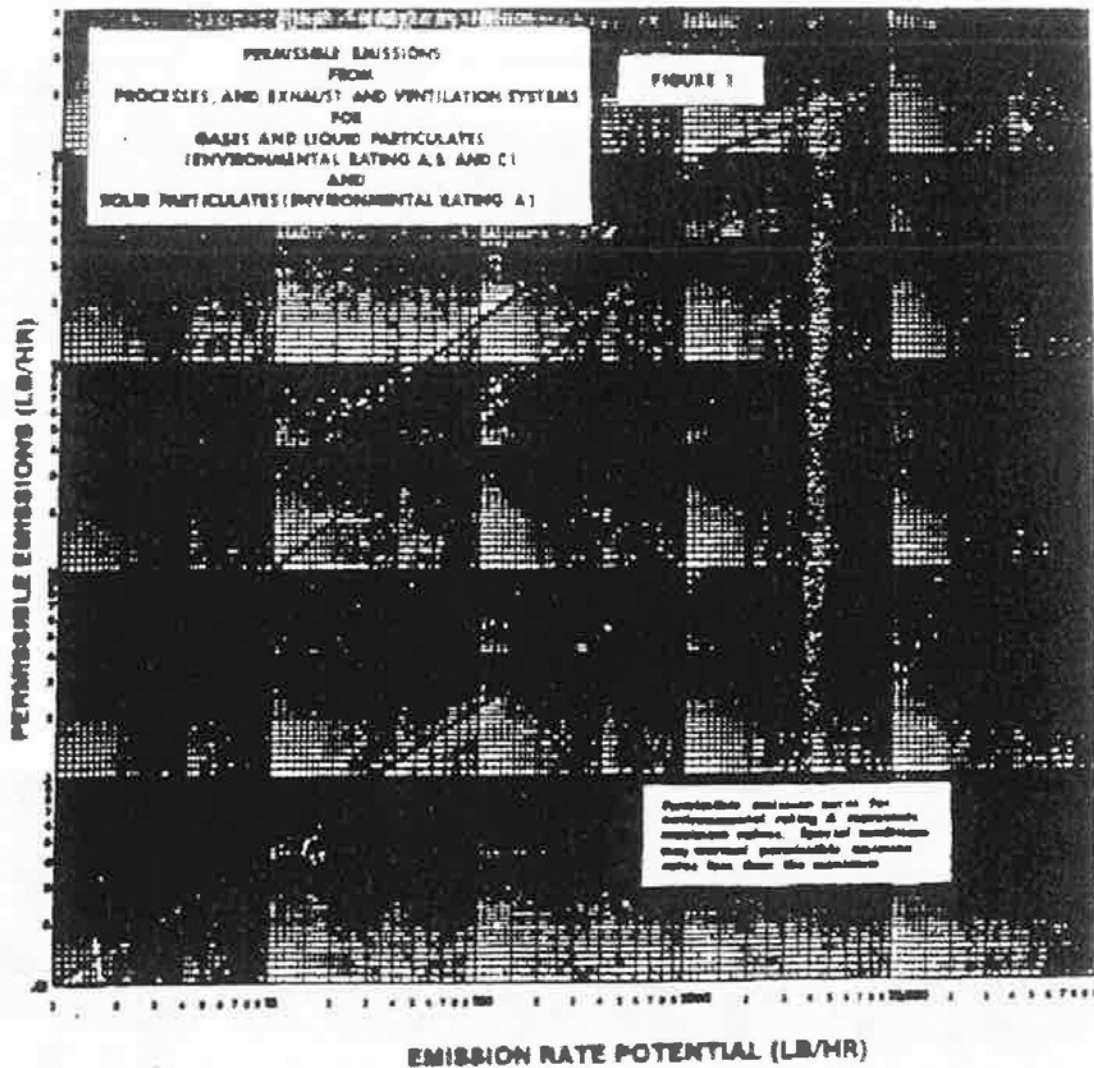
and other features of the terrain;

(f) current or anticipated ambient air quality in vicinity of source;

(g) latest findings relating to effects of ground-level concentrations of the emissions on receptors;

(h) possible hazardous side effects of air contaminant in question mixing with air contaminants already in ambient air; and

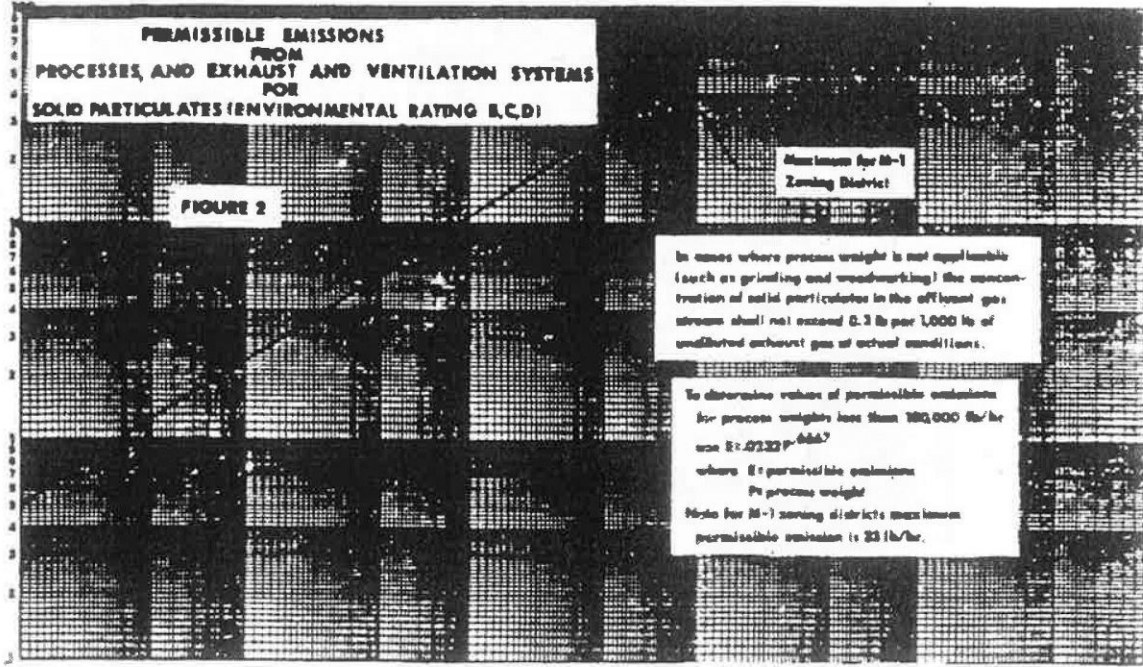
(i) engineering guides which are acceptable to the commissioner.



**PERMISSIBLE EMISSIONS
FROM
PROCESSES AND EXHAUST AND VENTILATION SYSTEMS
FOR
SOLID PARTICULATES (ENVIRONMENTAL RATING B,C,D)**

FIGURE 2

PERMISSIBLE EMISSIONS (LB/HR)



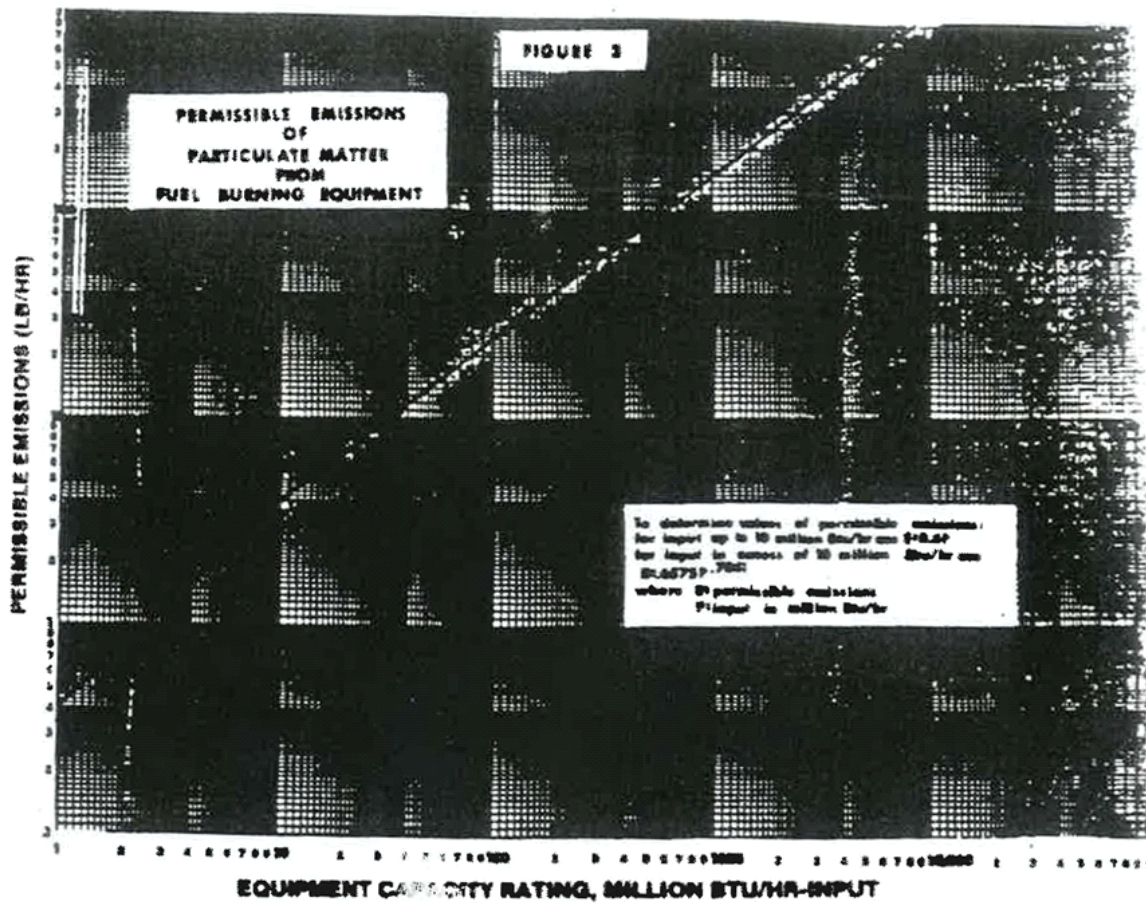
Maximum for M-1
Zoning District

In cases where process weight is not applicable (such as grinding and woodworking) the concentration of solid particulates in the effluent gas stream shall not exceed 0.3 lb per 1,000 lb of undiluted exhaust gas at actual conditions.

To determine values of permissible emissions for process weights less than 100,000 lb/hr use $E = 0.232 P^{0.667}$
where E = permissible emissions
P = process weight
Note for M-1 zoning districts maximum permissible emission is 23 lb/hr.

100 1 2 3 4 5 6 7 8 9 1000 1 2 3 4 5 6 7 8 9 10,000 1 2 3 4 5 6 7 8 9 100,000 1 2 3 4 5 6 7 8 9 1,000,000 1 2 3 4 5 6 7 8 9

PROCESS WEIGHT (LB/HR)



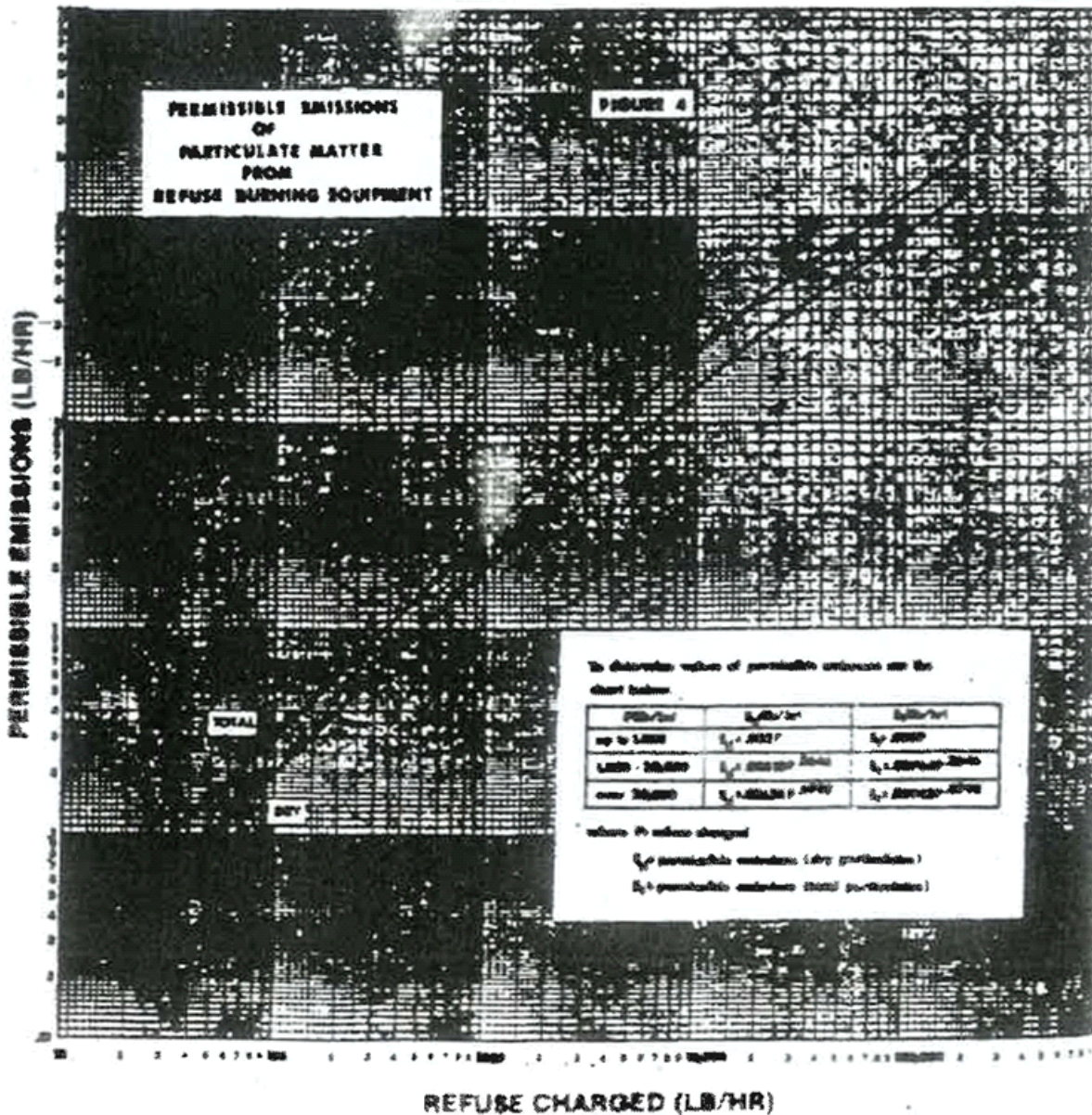


FIGURE 5
 USUAL DEGREE OF AIR CLEANING REQUIRED (1) FROM PROCESSES, AND
 EXHAUST AND VENTILATION SYSTEMS FOR GASES AND LIQUID PARTICULATE
 EMISSIONS
 (Environmental Ratings A*, B*, C*, and D) and
 Solid Particulate Emissions
 (Environmental Rating A*)†

Emission Rate Potential (lb/hr)

Environmental Rating	Less than 1.0	1 to 10 to 20	20 to 100 to 500	500 to 1,000 to 1,000	1,000 to 1,500 to 1,500	1,500 to 4,000 to 4,000	4,000 to 10,000 to 10,000	Greater than 10,000
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A	see Note (2)			99%				Greater than 99%
B	**	90-? 91%	91-? 94%	94-? 96%	96-97%	97-? 98%	98- 99%	Greater than 99%
C	**	70-? 75%	75-? 85%	85-? 90%	90-93%	93-98%		Greater than 98%
D				**				

*? See Figure (1) for permissible emissions

†? See Figure (2) for permissible emissions of solid particulates for environmental rating B, C and D.

**? Degree of air cleaning may be specified by the commissioner providing satisfactory dispersion is achieved.

(1) Where multiple emission sources are connected to a common air cleaning device, the degree of air cleaning required will be that which would be required if each individual emission source were considered separately.

(2) For an average emission rate potential less than 1.0 lb./hr., the desired air cleaning efficiency shall be determined by the expected concentration of the air contaminant in the emission stream. Where it is uneconomical to employ air cleaning devices, other methods of control should be considered.]

(d) The commissioner may require any owner of equipment used in a process to provide pertinent data concerning emissions so as to show compliance with the requirements of this section.

§ 33. Section 24-154 of subchapter 6 of chapter 1 of title 24 of the administrative code of

the city of New York is REPEALED.

§ 34. Subchapter 7 of chapter 1 of title 24 of the administrative code of the city of New York, section 24-163 as amended by local law number 25 for the year 2004, subdivision (a) of such section as amended by local law number 5 for the year 2009, subdivision (e) of such section as added by local law number 4 for the year 2009, subdivisions (f) and (g) of such section as added by local law number 5 for the year 2009, section 24-163.1 as added by local law number 38 for the year 2005, paragraph 11 of subdivision a of such section as amended by local law number 21 for the year 2006, paragraph 13 of subdivision a of such section as added by local law number 75 for the year 2013, paragraph 2 of subdivision d of such section as amended by local law number 76 for the year 2013, paragraph 3 of subdivision e of such section as added by local law number 75 for the year 2013, subdivision g of such section as amended by local law number 130 for the year 2005, section 24-163.2 as added by local law number 38 for the year 2005, paragraph 1 of subdivision d and subdivision g of section 24-163.2 as amended by local law number 21 for the year 2006, section 24-163.3 as added by local law number 77 for the year 2003, section 24-163.4 as added by local law number 39 for the year 2005, paragraph 4 of subdivision a of such section as amended by local law number 21 for the year 2006, paragraph 8 of subdivision a of such section as added, paragraph 1 of subdivision b of such section as amended, paragraph 3 of subdivision b of such section as added, subdivision f of such section as amended and subdivision i of such section as added by local law number 73 for the year 2013, section 24-163.5 as added by local law number 40 for the year 2005, paragraph 3 of subdivision b of such section as added by local law number 73 for the year 2013, subdivision h of such section as amended by local law number 74 for the year 2013, section 24-163.6 as added by local law number 41 for the year 2005, subdivision b of such section as amended by local law number 73 for the year 2013, subdivision e of such section as amended by

local law number 74 for the year 2013, section 24-163.7 as added by local law number 42 for the year 2005, section 24-163.8 as added by local law number 16 for the year 2009, section 24-163.9 as added by local law number 61 for the year 2009, section 24-163.10 as added by local law number 72 for the year 2013, subdivision g of section 24-165 and subdivision c of section 24-166 as added by local law number 153 for the year 2013, and section 24-167 as amended by local law number 43 for the year 2010, is amended to read as follows:

SUBCHAPTER 7

EQUIPMENT AND APPARATUS: USE AND MAINTENANCE

§24-155 Maintenance of equipment and apparatus. The owner of equipment and apparatus shall maintain such equipment and apparatus in good operating order by regular inspection and cleaning and by promptly making repairs.

§24-156 Use of fuel burning equipment without using apparatus prohibited. (a) Except as provided in subdivision (b) of this section, no person shall cause or permit the use of fuel burning equipment [which] that is fitted with apparatus, other than experimental apparatus, unless the required apparatus is used.

(b) If fuel burning equipment is fitted with apparatus and is designed to use more than one kind of fuel, the equipment shall not be used unless the apparatus appropriate for the particular fuel is used.

[§24-158 Use of department of sanitation refuse burning equipment without control apparatus prohibited. (a) No person shall cause or permit the use of any incinerator operated by the department of sanitation unless there shall be installed therein control apparatus which incorporates the most effective advances in the art of air pollution control as determined by the commissioner but in no event shall the emissions exceed those specified in figure four of section

24-145 of this code.

(b) The commissioner shall submit a report to the city council on the first day of October and on the first day of April of each year setting forth in detail the extent of compliance with subdivision (a) of this section, the cause of whatever non-compliance may exist and what action is being undertaken to assure compliance.]

§24-159 Use of less than fully automatic equipment using fuel oil and use of any fuel burning equipment using residual fuel oil; supervision by licensed person. No person shall cause or permit the use of fuel burning equipment [which] that uses fuel oil and is less than fully automatic, or the use of fuel burning equipment, whether fully automatic or not, [which] that uses residual fuel oil, except under the direct supervision of a person having a certificate of fitness [as required by] pursuant to section [27-4014] FC 113 of the [code] *New York City Fire Code*.

§24-160 Use of air contaminant recorder; boilers. No owner of a boiler with a capacity of five hundred million Btu per hour or more shall operate it without the installation and operation of an air contaminant recorder.

§24-161 Use of fuel burning equipment using residual fuel oil [and use of refuse burning equipment]; operation and supervision by trained person. (a) No person shall cause or permit the use of fuel burning equipment using residual fuel oil, [or of refuse burning equipment,] except under the operation and supervision of a person who has successfully completed a course of instruction in air pollution control approved by the commissioner [or completes such course within six months of his or her employment. For good cause shown, the department may temporarily exempt persons from this requirement].

(b) The commissioner may approve courses of instruction maintained by educational institutions, by industry, or by labor organizations.

(c) No person shall employ an operator or supervisor of fuel burning equipment using residual fuel oil or of refuse burning equipment who does not have an enrollment card or certificate issued by the department.

[§24-162 Operation of refuse burning equipment, other than municipal; time restriction. (a) No person shall cause or permit the operation of refuse burning equipment, other than refuse burning equipment operated by the department of sanitation, at any time other than between seven a.m. and five p.m., of the same day, except with the approval of the commissioner.

(b) The person seeking approval to operate refuse burning equipment at a time other than that specified under subdivision (a) of this section shall submit a written request in such form as prescribed by the commissioner.

(c) No person shall cause or permit the resumption of use of refuse burning equipment for which permission has been given for the discontinuance of operation or for which an order of discontinuance has been issued, unless permitted to do so by the commissioner.]

24-163 Operation of motor vehicle; idling of engine restricted. (a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes, except as provided in subdivision (f) of this section, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus as defined in section one hundred four of the vehicle and traffic law to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route.

(b) The department of transportation shall post signs relating to prohibited idling that shall comply with the standards set forth in the Manual on Uniform Traffic Control Devices and, where practicable, include the maximum penalty that may be imposed for a violation of subdivision a of this section as follows:

(1) a sign shall be posted at each exit within the city of New York of each bridge and tunnel having only one terminus in the city of New York;

(2) signs shall be posted at a minimum of five locations in each borough where two or more truck routes, whether local or through routes, intersect;

(3) a sign shall be posted at each bus layover area (other than school bus layover areas), designated by the commissioner of transportation pursuant to section 4-10(c)(3) of title 34 of the rules of the city of New York;

(4) a sign shall be posted at each multiple use bus terminal point;

(5) a sign shall be posted in close proximity to each school bus depot; and,

(6) signs shall be posted at other appropriate locations throughout the city as jointly determined by the commissioner and the commissioner of transportation, including but not limited to, locations for which the city receives a substantial number of complaints of idling motor vehicles.

(c) For the purpose of this section only the term "school bus depot" shall mean any garage, lot or other facility where buses that transport children to or from schools are parked over night and the term "multiple use bus terminal point" shall mean a location that is both a terminal point of at least one bus route (other than a school bus route) and a bus stop (other than a school bus stop) on one or more other bus routes.

(d) In any proceeding relating to a violation of the restrictions on idling it shall not be a

defense that a sign required by this section was absent at the time of the violation.

(e) In addition to the department and the police department, the department of parks and recreation and the department of sanitation shall have the authority to enforce subdivision a of this section and shall have the power to issue summonses, appearance tickets and/or notices of violation for violations of such subdivision.

(f) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than one minute if such motor vehicle is adjacent, as determined by rule, to any public school under the jurisdiction of the New York city department of education or to any non-public school that provides educational instruction to students in any grade from pre-kindergarten to the twelfth grade level, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device, and provided that idling of an engine of a school bus may be permitted to the extent necessary: (1) for mechanical work; (2) to maintain an appropriate temperature for passenger comfort; or (3) in emergency evacuations where necessary to operate wheelchair lifts. It shall be an affirmative defense that any such school was not easily identifiable as a school by signage or otherwise at the time a violation of this subdivision occurred. (g) A report shall be submitted to the city council on an annual basis by: (1) the environmental control board that states the number of notices of violation issued for engine idling violations returnable to the environmental control board, including the total amount of penalties imposed for such notices of violations; and (2) the department of finance that states the number of summonses issued for engine idling violations pursuant to subdivision (p) of section 4-08 of title 34 of the rules of the city

of New York, including the total amount of penalties imposed for such summonses.

§24-163.1 Purchase of cleaner light-duty and medium-duty vehicles. a. Definitions. When used in this section or in section 24-163.2 of this chapter:

[(1)] "Alternative fuel" means 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.

[(2)] "Alternative fuel motor vehicle" means a motor vehicle that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles.

[(3)] "Average fuel economy" means the sum of the fuel economies of all motor vehicles in a defined group divided by the number of motor vehicles in such group.

[(4)] "Bi-fuel motor vehicle" means a motor vehicle that is capable of being operated by both an alternative fuel and gasoline or diesel fuel, but may be operated exclusively by any one of such fuels.

[(5)] "City agency" means a city, county, borough, administration, 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.

(6) "Equivalent carbon dioxide" means the metric measure used to compare the emissions from various greenhouse gases emitted by motor vehicles based upon their global warming potential according to the California air resources board or the United States environmental protection agency.

[(7)] "Fuel economy" means the United States environmental protection agency city mileage published label value for a particular motor vehicle, pursuant to section 32908(b) of title

49 of the United States code.

[(8)] "Gross vehicle weight rating" means the value specified by the manufacturer of a motor vehicle model as the maximum design loaded weight of a single vehicle of that model.

[(9)] "Light-duty vehicle" means any motor vehicle having a gross vehicle weight rating of 8,500 pounds or less.

[(10)] "Medium-duty vehicle" means any motor vehicle having a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds.

[(11)] "Motor vehicle" means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, provided, however, that this term shall not include vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department, fire department, [or] department of correction, or office of the chief medical examiner.

[(12)] "Purchase" means purchase, lease, borrow, obtain by gift or otherwise acquire.

[(13)] "Use-based fuel economy" means the total number of miles driven by all light-duty and medium-duty vehicles in the city fleet during the previous fiscal year divided by the total amount of fuel used by such vehicles during the previous fiscal year.

b. (1) Except as provided for in paragraphs two and three of this subdivision, beginning July 1, 2006, each light-duty vehicle and medium-duty vehicle that the city purchases shall achieve the highest of the following ratings, with subparagraph one of this paragraph being the highest vehicle rating, applicable to motor vehicles certified to California LEV II standards and available within the applicable model year for a light-duty vehicle or medium-duty vehicle that meets the requirements for the intended use by the city of such vehicle:

- (i) zero emission vehicle (ZEV)
- (ii) advanced technology partial zero emission vehicle (ATPZEV)
- (iii) partial zero emission vehicle (PZEV)
- (iv) super ultra low emission vehicle (SULEV)
- (v) ultra low emission vehicle (ULEV)
- (vi) low emission vehicle (LEV)

(2) The city shall not be required to purchase a zero emission vehicle or advanced technology partial zero emission vehicle in accordance with paragraph one of this subdivision if the only available vehicle or vehicles that achieve such a rating cost greater than fifty percent more than the lowest bid as determined by the applicable procurement process for a vehicle available in the next highest rating category that meets the requirements for the intended use by the city of such vehicle or if, after consultation with the affected agency, the commissioner determines that the use of such vehicle would be impractical or would unduly hinder the operations of a city agency, or if the commissioner determines that the city lacks the charging and fueling infrastructure to support use of such a vehicle, provided that the next highest rating category that meets the requirements for the intended use by the city of such vehicle shall be selected.

(3) Notwithstanding the requirements of paragraph one of this subdivision, such requirements need not apply to a maximum of five percent of the light-duty vehicles and medium-duty vehicles purchased within each fiscal year.

(4) For the fiscal year beginning July 1, 2005, at least eighty percent of the light-duty vehicles the city purchases in such fiscal year shall be alternative fuel motor vehicles.

c. (1) The city shall not purchase additional bi-fuel motor vehicles.

(2) Any bi-fuel motor vehicle that is owned or operated by the city shall be powered on the

alternative fuel on which it is capable of operating, except that such vehicle may be operated on gasoline or diesel fuel (i) where, as of the date of enactment of this section, such vehicle is no longer mechanically able to operate on such alternative fuel and cannot be repaired, or (ii) solely for the period of time recommended by the vehicle manufacturer.

d. (1) Not later than October 1, 2005, the city shall complete an inventory of the fuel economy of all light-duty vehicles purchased by the city during the fiscal year beginning July 1, 2004, and shall calculate the average fuel economy of all such light-duty vehicles.

(2) The city shall achieve the following minimum percentage increases in the average fuel economy of all light-duty vehicles purchased by the city during the following fiscal years, relative to the average fuel economy of all such vehicles purchased by the city during the fiscal year beginning July 1, 2004, calculated pursuant to paragraph one of this subdivision:

- (i) For the fiscal year beginning July 1, 2006, five percent;
- (ii) For the fiscal year beginning July 1, 2007, eight percent;
- (iii) For the fiscal year beginning July 1, 2008, ten percent;
- (iv) For the fiscal year beginning July 1, 2009, twelve percent;
- (v) For the fiscal years beginning July 1, 2010 and July 1, 2011, fifteen percent;
- (vi) For the fiscal years beginning July 1, 2012, July 1, 2013 and July 1, 2014, eighteen percent;
- (vii) For the fiscal year beginning July 1, 2015, twenty percent;
- (viii) For the fiscal year beginning July 1, 2016, twenty percent;
- (ix) For the fiscal year beginning July 1, 2017, twenty-five percent;
- (x) For the fiscal year beginning July 1, 2018, twenty-five percent;
- (xi) For the fiscal year beginning July 1, 2019, thirty-percent;

(xii) For the fiscal year beginning July 1, 2020, thirty-percent;

(xiii) For the fiscal year beginning July 1, 2021, thirty-five percent; and

(xiv) For the fiscal year beginning July 1, 2022, and for each fiscal year thereafter, forty percent.

e. (1) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the city's purchase of light-duty vehicles and medium-duty vehicles during the immediately preceding fiscal year. The information contained in this report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to, for each city agency: (i) the total number of light-duty vehicles and medium-duty vehicles and all other motor vehicles, respectively, purchased by such agency; (ii) the total number of light-duty vehicles and medium-duty vehicles, respectively, purchased by such agency that are certified to California LEV II standards in each of the six rating categories listed in subdivision b of this section, disaggregated according to vehicle model; (iii) the reason as to why each vehicle model was purchased, rather than a vehicle model rated in a higher category listed in subdivision b of this section; (iv) if an available zero emission vehicle or advanced technology partial zero emission vehicle is not purchased, in accordance with paragraph two of subdivision b of this section, specific information regarding the cost analysis [that formed the] or other basis for such decision; (v) the percentage of light-duty vehicles and medium-duty vehicles purchased within each fiscal year in accordance with paragraphs one and two of subdivision b of this section; and (vi) for the report required not later than January 1, 2007, the percentage of light-duty vehicles purchased by the city during the fiscal year beginning July 1, 2005 that were alternative fuel motor vehicles.

(2) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the fuel economy of light-duty vehicles purchased by the city during the immediately preceding fiscal year. The information contained in this report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to: (i) the average fuel economy of all light-duty vehicles purchased by the city during the preceding fiscal year; and (ii) the percentage increase in the average fuel economy of all such light-duty vehicles, relative to the average fuel economy of all light-duty vehicles purchased by the city during the fiscal year beginning July 1, 2004, calculated pursuant to paragraph one of subdivision d of this section, that this total amount represents.

(3) Not later than January 1, 2016, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the use-based fuel economy for the immediately preceding fiscal year. The information contained in such report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year.

f. (1) Beginning July 1, 2006, for each fiscal year, the city shall measure the amount of fuel consumed by the city's fleet of motor vehicles and the equivalent carbon dioxide emitted by such vehicles, for each type of fuel consumed by such vehicles.

(2) For the fiscal year beginning July 1, 2006, and for each fiscal year thereafter, the department shall publish on its website by October 1 following the close of each fiscal year and the mayor shall include in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year the estimated total amount of fuel consumed by the city's fleet of motor vehicles and the estimated total amount of equivalent carbon dioxide emitted by such

vehicles, disaggregated according to fuel type. For the purposes of this subdivision, the city's fleet of motor vehicles shall include vehicles specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department[or], fire department, or office of the chief medical examiner.

g. This section shall not apply:

(1) where federal or state funding precludes the city from imposing the purchasing requirements of this section;

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the charter; or

(3) except for subdivision f of this section, to diesel fuel-powered motor vehicles subject to paragraph two of subdivision b of section 24-163.4 of this chapter.

h. To the extent not prohibited by law, alternative fuel motor vehicles may be purchased by the city in concert with any public or private entity.

§24-163.2 Alternative fuel buses and sanitation vehicles. a. Definitions. When used in this section:

[(1)] "Alternative fuel bus" means a bus that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles.

[(2)] "Alternative fuel sanitation vehicle" means a sanitation vehicle that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles.

[(3)] "Alternative fuel street sweeping vehicle" means a vehicle used by the department of sanitation for street cleaning purposes that is operated using solely an alternative fuel or is operated

using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles.

[(4)] "Bus" means a motor vehicle that is designed to transport more than twenty individuals.

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

[(6)] "Sanitation vehicle" means a vehicle used by the department of sanitation for street cleaning purposes or for the collection of solid waste or recyclable materials.

[(7)] "Solid waste" means all materials or substances discarded or rejected as being spent, useless, or worthless, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous forms.

b. For the fiscal year commencing July 1, 2005, and for each fiscal year thereafter, at least twenty percent of the buses the city purchases in such fiscal year shall be alternative fuel buses.

c. (1) Beginning no later than March 1, 2006, the commissioner of sanitation shall implement a program for testing the mechanical reliability and operational feasibility of alternative fuel street sweeping vehicles. Such program shall include a pilot project regarding the exclusive utilization of alternative fuel street sweeping vehicles in at least four sanitation districts, to be identified at the discretion of the commissioner of sanitation. At least one such district shall be located in an area where high rates of asthma are found and the commissioner shall consider

asthma rates in his or her determination of where such other districts will be located.

(2) The department of sanitation shall collect and analyze data to further develop its initiatives for and assess the feasibility of incorporating new alternative fuel sanitation vehicles and technology into its fleet.

d. (1) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the city's purchase of alternative fuel buses during the immediately preceding fiscal year. This report shall be included in the mayor's preliminary management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to: (i) the total number of buses purchased by the city in the preceding fiscal year; and (ii) the number of such buses that are alternative fuel buses, disaggregated according to agency, bus model and type of alternative fuel used[]; and (iii) the determination, if any, by the commissioner of correction that there were no alternative fuel buses available that met such department's needs pertaining to bus size, passenger capacity and security during the preceding fiscal year and the detailed analysis that formed the basis for such determination, and, where the department of correction has not purchased an alternative fuel bus due to cost, as provided for in paragraph three of subdivision g of this section, the detailed cost analysis that formed the basis for such decision[].

(2) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the commissioner of sanitation shall report to the mayor, the comptroller and the speaker of the council on the department of sanitation's alternative fuel street sweeping vehicle pilot project and all testing, analyses and assessments completed pursuant to subdivision c of this section. Such report shall include, but not be limited to: (i) a description of all testing, analyses and assessments, respectively, completed pursuant to that subdivision and all conclusions based upon such testing,

analyses and assessments, including specific information regarding efforts made by the department of sanitation to further develop initiatives for the incorporation of alternative fuel sanitation vehicles into its fleet, in addition to specific information regarding the feasibility of incorporating such vehicles into such fleet; (ii) the number of alternative fuel street sweeping vehicles included in the pilot project required pursuant to paragraph one of that subdivision, the districts where such vehicles are located and the type of alternative fuel used by such vehicles; and, (iii) the total number of alternative fuel sanitation vehicles owned or operated by the department of sanitation, disaggregated according to vehicle model and type of alternative fuel used.

e. Purchases of alternative fuel buses that exceed the minimum mandatory purchase requirements of subdivision b of this section for a particular fiscal year may be used to satisfy such applicable requirements for the immediately succeeding fiscal year.

f. To the extent not prohibited by law, alternative fuel buses and alternative fuel sanitation vehicles may be purchased by the city in concert with any public or private entity.

g. This section shall not apply:

(1) where federal or state funding precludes the city from imposing the purchasing requirements of this section; [or]

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the charter; or

(3) to the purchase of buses for use by any city agency where the commissioner of such agency has made a written determination that there are no alternative fuel buses available that meet the needs of such agency with respect to bus size, passenger capacity or other special requirement, and has within ten business days thereafter submitted the determination to the speaker of the council accompanied by the detailed analysis that formed the basis for such determination;

provided, however, that the purchase of buses for use by the agency shall become subject to the provisions of this section immediately after a determination by the commissioner, after consultation with the department of citywide administrative services, that an alternative fuel bus that meets such needs has become available; and provided, further, however, that the city shall not be required to purchase an alternative fuel bus for use by the agency if the only available alternative fuel bus that meets the needs of such agency with respect to bus size, passenger capacity or other special requirement costs more than fifty percent more than other buses that meet such needs of such agency.

h. The commissioner may by rule require periodic testing of alternative fuel buses and the submission of information concerning the operation and maintenance of such buses purchased or newly operated in the city to ensure compliance with this section and to collect information for reports required by this section.

i. The commissioner may order [the owner or operator of] a city agency that owns or operates a bus to which this section applies to conduct such tests, or the department may conduct such tests, as are necessary in the opinion of the commissioner to determine whether such bus is in compliance with this section.

j. The department may inspect at a reasonable time and in a reasonable manner any equipment, apparatus, fuel, matter or thing that affects or may affect the proper maintenance or operation of an alternative fuel bus to which this section applies.

§24-163.3 Use of ultra low sulfur diesel fuel and best available technology in nonroad vehicles. a. For purposes of this section only, the following terms shall have the following meanings:

[(1) "City agency" means a city, county, borough, administration, 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.

(2) "Contractor" means any person or entity that enters into a public works contract with a city agency, or any person or entity that enters into an agreement with such person or entity, to perform work or provide labor or services related to such public works contract.

[(3) "Lower Manhattan" means the area of New York county consisting of the area to the south of and within Fourteenth street.

(4) "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

[(5) "Nonroad engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 or section 7521 of title 42 of the United States code, except that this term shall apply to internal combustion engines used to power generators, compressors or similar equipment used in any construction program or project.

[(6) "Nonroad vehicle" means a vehicle that is powered by a nonroad engine, fifty horsepower and greater, and that is not a motor vehicle or a vehicle used solely for competition, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers and similar equipment, except that this term shall not apply to horticultural maintenance vehicles used for landscaping purposes that are powered by a nonroad engine of sixty-five horsepower or less and that are not used in any construction program or project.

[(7) "Person" means any natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization.

(8) "Public works contract" means a contract with a city agency for a construction

program or project involving the construction, demolition, restoration, rehabilitation, repair, renovation, or abatement of any building, structure, tunnel, excavation, roadway, park or bridge; a contract with a city agency for the preparation for any construction program or project involving the construction, demolition, restoration, rehabilitation, repair, renovation, or abatement of any building, structure, tunnel, excavation, roadway, park or bridge; or a contract with a city agency for any final work involved in the completion of any construction program or project involving the construction, demolition, restoration, rehabilitation, repair, renovation, or abatement of any building, structure, tunnel, excavation, roadway, park or bridge.

[(9) "Ultra low sulfur diesel fuel" means diesel fuel that has a sulfur content of no more than fifteen parts per million.]

b. (1) Any diesel-powered nonroad vehicle that is owned by, operated by or on behalf of, or leased by a city agency shall be powered by ultra low sulfur diesel fuel.

(2) Any diesel-powered nonroad vehicle that is owned by, operated by or on behalf of, or leased by a city agency shall utilize the best available technology for reducing the emission of pollutants, or shall be equipped with an engine certified to the applicable tier four emissions standards established by the United States environmental protection agency as set forth in section 1039.101 of title forty of the code of federal regulations or to any subsequent United States environmental protection agency emissions standard for such engine that is at least as stringent.

c. (1) Any solicitation for a public works contract and any contract entered into as a result of such solicitation shall include a specification that all contractors in the performance of such contract shall use ultra low sulfur diesel fuel in diesel-powered nonroad vehicles and all contractors in the performance of such contract shall comply with such specification.

(2) Any solicitation for a public works contract and any contract entered into as a result of

such solicitation shall include a specification that all contractors in the performance of such contract shall utilize the best available technology for reducing the emission of pollutants for diesel-powered nonroad vehicles[and all], or shall utilize diesel-powered nonroad vehicles that are equipped with engines certified to the applicable tier four emissions standards established by the United States environmental protection agency as set forth in section 1039.101 of title forty of the code of federal regulations or to any subsequent United States environmental protection agency emissions standard for such engines that is at least as stringent. All contractors in the performance of such contract shall comply with such specification.

d. (1) (i) The commissioner shall make determinations, and shall publish a list containing such determinations, as to the best available technology for reducing the emission of pollutants to be used for each type of diesel-powered nonroad vehicle to which this section applies for the purposes of paragraph two of subdivision b and paragraph two of subdivision c of this section. Each such determination, which shall be updated on a regular basis, but in no event less than once every six months, shall be primarily based upon the reduction in emissions of particulate matter and secondarily based upon the reduction in emissions of nitrogen oxides associated with the use of such technology and shall in no event result in an increase in the emissions of either such pollutant.

(ii) In determining the best available technology for reducing the emission of pollutants, the commissioner shall select technology from that which has been verified by the United States environmental protection agency or the California air resources board [for use in nonroad vehicles or onroad vehicles where such technology may also be used in nonroad vehicles, but the commissioner may select technology that is not verified as such as is deemed appropriate], as set forth in the executive orders of such board, for use in nonroad vehicles for each engine family. If

no such technology exists for a specific engine family, then the commissioner shall select appropriate technology from that which has been verified by the United States environmental protection agency or the California air resources board as set forth in the executive orders of such board, for a different nonroad vehicle engine family. If no such appropriate technology exists for a different nonroad vehicle engine family, then the commissioner may select such technology that he or she deems appropriate.

(2) No city agency or contractor shall be required to replace best available technology for reducing the emission of pollutants or other authorized technology utilized for a diesel-powered nonroad vehicle in accordance with the provisions of this section within three years of having first utilized such technology for such vehicle or on or before July 1, 2017, whichever is later.

e. A city agency shall not enter into a public works contract subject to the provisions of this section unless such contract permits independent monitoring of the contractor's compliance with the requirements of this section and requires that the contractor comply with section 24-163 of this code. If it is determined that the contractor has failed to comply with any provision of this section, any costs associated with any independent monitoring incurred by the city shall be reimbursed by the contractor.

f. (1) [The provisions of subdivision b of this section shall apply to any diesel-powered nonroad vehicle in use in Lower Manhattan that is owned by, operated by or on behalf of, or leased by a city agency and the provisions of subdivision c of this section shall apply to any public works contract for Lower Manhattan upon the effective date of this section.

(2)] The provisions of paragraph one of subdivision b of this section shall apply to all diesel-powered nonroad vehicles that are owned by, operated by or on behalf of, or leased by a city agency and the provisions of paragraph one of subdivision c of this section shall apply to all public

works contracts six months after the effective date of this section.

[(3)] (2) The provisions of paragraph two of subdivision b of this section shall apply to all diesel-powered nonroad vehicles that are owned by, operated by or on behalf of, or leased by a city agency and the provisions of paragraph two of subdivision c of this section shall apply to any public works contract that is valued at two million dollars or more one year after the effective date of this section.

[(4)] (3) The provisions of paragraph two of subdivision c of this section shall apply to all public works contracts eighteen months after the effective date of this section.

g. [(1)] (1) On or before January 1, 2005, and every succeeding January 1, the commissioner shall report to the comptroller and the speaker of the council on the use of ultra low sulfur diesel fuel in diesel-powered nonroad vehicles and the use of the best available technology for reducing the emission of pollutants and such other authorized technology in accordance with this section for such vehicles by city agencies during the immediately [preceeding] preceding fiscal year. This report shall include, but not be limited to (i) the total number of diesel-powered nonroad vehicles owned by, operated by or on behalf of, or leased by each city agency or used to fulfill the requirements of a public works contract for each city agency; (ii) the number of such nonroad vehicles that were powered by ultra low sulfur diesel fuel; (iii) the number of such nonroad vehicles that utilized the best available technology for reducing the emission of pollutants, including a breakdown by vehicle model and the type of technology used for each vehicle; (iv) the number of such nonroad vehicles that utilized such other authorized technology in accordance with this section, including a breakdown by vehicle model and the type of technology used for each vehicle; (v) the locations where such nonroad vehicles that were powered by ultra low sulfur diesel fuel and/or utilized the best available technology for reducing the emission of pollutants or such

other authorized technology in accordance with this section were used; and (vi) [all findings, and renewals of such findings, issued pursuant to subdivision j of this section, which shall include, but not be limited to, for each finding and renewal, the quantity of diesel fuel needed by the city agency or contractor to power diesel-powered nonroad vehicles owned by, operated by or on behalf of, or leased by the city agency or used to fulfill the requirements of a public works contract for such agency; specific information concerning the availability of ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in effect pursuant to subdivision i of this section; and detailed information concerning the city agency's or contractor's efforts to obtain ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in effect pursuant to subdivision i of this section; and (vii)] all findings and waivers, and renewals of such findings and waivers, issued pursuant to paragraph one or paragraph three of subdivision [k] j or subdivision [m] l of this section, which shall include, but not be limited to, all specific information submitted by a city agency or contractor upon which such findings, waivers and renewals are based and the type of such other authorized technology, if any, utilized in accordance with this section in relation to each finding, waiver and renewal, instead of the best available technology for reducing the emission of pollutants.

[(2) Where a determination is in effect pursuant to subdivision i of this section, information regarding diesel fuel that has a sulfur content of no more than thirty parts per million shall be reported wherever information is requested for ultra low sulfur diesel fuel pursuant to paragraph one of this subdivision.]

h. This section shall not apply:

(1) where federal or state funding precludes the city from imposing the requirements of this

section; or

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the charter.

[i. The commissioner shall issue a written determination that permits the use of diesel fuel that has a sulfur content of no more than thirty parts per million to fulfill the requirements of paragraph one of subdivision b and paragraph one of subdivision c of this section if ultra low sulfur diesel fuel is not available to meet the needs of city agencies and contractors to fulfill the requirements of this section. Such determination shall expire after six months and shall be renewed in writing every six months if ultra low sulfur diesel fuel is not available to meet the needs of city agencies and contractors to fulfill the requirements of this section, but in no event shall be in effect after September 1, 2006.

j.] i Paragraph one of subdivision b and paragraph one of subdivision c, as that paragraph applies to all contractors' duty to comply with the specification, of this section shall not apply to [a city agency or contractor in its fulfillment of the requirements of a public works contract for such agency where such agency makes a written finding, which is approved, in writing, by the commissioner, that a sufficient quantity of ultra low sulfur diesel fuel, or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in effect pursuant to subdivision i of this section, is not available to meet the requirements of paragraph one of subdivision b or paragraph one of subdivision c of this section, provided that such agency or contractor in its fulfillment of the requirements of a public works contract for such agency, to the extent practicable, shall use whatever quantity of ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million is available. Any finding made pursuant to this subdivision shall expire after sixty days, at which time the requirements of paragraph one of

subdivision b and paragraph one of subdivision c of this section shall be in full force and effect unless the city agency renews the finding in writing and such renewal is approved by the commissioner] any diesel-powered nonroad vehicle covered under a federal waiver for the use of ultra-low sulfur diesel fuel issued by the United States environmental protection agency pursuant to 42 U.S.C. § 7545(c)(4)(C)(ii) or any regulation promulgated thereunder, provided that the city agency or contractor shall fully comply with the terms of such federal waiver, and that the requirements of paragraph one of subdivision b and paragraph one of subdivision c of this section shall be in full force and effect upon the expiration of such federal waiver.

[k.] l. Paragraph two of subdivision b and paragraph two of subdivision c, as that paragraph applies to all contractors' duty to comply with the specification, of this section shall not apply:

(1) to a diesel-powered nonroad vehicle where a city agency makes a written finding, which is approved, in writing, by the commissioner, that the best available technology for reducing the emission of pollutants as required by those paragraphs is unavailable for such vehicle, in which case such agency or contractor shall use whatever technology for reducing the emission of pollutants, if any, is available and appropriate for such vehicle; or

(2) to a diesel-powered nonroad vehicle that is used to satisfy the requirements of a specific public works contract for fewer than twenty calendar days; or

(3) to a diesel-powered nonroad vehicle where the commissioner has issued a written waiver based upon a city agency or contractor having demonstrated to the commissioner that the use of the best available technology for reducing the emission of pollutants might endanger the operator of such vehicle or those working near such vehicle, due to engine malfunction, in which case such city agency or contractor shall use whatever technology for reducing the emission of pollutants, if any, is available and appropriate for such vehicle, which would not endanger the

operator of such vehicle or those working near such vehicle.

[l.] k. In determining which technology to use for the purposes of paragraph one or paragraph three of subdivision [k] j of this section, a city agency or contractor shall primarily consider the reduction in emissions of particulate matter and secondarily consider the reduction in emissions of nitrogen oxides associated with the use of such technology, which shall in no event result in an increase in the emissions of either such pollutant.

[m.] l. Any finding or waiver made or issued pursuant to paragraph one or paragraph three of subdivision [k] j of this section shall expire after one hundred eighty days, at which time the requirements of paragraph two of subdivision b and paragraph two of subdivision c of this section shall be in full force and effect unless the city agency renews the finding, in writing, and the commissioner approves such finding, in writing, or the commissioner renews the waiver, in writing.

[n.] m. Any contractor who violates any provision of this section[, except as provided in subdivision o of this section,] shall be liable for a civil penalty [between the amounts of one thousand and ten thousand dollars, in addition to twice the amount of money saved by such contractor for failure to comply with this section] in accordance with section 24-178 of the code.

[o. No] n. Any contractor [shall make] that makes a false claim with respect to the provisions of this section to a city agency shall be subject to enforcement pursuant to the provisions of chapter eight of title seven of the code. [Where a contractor has been found to have done so, such contractor shall be liable for a civil penalty of twenty thousand dollars, in addition to twice the amount of money saved by such contractor in association with having made such false claim.]

[p.] o. This section shall not apply to any public works contract entered into or renewed

prior to [the effective date of this section] June 19, 2004.

[q.] p. Nothing in this section shall be construed to limit the city's authority to cancel or terminate a contract, deny or withdraw approval to perform a subcontract or provide supplies, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity pre-qualification as a vendor, or otherwise deny a person or entity city business.

§24-163.4 Use of ultra low sulfur diesel fuel and best available retrofit technology by the city's diesel fuel-powered motor vehicles. a. Definitions. When used in this section:

[(1)] "Best available retrofit technology" means technology, verified by the United States environmental protection agency or the California air resources board, for reducing the emission of pollutants that achieves reductions in particulate matter emissions at the highest classification level for diesel emission control strategies, as set forth in subdivision d of this section, that is applicable to the particular engine and application. Such technology shall also, at a reasonable cost, achieve the greatest reduction in emissions of nitrogen oxides at such particulate matter reduction level and shall in no event result in a net increase in the emissions of either particulate matter or nitrogen oxides.

[(2)] "City agency" means a city, county, borough, administration, 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.

[(3)] "Gross vehicle weight rating" means the value specified by the manufacturer of a motor vehicle model as the maximum design loaded weight of a single vehicle of that model.

[(4)] "Motor vehicle" means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, provided, however, that this term shall not

include vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department or fire department or vehicles, other than buses, specially equipped for emergency response by the department of correction.

[(5)] "Person" means any natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization.

[(6)] "Reasonable cost" means that such technology does not cost greater than thirty percent more than other technology applicable to the particular engine and application that falls within the same classification level for diesel emission control strategies, as set forth in subdivision d of this section, when considering the cost of the strategies, themselves, and the cost of installation.

[(7)] "Ultra low sulfur diesel fuel" means diesel fuel that has a sulfur content of no more than fifteen parts per million.

[(8)] "Biodiesel" means a fuel, designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of [the American society of testing and materials] ASTM designation D 6751-12.

b. (1) Each diesel fuel-powered motor vehicle owned or operated by a city agency shall be powered by an ultra low sulfur diesel fuel blend containing biodiesel as follows:

i. for the fiscal years beginning July 1, 2014, and July 1, 2015, an ultra low sulfur diesel fuel blend containing at least five percent biodiesel (B5) by volume; and

ii. for the fiscal year beginning July 1, 2016, and thereafter, between the months of April to November, inclusive, an ultra low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by volume, and between the months of December to March, inclusive, an ultra low

sulfur diesel fuel blend containing at least five percent biodiesel (B5) by volume.

(2) Diesel fuel-powered motor vehicles having a gross vehicle weight rating of more than 8,500 pounds that are owned or operated by city agencies shall utilize the best available retrofit technology or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, pursuant to the following schedule:

- i. 7% of all such motor vehicles by January 1, 2007;
- ii. 14% of all such motor vehicles by January 1, 2008;
- iii. 30% of all such motor vehicles by January 1, 2009;
- iv. 50% of all such motor vehicles by January 1, 2010;
- v. 70% of all such motor vehicles by January 1, 2011;
- vi. 90% of all such motor vehicles by January 1, 2012;
- vii. 100% of all such motor vehicles by July 1, 2012.

(3) Notwithstanding any provision of subdivision c of this section, diesel fuel-powered motor vehicles having a gross vehicle weight rating of more than 8,500 pounds that are owned or operated by city agencies shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d of this section, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, pursuant to the following schedule:

- i. 50% of all such motor vehicles by January 1, 2014;
- ii. 70% of all such motor vehicles by January 1, 2015;
- iii. 80 % of all such motor vehicles by January 1, 2016; and
- iv. 90 % of all such motor vehicles by January 1, 2017.

c. (1) The commissioner shall make determinations, and shall publish a list containing such determinations, as to the best available retrofit technology to be used for each type of diesel fuel-powered motor vehicle to which this section applies. Each such determination shall be reviewed and revised, as needed, on a regular basis, but in no event less often than once every six months.

(2) The commissioner may determine that a technology, whether or not it has been verified by the United States environmental protection agency or the California air resources board, may be appropriate to test, on an experimental basis, on a particular type of diesel fuel-powered motor vehicle owned or operated by a city agency. The commissioner may authorize such technology to be installed on up to five percent or twenty-five of such type of motor vehicle, whichever is less. Any motor vehicle on which such technology is installed may be counted for the purpose of meeting the requirements of paragraph two of subdivision b of this section. Such technology shall not be required to be installed on other motor vehicles of the same type and shall be subject to the provisions of paragraph three of this subdivision.

(3) No city agency shall be required to replace best available retrofit technology or experimental technology utilized for a diesel fuel-powered motor vehicle in accordance with the provisions of this section within three years of having first utilized such technology for such vehicle, except that technology that falls within Level 4, as set forth in subdivision d of this section, shall not be required to be replaced until it has reached the end of its useful life.

d. The classification levels for diesel emission control strategies are as follows, with Level 4 being the highest classification level:

i. Level 4 - strategy reduces diesel particulate matter emissions by 85 percent or greater or reduces engine emissions to less than or equal to 0.01 grams diesel particulate matter per brake horsepower-hour;

ii. Level 3 - strategy reduces diesel particulate matter emissions by between 50 and 84 percent;

iii. Level 2 - strategy reduces diesel particulate matter emissions by between 25 and 49 percent;

iv. Level 1 - strategy reduces diesel particulate matter emissions by between 20 and 24 percent.

e. [The commissioner shall issue a written determination that permits the use of diesel fuel that has a sulfur content of no more than thirty parts per million to fulfill the requirements of this section if ultra low sulfur diesel fuel is not available to meet the needs of city agencies to fulfill the requirements of this section. Such determination shall expire after six months and shall be renewed in writing every six months if such lack of availability persists, but in no event shall be in effect after September 1, 2006.

f. The commissioner may issue a waiver for the use of] (1) Paragraph one of subdivision b of this section, as that paragraph applies to the requirement that each diesel fuel-powered motor vehicle owned or operated by a city agency be powered by ultra low sulfur diesel fuel [where a city agency makes a written finding, which is approved, in writing, by the commissioner, that a sufficient quantity of ultra low sulfur diesel fuel, or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in effect pursuant to subdivision e of this

section, is not available to meet the requirements of this section, provided that such agency, to the extent practicable, shall use whatever quantity of ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million is available for its diesel fuel-powered motor vehicles. Any waiver issued pursuant to this paragraph shall expire after two months, unless the city agency renews the finding, in writing, and the commissioner approves such renewal, in writing], shall not apply to any motor vehicle covered under a federal waiver for the use of ultra-low sulfur diesel fuel issued by the United States environmental protection agency pursuant to 42 U.S.C. § 7545(c)(4)(C)(ii) or any regulation promulgated thereunder, provided that the city agency shall fully comply with the terms of such federal waiver, and that the requirements of paragraph one of subdivision b of this section shall be in full force and effect upon the expiration of such federal waiver.

(2) The commissioner may issue a waiver for the use of an ultra low sulfur diesel fuel blend that contains the amount of biodiesel required pursuant to subdivision b of this section where a city agency makes a written finding, which is approved, in writing, by the commissioner, that a sufficient quantity of such ultra low sulfur diesel fuel blend containing biodiesel is not available to meet the requirements of this section. Any waiver issued pursuant to this paragraph shall expire after two months, unless the city agency renews the finding, in writing, and the commissioner approves such renewal, in writing.

(3) The commissioner may issue a waiver for the use of an ultra low sulfur diesel fuel blend that contains the amount of biodiesel required pursuant to subdivision b of this section where a city agency makes a written finding, which is approved, in writing, by the commissioner, that the use of biodiesel in a particular type of motor vehicle would void the manufacturer's warranty for such vehicle.

[g.] f. (1) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the commissioner shall submit a report to the comptroller and the speaker of the council regarding, among other things, the use of ultra low sulfur diesel fuel and the use of the best available retrofit technology by diesel fuel-powered motor vehicles owned or operated by city agencies during the immediately preceding calendar year. The information contained in this report shall include, but not be limited to, for each city agency: (i) the total number of diesel fuel-powered motor vehicles owned or operated by such agency; (ii) the number of such motor vehicles that were powered by ultra low sulfur diesel fuel; (iii) the total number of diesel fuel-powered motor vehicles owned or operated by such agency having a gross vehicle weight rating of more than 8,500 pounds; (iv) the number of such motor vehicles that utilized the best available retrofit technology, including a breakdown by motor vehicle model, engine year and the type of technology used for each vehicle; (v) the number of such motor vehicles that are equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for particulate matter that is at least as stringent; (vi) the number of such motor vehicles that utilized technology in accordance with paragraph two of subdivision c of this section and the results and analyses regarding the testing of such technology; and (vii) all waivers, findings, and renewals of such findings, issued pursuant to subdivision [f] e of this section, which, for each waiver, shall include, but not be limited to, the quantity of diesel fuel needed to power diesel fuel-powered motor vehicles owned or operated by such agency[; specific information concerning the availability of ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in effect pursuant to subdivision e of this section; and detailed

information concerning the agency's efforts to obtain ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in effect pursuant to subdivision e of this section.

(2) Where a determination is in effect pursuant to subdivision e of this section, information regarding diesel fuel that has a sulfur content of no more than thirty parts per million shall be reported wherever information is requested for ultra low sulfur diesel fuel pursuant to paragraph one of this subdivision].

[3] (2) The report due January 1, 2007 in accordance with paragraph one of this subdivision shall only include the information required pursuant to subparagraphs (i), (ii) and (vii) of such paragraph.

[h.] g. This section shall not apply:

(1) where federal or state funding precludes the city from imposing the requirements of this section; or

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the charter.

[i.] h. B20 winter pilot program. Not later than December 1, 2016, the commissioner of citywide administrative services shall establish a pilot program to determine the feasibility of utilizing an ultra low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by volume in city-owned diesel fuel-powered motor vehicles during the months of December to March, inclusive. The pilot program shall include not less than five percent of the city's total diesel fuel-powered motor vehicle fleet, which shall be representative of the vehicle types and operating conditions of the fleet as a whole, and shall include vehicles from the department of citywide administrative services, department of environmental protection, department of parks and

recreation, department of sanitation, and department of transportation and vehicles from other city agencies at the discretion of the commissioner of citywide administrative services. Such pilot program shall continue until March 31 of the second calendar year after such pilot program was initiated, and within four months of the conclusion of such pilot program, the commissioner of citywide administrative services shall issue a report to the mayor and the speaker of the council detailing the findings of such pilot program with recommendations for the use of an ultra low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by volume in city-owned diesel fuel-powered motor vehicles during the months of December to March, inclusive.

§24-163.5 Use of ultra low sulfur diesel fuel and best available retrofit technology in the fulfillment of solid waste contracts and recyclable materials contracts. a. Definitions. When used in this section:

[(1)] "Best available retrofit technology" means technology, verified by the United States environmental protection agency or the California air resources board unless as otherwise deemed appropriate by the commissioner for a nonroad vehicle, for reducing the emission of pollutants that achieves reductions in particulate matter emissions at the highest classification level for diesel emission control strategies, as set forth in subdivision d of this section, that is applicable to the particular engine and application. Such technology shall also, at a reasonable cost, achieve the greatest reduction in emissions of nitrogen oxides at such particulate matter reduction level and shall in no event result in a net increase in the emissions of either particulate matter or nitrogen oxides.

[(2)] "City agency" means a city, county, borough, administration, 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.

(3) "Contractor" means any person or entity that enters into a solid waste contract or recyclable materials contract with a city agency, or any person or entity that enters into an agreement with such person or entity, to perform work or provide labor or services related to such solid waste contract or recyclable materials contract.

[(4)] "Motor vehicle" shall mean a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability.

[(5)] "Nonroad engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 or section 7521 of title 42 of the United States code, except that this term shall apply to internal combustion engines used to power generators, compressors or similar equipment used in the fulfillment of any solid waste contract or recyclable materials contract.

[(6)] "Nonroad vehicle" means a vehicle that is powered by a nonroad engine, fifty horsepower and greater, and that is not a motor vehicle or a vehicle used solely for competition, which shall include, but not be limited to, front loaders, excavators, backhoes, cranes, compressors, generators, bulldozers and similar equipment.

[(7)] "Operate primarily within the city of New York" means that greater than fifty percent of the time spent or miles traveled by a motor vehicle or nonroad vehicle during the performance of a solid waste contract or recyclable materials contract occurs within the city of New York.

[(8)] "Person" means any natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization.

(9) "Reasonable cost" means that such technology does not cost greater than thirty percent

more than other technology applicable to the particular engine and application that falls within the same classification level for diesel emission control strategies, as set forth in subdivision d of this section, when considering the cost of the strategies, themselves, and the cost of installation.

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

[(11)] "Recyclable materials contract" means a contract with a city agency, the primary purpose of which is to provide for the handling, transport or disposal of recyclable materials.

[(12)] "Solid waste" means all materials or substances discarded or rejected as being spent, useless, or worthless, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous forms.

[(13)] "Solid waste contract" means a contract with a city agency, the primary purpose of which is to provide for the handling, transport or disposal of solid waste.

[(14)] "Ultra low sulfur diesel fuel" means diesel fuel that has a sulfur content of no more than fifteen parts per million.]

b. (1) Any solid waste contract or recyclable materials contract shall specify that all diesel fuel-powered motor vehicles and diesel fuel-powered nonroad vehicles used in the performance of such contract that operate primarily within the city of New York shall be powered by ultra low sulfur diesel fuel and all contractors in the performance of such contract shall comply with such specification.

(2) Any solid waste contract or recyclable materials contract shall specify that, as of March 1, 2006, all diesel fuel-powered motor vehicles and diesel fuel-powered nonroad vehicles used in the performance of such contract that operate primarily within the city of New York shall utilize the best available retrofit technology and all contractors in the performance of such contract shall comply with such specification.

(3) Notwithstanding any provision of subdivision c of this section, any solid waste contract or recyclable materials contract entered into pursuant to requests for bids and/or requests for proposals issued after the effective date of the local law that added this paragraph shall specify that, as of January 1, 2017, all diesel fuel-powered motor vehicles used in the performance of such contract that operate primarily within the city of New York shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d of this section, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, and all contractors in the performance of such contract shall comply with such specification.

c. (1) The commissioner shall make determinations, and shall publish a list containing such determinations, as to the best available retrofit technology to be used for each type of diesel fuel-powered motor vehicle and diesel fuel-powered nonroad vehicle to which this section applies. Each such determination shall be reviewed and revised, as needed, on a regular basis, but in no event less often than once every six months.

(2) No contractor shall be required to replace best available retrofit technology or other authorized technology utilized for a diesel fuel-powered motor vehicle or diesel fuel-powered

nonroad vehicle in accordance with the provisions of this section within three years of having first utilized such technology for such vehicle, except that technology that falls within Level 4, as set forth in subdivision d of this section, shall not be required to be replaced until it has reached the end of its useful life.

d. The classification levels for diesel emission control strategies are as follows, with Level 4 being the highest classification level:

i. Level 4 - strategy reduces diesel particulate matter emissions by 85 percent or greater or reduces engine emissions to less than or equal to 0.01 grams diesel particulate matter per brake horsepower-hour;

ii. Level 3 - strategy reduces diesel particulate matter emissions by between 50 and 84 percent;

iii. Level 2 - strategy reduces diesel particulate matter emissions by between 25 and 49 percent;

iv. Level 1 - strategy reduces diesel particulate matter emissions by between 20 and 24 percent.

e. A city agency shall not enter into a solid waste contract or recyclable materials contract subject to the provisions of this section unless such contract permits independent monitoring of the contractor's compliance with the requirements of this section and requires that the contractor comply with section 24-163 of this code. If it is determined that the contractor has failed to comply with any provision of this section, any costs associated with any independent monitoring incurred by the city shall be reimbursed by the contractor.

f. [The commissioner shall issue a written determination that permits the use of diesel fuel that has a sulfur content of no more than thirty parts per million to fulfill the requirements of

paragraph one of subdivision b of this section if ultra low sulfur diesel fuel is not available to meet the needs of contractors to fulfill the requirements of this section. Such determination shall expire after six months and shall be renewed in writing every six months if such lack of availability persists, but in no event shall be in effect after September 1, 2006.

g. The commissioner may issue a waiver for the use of ultra low sulfur diesel fuel where the city agency that has entered into the applicable solid waste contract or recyclable materials contract makes a written finding, which is approved, in writing, by the commissioner, that a sufficient quantity of ultra low sulfur diesel fuel, or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in effect pursuant to subdivision f of this section, is not available to meet the requirements of this section, provided that the contractor, to the extent practicable, shall use whatever quantity of ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million is available for its diesel fuel-powered vehicles. Any waiver issued pursuant to this subdivision shall expire after two months, unless the city agency renews the finding, in writing, and the commissioner approves such renewal, in writing] Paragraph one of subdivision b of this section, as that paragraph applies to all contractors' duty to comply with the specification, shall not apply to any motor vehicle or nonroad vehicle covered under a federal waiver for the use of ultra-low sulfur diesel fuel issued by the United States environmental protection agency pursuant to 42 U.S.C. § 7545(c)(4)(C)(ii) or any regulation promulgated thereunder, provided that the contractor shall fully comply with the terms of such federal waiver, and that the requirements of paragraph one of subdivision b of this section shall be in full force and effect upon the expiration of such federal waiver.

[h.] g. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered motor vehicle or diesel fuel-powered nonroad vehicle where

the city agency that has entered into the applicable solid waste contract or recyclable materials contract makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such vehicle, in which case the contractor shall be required to use the technology for reducing the emission of pollutants that would be the next best best available retrofit technology and that is available for purchase for such vehicle. Any waiver issued pursuant to this subdivision shall expire after three years. The commissioner shall not renew any waiver issued pursuant to this subdivision after January 1, 2014.

[i.] h. (1) Paragraph two of subdivision b of this section shall not apply to a diesel-fuel powered motor vehicle that is equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent.

(2) Paragraph two of subdivision b of this section shall not apply to a diesel-fuel powered nonroad vehicle that is equipped with an engine certified to the applicable United States environmental protection agency standard for particulate matter for such vehicle as set forth in [the Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel; Final Rule, published in the federal register on June 29, 2004 at 69 Fed. Reg. 38,958 et seq.] section 1039.101 of title forty of the code of federal regulations, or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent.

[j. (1)] i. Not later than January 1, 2007, and not later than January 1 of each year thereafter, the commissioner shall submit a report to the comptroller and the speaker of the council regarding, among other things, the use of ultra low sulfur diesel fuel and the use of the best available retrofit technology by diesel fuel-powered motor vehicles and diesel fuel-powered nonroad vehicles used

in the performance of a solid waste contract or recyclable materials contract during the immediately preceding fiscal year. This report shall include, but not be limited to: (i) the total number of diesel fuel-powered motor vehicles and diesel fuel-powered nonroad vehicles, respectively, used in the performance of solid waste contracts or recyclable materials contracts; (ii) the number of such motor vehicles and nonroad vehicles, respectively, that were powered by ultra low sulfur diesel fuel; (iii) the number of such motor vehicles and nonroad vehicles, respectively, that utilized the best available retrofit technology, including a breakdown by vehicle model, engine year and the type of technology used for each vehicle; (iv) the number of such motor vehicles and nonroad vehicles, respectively, that utilized other authorized technology in accordance with this section, including a breakdown by vehicle model, engine year and the type of technology used for each vehicle; (v) the number of such motor vehicles and nonroad vehicles, respectively, that are equipped with an engine certified to the applicable United States environmental protection agency standard for particulate matter in accordance with subdivision [i] h of this section; (vi) the locations where such motor vehicles and nonroad vehicles, respectively, that were powered by ultra low sulfur diesel fuel, utilized the best available retrofit technology, utilized such other authorized technology in accordance with this section or were equipped with an engine certified to the applicable United States environmental protection agency standard for particulate matter were used; and (vii) [all waivers, findings, and renewals of such findings, issued pursuant to subdivision g of this section, which shall include, but not be limited to, for each waiver, the quantity of diesel fuel needed by the contractor to power diesel fuel-powered motor vehicles and diesel fuel-powered nonroad vehicles used to fulfill the requirements of a solid waste contract or recyclable materials contract; specific information concerning the availability of ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in

effect pursuant to subdivision f of this section; and detailed information concerning the contractor's efforts to obtain ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in effect pursuant to subdivision f of this section; and (viii)] all waivers issued pursuant to subdivision [h] g of this section, which shall include, but not be limited to, all findings and specific information submitted by the city agency or contractor upon which such waivers are based and the type of other authorized technology utilized in accordance with this section in relation to each waiver, instead of the best available retrofit technology.

[(2) Where a determination is in effect pursuant to subdivision f of this section, information regarding diesel fuel that has a sulfur content of no more than thirty parts per million shall be reported wherever information is requested for ultra low sulfur diesel fuel pursuant to paragraph one of this subdivision.

k.] j. This section shall not apply:

(1) where federal or state funding precludes the city from imposing the requirements of this section; or

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the charter.

[l.] k. Any contractor who violates any provision of this section[, except as provided in subdivision m of this section,] shall be liable for a civil penalty [of not less than one thousand dollars and not more than ten thousand dollars, in addition to twice the amount of money saved by such contractor for failure to comply with this section] in accordance with section 24-178 of the code.

[m.] l. Where a contractor has been found to have made a false claim with respect to the

provisions of this section, such contractor shall be [liable for an additional civil penalty of twenty thousand dollars] subject to enforcement pursuant to the provisions of chapter eight of title seven of the code.

[n.] m. This section shall not apply to any solid waste contract or recyclable materials contract entered into or renewed prior to [the effective date of this section] September 9, 2005.

[o.] n. Nothing in this section shall be construed to limit the city's authority to cancel or terminate a contract, deny or withdraw approval to perform a subcontract or provide supplies, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity pre-qualification as a vendor, or otherwise deny a person or entity city business.

§24-163.6 Use of best available retrofit technology by sight-seeing buses. a. Definitions.

When used in this section:

[(1)] "Best available retrofit technology" means technology, verified by the United States environmental protection agency or the California air resources board, for reducing the emission of pollutants that achieves reductions in particulate matter emissions at the highest classification level for diesel emission control strategies, as set forth in subdivision d of this section, that is applicable to the particular engine and application. Such technology shall also, at a reasonable cost, achieve the greatest reduction in emissions of nitrogen oxides at such particulate matter reduction level and shall in no event result in a net increase in the emissions of either particulate matter or nitrogen oxides.

[(2)] "Reasonable cost" means that such technology does not cost greater than thirty percent more than other technology applicable to the particular engine and application that falls within the same classification level for diesel emission control strategies, as set forth in subdivision d of this section, when considering the cost of the strategies, themselves, and the cost

of installation.

[(3)] "Sight-seeing bus" means a motor vehicle designed to comfortably seat and carry eight or more passengers operating for hire from a fixed point in the city of New York to a place or places of interest or amusements, and shall also include a vehicle, designed as aforesaid which by oral or written contract is let and hired or otherwise engaged for its exclusive use for a specific or special trip or excursion from a starting point within the city of New York.

b. (1) Beginning January 1, 2007, any diesel fuel-powered sight-seeing bus that is licensed pursuant to subchapter 21 of chapter 2 of title 20 of the administrative code and that is equipped with an engine that is over three years old shall utilize the best available retrofit technology.

(2) Notwithstanding any provision of subdivision c of this section, any diesel fuel-powered sight-seeing bus that is licensed pursuant to subchapter 21 of chapter 2 of title 20 of the administrative code shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d of this section, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, by January 1, 2017.

c. (1) The commissioner shall make determinations, and shall publish a list containing such determinations, as to the best available retrofit technology to be used for each type of diesel fuel-powered sight-seeing bus to which this section applies. Each such determination shall be reviewed and revised, as needed, on a regular basis, but in no event less often than once every six months.

(2) No owner or operator of a diesel fuel-powered sight-seeing bus licensed pursuant to the

provisions of subchapter 21 of chapter 2 of title 20 of the administrative code shall be required to replace best available retrofit technology or other authorized technology utilized for a diesel fuel-powered bus in accordance with the provisions of this section within three years of having first utilized such technology for such bus, except that technology that falls within Level 4, as set forth in subdivision d of this section, shall not be required to be replaced until it has reached the end of its useful life.

d. The classification levels for diesel emission control strategies are as follows, with Level 4 being the highest classification level:

i. Level 4 - strategy reduces diesel particulate matter emissions by 85 percent or greater or reduces engine emissions to less than or equal to 0.01 grams diesel particulate matter per brake horsepower-hour;

ii. Level 3 - strategy reduces diesel particulate matter emissions by between 50 and 84 percent;

iii. Level 2 - strategy reduces diesel particulate matter emissions by between 25 and 49 percent;

iv. Level 1 - strategy reduces diesel particulate matter emissions by between 20 and 24 percent.

e. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered sight-seeing bus where the department of consumer affairs makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such bus, in which case the owner or operator of such bus shall be required to use the technology for reducing the emission of pollutants that would be the next best best available retrofit technology and that is available for purchase for such bus. Any waiver issued

pursuant to this subdivision shall expire after three years. The commissioner shall not renew any waiver issued pursuant to this subdivision after January 1, 2014.

f. The requirements of subdivision b of this section shall not apply to a diesel-fuel powered sight-seeing bus that is equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent.

g. Not later than January 1, 2008, and not later than January 1 of each year thereafter, the commissioner shall submit a report to the comptroller and the speaker of the council regarding, among other things, the use of the best available retrofit technology by diesel fuel-powered sight-seeing buses during the immediately preceding fiscal year. This report shall include, but not be limited to: (i) the total number of diesel fuel-powered sight-seeing buses licensed pursuant to subchapter 21 of chapter 2 of title 20 of the administrative code; (ii) the number of such buses that utilized the best available retrofit technology, including a breakdown by vehicle model, engine year and the type of technology used for each vehicle; (iii) the number of such buses that utilized other authorized technology in accordance with this section, including a breakdown by vehicle model, engine year and the type of technology used for each vehicle; (iv) the number of such buses that are equipped with an engine certified to the applicable United States environmental protection agency standard for particulate matter in accordance with subdivision f of this section; (v) the locations where such buses that utilized the best available retrofit technology, utilized such other authorized technology in accordance with this section or were equipped with an engine certified to the applicable United States environmental protection agency standard for particulate matter were used; (vi) the age of the engine with which each bus that did not utilize the best available retrofit

technology is equipped; and (vii) all waivers issued pursuant to subdivision e of this section, which shall include, but not be limited to, all findings and specific information submitted by the department of consumer affairs or the owner or operator of a diesel fuel-powered sight-seeing bus upon which such waivers are based and the type of other authorized technology utilized in accordance with this section in relation to each waiver, instead of the best available retrofit technology.

h. Any owner or operator of a diesel fuel-powered sight-seeing bus who violates any provision of this section[, except as provided in subdivision i of this section,] shall be liable for a civil penalty [of not less than one thousand dollars and not more than ten thousand dollars, in addition to twice the amount of money saved by such owner or operator for failure to comply with this section] in accordance with section 24-178 of the code.

i. Where an owner or operator of a diesel fuel-powered sight-seeing bus has been found to have made a false claim with respect to the provisions of this section, such owner or operator shall be [liable for an additional civil penalty of twenty thousand dollars] subject to enforcement pursuant to the provisions of chapter eight of title seven of the code.

§24-163.7 Use of ultra low sulfur diesel fuel and best available retrofit technology in school bus transportation. a. Definitions. For the purposes of this section only, the following terms shall have the following meanings:

[(1)] "Best available retrofit technology" means technology, verified by the United States environmental protection agency or the California air resources board, for reducing the emission of pollutants that achieves reductions in particulate matter emissions at the highest classification level for diesel emission control strategies, as set forth in subdivision e of this section, that is applicable to the particular engine and application. Such technology shall also, at a reasonable

cost, achieve the greatest reduction in emissions of nitrogen oxides at such particulate matter reduction level and shall in no event result in a net increase in the emissions of either particulate matter or nitrogen oxides.

[(2)] "Department of education" means the New York city department of education, formerly known as the New York city board of education, and any successor agency or entity thereto, the expenses of which are paid in whole or in part from the city treasury.

[(3)] "Person" means any natural person, partnership, firm, company, association, joint stock association, corporation or other legal entity.

[(4)] "Reasonable cost" means that such technology does not cost greater than thirty percent more than other technology applicable to the particular engine and application that falls within the same classification level for diesel emission control strategies, as set forth in subdivision e of this section, when considering the cost of the strategies, themselves, and the cost of installation.

[(5)] "School bus" means any vehicle operated pursuant to a school bus contract, designed to transport ten or more children at one time, of the designation "Type C bus" or "Type D bus" as set forth in 17 NYCRR §§ 720.1(Z) and (AA), and used to transport children to or from any school located in the city of New York, and excluding any vehicle utilized primarily to transport children with special educational needs who do not travel to and from school in vehicles used to transport general education students.

[(6)] "School bus contract" means any agreement between any person and the department of education to transport children on a school bus.

[(7)] "Ultra low sulfur diesel fuel" means diesel fuel that has a sulfur content of no more than fifteen parts per million.]

b. (1) Beginning July 1, 2006, any diesel fuel-powered school bus that is operated by a

person who fuels such school bus at any facility at which ultra low sulfur diesel fuel is available, or of which such person has the exclusive use and control, or at which such person has the ability to specify the fuel to be made available, shall be powered by ultra low sulfur diesel fuel.

(2) Beginning September 1, 2006, any diesel fuel-powered school bus to which paragraph one of this subdivision does not apply shall be powered by ultra low sulfur diesel fuel.

c. Diesel fuel-powered school buses shall utilize the best available retrofit technology in accordance with the following schedule:

i. 50% of school buses used to fulfill each school bus contract by September 1, 2006;

ii. 100% of school buses used to fulfill each school bus contract by September 1, 2007 and thereafter. .

d. (1) The commissioner shall make determinations, and shall publish a list containing such determinations, as to the best available retrofit technology to be used for each type of diesel fuel-powered school bus to which this section applies. Each such determination shall be reviewed and revised, as needed, on a regular basis, but in no event less often than once every six months.

(2) No person shall be required to replace best available retrofit technology or other authorized technology utilized for a diesel fuel-powered school bus in accordance with the provisions of this section within three years of having first utilized such technology for such bus, except that technology that falls within Level 4, as set forth in subdivision e of this section, shall not be required to be replaced until it has reached the end of its useful life.

(3) For purposes of this subdivision, any best available retrofit technology, or substantially similar technology, purchased or installed in whole or in part with funds provided by the state of New York or the federal government pursuant to a specific diesel emissions reduction program in effect upon the date of enactment of this section, shall constitute the best available retrofit

technology for a period of not less than three years from the date on which such equipment was installed.

e. The classification levels for diesel emission control strategies are as follows, with Level 4 being the highest classification level:

i. Level 4 - strategy reduces diesel particulate matter emissions by 85 percent or greater or reduces engine emissions to less than or equal to 0.01 grams diesel particulate matter per brake horsepower-hour;

ii. Level 3 - strategy reduces diesel particulate matter emissions by between 50 and 84 percent;

iii. Level 2 - strategy reduces diesel particulate matter emissions by between 25 and 49 percent;

iv. Level 1 - strategy reduces diesel particulate matter emissions by between 20 and 24 percent.

f. [The commissioner shall issue a written determination that permits the use of diesel fuel that has a sulfur content of no more than thirty parts per million to fulfill the requirements of subdivision b of this section if ultra low sulfur diesel fuel is not available to meet the needs of school buses to fulfill the requirements of this section. Such determination shall expire after six months and shall be renewed in writing every six months thereafter if such lack of availability persists, but in no event shall be in effect after September 1, 2006.

g. The commissioner may issue a waiver for the use of ultra low sulfur diesel fuel where the department of education makes a written finding, which is approved, in writing, by the commissioner, that a sufficient quantity of ultra low sulfur diesel fuel, or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in effect pursuant to

subdivision f of this section, is not available to meet the requirements of this section, provided that school buses, to the extent practicable, shall use whatever quantity of ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million is available. Any waiver issued pursuant to this subdivision shall expire after two months, unless the city agency renews the finding, in writing, and the commissioner approves renewal, in writing.

h.] Subdivision b of this section shall not apply to any school bus covered under a federal waiver for the use of ultra-low sulfur diesel fuel issued by the United States environmental protection agency pursuant to 42 U.S.C. § 7545(c)(4)(C)(ii) or any regulation promulgated thereunder, provided that the owner and operator of such school bus shall fully comply with the terms of such federal waiver, and the requirements of subdivision b of this section shall be in full force and effect upon the expiration of such federal waiver.

g. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered school bus where the department of education makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such bus, in which case the owner or operator of such school bus shall be required to use the technology for reducing the emission of pollutants that would be the next best best available retrofit technology and that is available for purchase for such bus. Any waiver issued pursuant to this subdivision shall expire after three years.

[i.] h. Subdivision c of this section shall not apply to a diesel-fuel powered school bus that is equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent.

[j. (1)] i. Not later than January 1, 2007, and not later than January 1 of each year thereafter, the commissioner shall submit a report to the comptroller and the speaker of the council regarding, among other things, the use of ultra low sulfur diesel fuel and the use of the best available retrofit technology by school buses during the immediately preceding fiscal year. The information contained in this report shall also be included in the mayor's preliminary management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to: (i) the number of school buses used to fulfill the requirements of school bus contracts; (ii) the number of such buses that were powered by ultra low sulfur diesel fuel; (iii) the number of such buses that utilized the best available retrofit technology, including a breakdown by vehicle model, engine year and the type of technology used for each vehicle; (iv) the number of such buses that utilized other authorized technology in accordance with this section, including a breakdown by vehicle model, engine age and the type of technology used for each vehicle; (v) the number of such buses that are equipped with an engine certified to the applicable United States environmental protection agency standard for particulate matter in accordance with subdivision [i] h of this section; (vi) the school districts where such buses that were powered by ultra low sulfur diesel fuel, utilized the best available retrofit technology, utilized such other authorized technology in accordance with this section or were equipped with an engine certified to the applicable United States environmental protection agency standard for particulate matter were used; and (vii) [all waivers, findings and renewals of such findings issued pursuant to subdivision g of this section, which shall include, but not be limited to, for each waiver, the quantity of diesel fuel needed by the school bus owner or operator to power diesel fuel-powered school buses used to fulfill the requirements of a school bus contract; specific information concerning the availability of ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million

where a determination is in effect pursuant to subdivision f of this section; and detailed information concerning the school bus owner's or operator's efforts to obtain ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in effect pursuant to subdivision f of this section; and (viii)] all waivers issued pursuant to subdivision [h] g of this section, which shall include, but not be limited to, all findings and specific information submitted by the department of education or a school bus owner or operator upon which such waivers are based and the type of other authorized technology utilized in accordance with this section in relation to each waiver, instead of the best available retrofit technology.

[(2) Where a determination is in effect pursuant to subdivision f of this section, information regarding diesel fuel that has a sulfur content of no more than thirty parts per million shall be reported wherever information is requested for ultra low sulfur diesel fuel pursuant to paragraph one of this subdivision.

k.] j. This section shall not apply:

(1) where federal or state funding precludes the city from imposing the requirements of this section;

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the New York city charter; or

(3) where federal or state law prohibits the application of the requirements of this section.

[l.] k. Any person who violates any provision of this section[, except as provided in subdivision m of this section,] shall be liable for a civil penalty [of not less than one thousand dollars and not more than ten thousand dollars, in addition to twice the amount of money saved by such person for failure to comply with this section] in accordance with section 24-178 of the code.

[m.] l. Where a person has been found to have made a false claim with respect to the provisions of this section, such person shall be [liable for an additional civil penalty of twenty thousand dollars] subject to enforcement pursuant to the provisions of chapter eight of title seven of the code.

[n.] m. This section shall not apply to any school bus contract entered into or renewed prior to [the effective date of this section] May 9, 2005.

[o.] n. Nothing in this section shall be construed to limit the authority of the department of education or of the city of New York to cancel or terminate a contract, deny or withdraw approval to perform a subcontract or provide supplies, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity prequalification as a vendor, or otherwise deny a person or entity city business.

§24-163.8 Use of ultra low sulfur diesel fuel in diesel-powered generators used in the production of films, television programs and advertisements, and at street fairs. a. Definitions. When used in this chapter:

[(1)] "Alternative fuel" means a fuel, other than gasoline or standard diesel fuel, which may be used to power a generator subject to the provisions of this section so long as the respective quantities of each pollutant emitted by such generator when operated using such fuel do not exceed the respective quantities of each pollutant emitted when such generator is operated using ultra low sulfur diesel fuel.

[(2)] "City agency" means a city, county, borough, administration, 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.

(3) "Generator" means a machine or device that combusts fossil fuel to create electricity.

(4) "Person" means any natural person, partnership, firm, company, association, joint stock association, corporation or other legal entity.

(5) "Ultra low sulfur diesel fuel" means diesel fuel that has a sulfur content of no more than fifteen parts per million.]

b. (1) Any diesel-powered generator that is used to provide electrical power for equipment used in the production of any film, television program or advertisement, or for a street fair, where such production or street fair requires a permit from a city agency, shall be powered by ultra low sulfur diesel fuel.

(2) The mayor's office of film, theatre, and broadcasting shall issue to all film, television and advertising production companies that apply for a filming permit a notice that recites the provisions of this section and states that any diesel-powered generator that is utilized in a film, television or advertising production must use ultra low sulfur diesel fuel or an alternative fuel.

(3) The street activity permit office shall issue to all applicants for a street activity permit for a street fair a notice that recites the provisions of this section and states that any diesel-powered generator that is utilized for a street fair must use ultra low sulfur diesel fuel or an alternative fuel.

c. Any person who violates any provision of this section [or] shall be liable for a civil penalty in accordance with section 24-178 of the code. Any person who has been found to have made a false claim to a city agency with respect to the provisions of this section shall be [liable for a civil penalty in the amount of five hundred dollars for each false claim to a city agency and five hundred dollars for each day in which they are otherwise in violation of such provision] subject to enforcement pursuant to the provisions of chapter eight of title seven of the code.

§24-163.9 Retrofitting of and age limitations on diesel fuel-powered school buses.

a. Definitions. For the purposes of this section only, the following terms shall have the

following meanings:

[(1)] "Department of education" means the New York city department of education, formerly known as the New York city board of education, and any successor agency or entity thereto, the expenses of which are paid in whole or in part from the city treasury.

[(2)] "Person" means any natural person, partnership, firm, company, association, joint stock association, corporation or other legal entity.

[(3)] "School bus" means any vehicle of the designation "Type A bus," "Type B bus," "Type C bus," or "Type D bus," as set forth in subdivisions x, y, z, and aa of section 720.1 of title seventeen of New York codes, rules and regulations, that is operated pursuant to a school bus contract and is used to transport children to or from any school located in the city of New York.

[(4)] "School bus contract" means any agreement between any person and the department of education to transport children on a school bus.

b. Diesel fuel-powered school buses shall utilize a closed crankcase ventilation system, selected from among the mobile sources devices identified and approved as part of the diesel retrofit verified technologies list by the United States environmental protection agency or the list of currently verified diesel emission control strategies by the California air resources board, to reduce engine emissions to the school bus cabin, in accordance with the following schedule:

(1) fifty percent of diesel fuel-powered school buses used to fulfill each school bus contract shall be equipped with such a closed crankcase ventilation system by September 1, 2010;

(2) one hundred percent of diesel fuel-powered school buses used to fulfill each school bus contract shall be equipped with such a closed crankcase ventilation system by September 1, 2011;

c. [Diesel] Notwithstanding subdivision b of this section, any diesel fuel-powered school bus of the designation "Type A bus" or "Type B bus," as set forth in subdivisions x and y of section

720.1 of title seventeen of New York codes, rules and regulations, with a pre-2007 engine model year shall utilize a closed crankcase ventilation system within six months of a finding by the United States environmental protection agency or the California air resources board that such technology is available for use in such bus and is available from the manufacturer, provided however, that such technology shall not be required to be installed if such bus is scheduled to be retired within twelve months of such finding pursuant to the schedule set forth in paragraph two of subdivision d of this section.

d. (1) No diesel fuel-powered school [buses] bus of the designation "Type A bus" or "Type B bus," as set forth in subdivisions x and y of section 720.1 of title seventeen of New York codes, rules and regulations, with an engine model year of 2007 or later or that is utilizing a closed crankcase ventilation system pursuant to subdivision c of this section and no diesel fuel-powered school bus of the designation "Type C bus" or "Type D bus," as set forth in subdivisions z and aa of section 720.1 of title seventeen of New York codes, rules and regulations, shall [not] be used to fulfill any school bus contract beyond the end of the sixteenth year from the date of manufacture, as noted on the vehicle registration, or the end of the school year in which that date falls, whichever is later.

(2) Except for any "Type A bus" or "Type B bus" utilizing a closed crankcase ventilation system pursuant to subdivision c of this section, no diesel fuel-powered school bus of the designation "Type A bus" or "Type B bus," as set forth in subdivisions x and y of section 720.1 of title seventeen of New York codes, rules and regulations, with a pre-2007 engine model year shall be used to fulfill any school bus contract entered into pursuant to a request for proposals or request for bids issued after July 1, 2014 beyond the dates set forth in the following schedule:

i. All 1997 engine model years, September 1, 2014;

ii. All 1998 engine model years, September 1, 2015;

iii. All 1999 engine model years, September 1, 2016;

iv. All 2000 engine model years, September 1, 2017, and provided, further, that five percent of any contractor's "Type A buses" or "Type B buses" with 2001 through 2004 engine model years that are not utilizing a closed crankcase ventilation system pursuant to subdivision c of this section that are used to fulfill any school bus contract shall be replaced pursuant to subdivision e of this section by September 1, 2017;

v. All 2001 engine model years, September 1, 2018, and provided, further, that twenty percent of any contractor's "Type A buses" or "Type B buses" with 2002 through 2005 engine model years that are not utilizing a closed crankcase ventilation system pursuant to subdivision c of this section that are used to fulfill any school bus contract shall be replaced pursuant to subdivision e of this section by September 1, 2018;

vi. All 2002 engine model years, September 1, 2019, and provided, further, that twenty percent of any contractor's "Type A buses" or "Type B buses" with 2003 through 2006 engine model years that are not utilizing a closed crankcase ventilation system pursuant to subdivision c of this section that are used to fulfill any school bus contract shall be replaced pursuant to subdivision e of this section by September 1, 2019;

vii. All 2003 through 2006 engine model years, September 1, 2020.

[d.] e. School buses shall be replaced pursuant to subdivision [c] d of this section with (1) a school bus meeting the most recent diesel engine emissions standards issued by the United States environmental protection agency, or (2) an all-electric, gasoline-powered, compressed natural gas, or hybrid school bus, as long as the particulate matter emissions of such school bus do not exceed emission levels permitted in the most recent diesel engine emissions standards issued by the

United States environmental protection agency.

[e.] f. No later than December 31, 2011, and no later than December 31 of every year thereafter, the department of education shall submit a report to the mayor and the speaker of the council on compliance with this section. Such report shall include, but not be limited to, data on the age and crankcase ventilation retrofit status of every school bus pursuant to a school bus contract. The department of education shall also perform yearly reviews on a sample of school buses from at least ten different vendors to verify the accuracy of data reported.

[f.] g. This section shall not apply:

(1) where federal or state funding precludes the city from imposing the requirements of this section;

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the New York city charter; or

(3) where federal or state law prohibits the application of the requirements of this section.

[g.] h. Any person who violates any provision of this section[, except as provided in subdivision h of this section,] shall be liable for a civil penalty [of not less than one thousand dollars and not more than ten thousand dollars, in addition to twice the amount of money saved by such person for failure to comply with this section] in accordance with section 24-178 of the code.

[h.] i. Where a person has been found to have made a false claim with respect to the provisions of this section, such person shall be [liable for an additional civil penalty of twenty thousand dollars] subject to enforcement pursuant to the provisions of chapter eight of title seven of the code.

[i.] j. Nothing in this section shall be construed to limit the authority of the department of education or of the city of New York to cancel or terminate a contract, deny or withdraw approval

to perform a subcontract or provide supplies, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity prequalification as a vendor, or otherwise deny a person or entity city business.

§24-163.10 Use of auxiliary power units in ambulances. a. When used in this section, “auxiliary power unit” means a device located on or in a vehicle that supplies cooling, heating and electrical power to such vehicle while the vehicle’s engine is turned off. Not later than [January first, two thousand fourteen] January 1, 2014, the fire department shall develop and implement a pilot project for a period of not less than one year to ascertain the benefits and reliability of utilizing auxiliary power units in ambulances operated by the city of New York. Such pilot project shall employ auxiliary power units to power the ambulance’s electrical load, diagnostic devices, ancillary electrical equipment, tools and cabin temperature without the need to engage the engine or use another source of power.

b. Not later than [July first, two thousand fifteen] July 1, 2015, the fire department shall submit a report to the mayor and the speaker of the council detailing the findings of such pilot project, including but not limited to data on actual reduction in vehicular emissions, and a cost-benefit analysis for equipping the entire ambulance fleet with auxiliary power units.

§24-163.11 Trade waste vehicles. a. Definitions. When used in this section:

"Best available retrofit technology" means technology verified by the United States environmental protection agency or the California air resources board for reducing the emission of pollutants that achieves reductions in particulate matter emissions at the highest classification level for diesel emission control strategies that is applicable to a particular engine and application that has been approved for use by the commissioner.

"Heavy duty trade waste hauling vehicle" means any diesel-fuel powered vehicle with a

gross weight of over sixteen thousand pounds that is owned or operated by an entity that is required to be licensed or registered by the New York city business integrity commission pursuant to section 16-505 of the code and that is operated in New York city for collection and/or removal of trade waste.

"Trade waste" shall have the same meaning as set forth in subdivision f of section 16-501 of the code.

b. Use of best available retrofit technology in heavy duty trade waste hauling vehicles. (1) Beginning [January first, two thousand twenty] January 1, 2020, any heavy duty trade waste hauling vehicle shall utilize best available retrofit technology or be equipped with an engine certified to the applicable [two thousand seven] 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title forty of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent.

(2) On or before [June thirtieth, two thousand eighteen] June 30, 2018, the commissioner shall review the technology verified by the United States environmental protection agency and the California air resources board for reducing the emission of pollutants that achieves reductions in particulate matter emissions at the highest classification level for diesel emission control strategies that is applicable to a particular engine and application and shall promulgate rules setting forth the best available retrofit technology to be used by heavy duty trade waste hauling vehicles to which this section applies. Such rules shall be reviewed on a regular basis, but in no event less often than once every six months, and shall be revised, as needed.

c. Waivers; financial hardship. The chairperson of the business integrity commission may issue a waiver of the requirements of paragraph one of subdivision b of this section if the

chairperson finds that the applicant for such waiver has demonstrated that compliance with such requirements would cause undue financial hardship on the applicant. An application for such waiver must be filed with the business integrity commission on or before [January first, two thousand nineteen] January 1, 2019, or in the case of an applicant that applies for a license or registration with the business integrity commission pursuant to section 16-505 of the code for the first time after [January first, two thousand nineteen] January 1, 2019, an application for such waiver shall be filed no later than the date on which such license or registration application is filed with the commission. An application for renewal of an existing waiver must be filed no later than one hundred eighty days before the expiration of such waiver. Any waiver issued pursuant to this paragraph shall expire no later than two years after issuance. All waivers issued pursuant to this subdivision shall expire no later than [January first, two thousand twenty-five] January 1, 2025. The provisions of paragraph one of subdivision b of this section shall not apply to an applicant that has submitted an application for a waiver in accordance with the provisions of this subdivision while such application is pending with the commission, nor for ninety days after the date of a denial of such waiver.

d. Enforcement. (1) In addition to the department, the business integrity commission shall have the authority to enforce this section and shall have the power to issue notices of violation. All notices of violation issued in accordance with this section shall be returnable to the board.

(2) Any owner or operator of a heavy duty trade waste hauling vehicle that violates any provision of this section shall be liable for a civil penalty of ten thousand dollars per vehicle that is in violation. Each notice of violation shall contain an order of the commissioner or of the chairperson of the business integrity commission directing the respondent to correct the condition constituting the violation and to file with the department or the business integrity commission

electronically, or in such other manner as the department or the business integrity commission shall authorize, respectively, a certification that the condition has been corrected within sixty days from the date of the order. In any proceeding before the board, no civil penalty shall be imposed for a violation of this section if the respondent complies with the order of the commissioner or chairperson to correct and to certify correction of the violation within sixty days. In addition to such civil penalty, a separate additional penalty may be imposed of not more than five hundred dollars for each day that the violation is not corrected beyond sixty days from such order.

(3) For the purposes of this section, if the board finds that a certification of correction filed pursuant to paragraph two of this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void and the penalties set forth in this section for the violation may be imposed as if such false certification had not been filed with and accepted by the department or the business integrity commission. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

(4) Nothing in this section shall be construed to limit the authority of the business integrity commission to deny, suspend or revoke any license or registration in accordance with chapter one of title 16-A of the code or otherwise enforce the provisions of such chapter.

(5) The business integrity commission shall have the authority to promulgate any rules necessary to enforce the provisions of this section, including but not limited to establishing criteria for the issuance of waivers pursuant to subdivision c of this section and establishing procedures for owners and operators of heavy duty trade waste hauling vehicles to demonstrate compliance with the requirements of this section.

§24-163.12 Mobile food vending units. Any mobile food vending unit that is equipped

with an auxiliary engine that meets applicable tier four emissions standards established by the United States environmental protection agency as set forth in section 1039.101 of title forty of the code of federal regulations or any subsequent United States environmental protection agency emissions standard for such engine that is at least as stringent, or that uses an alternative fuel, as defined by the rules of the department, shall be entitled to a waiver of any fee established by the department for the registration of such engine pursuant to section 24-109 of the code, so long as the engine is installed within eighteen months after the effective date of this section. The waiver of such fee shall remain in effect for twelve years or for the duration of the life of the engine, whichever is shorter, provided that the engine is registered with the department. Failure to renew prior to the expiration date of the registration shall result in the revocation of the fee waiver.

§24-164 Operation of soot blower of vessels prohibited. No person shall cause or permit the soot blower of a vessel, other than a vessel which travels only in waters within the jurisdiction of the city of New York, to operate while the vessel is within the waters of the city.

§24-165 Use of air contaminant [detector; use of contaminant recorder; recording of time, duration, concentration and density of air contaminant] detectors and recorders. (a) Whenever the use of an air contaminant detector is required by this code, the air contaminant detector must automatically cause both an audible signal sufficiently loud to be heard by a person of normal hearing twenty feet from the detector and a readily visible flashing red light upon the emission of an air contaminant of a density which appears darker than number one on the standard smoke chart, or of an opacity which obscures vision to a degree greater than smoke of number one density on the standard smoke chart.

(b) The [signalling] signaling devices of the air contaminant detector shall also be located at the principal work location of the person supervising the equipment.

(c) If two or more units of equipment are connected to a single flue, one air contaminant detector may be used if installed to monitor all of the units.

(d) If the light source of a photoelectric type of air contaminant detector fails to operate properly, the detector must automatically cause an audible signal sufficiently loud to be heard by a person of normal hearing twenty feet away from the detector and a readily visible flashing red light which shall continue to operate until manually reset.

(e) Whenever the use of an air contaminant recorder is required by this code, the air contaminant recorder must:

(1) continuously produce a record of the time, duration, concentration and density of an air contaminant of a density which appears darker than number one on the standard smoke chart, or of an opacity which obscures vision to a degree greater than number one; or

(2) continuously produce a record of the time, duration, and concentration of sulfur dioxide and nitrogen oxides by volume and particulate matter by weight.

(f) [Except as provided in section 24-171 of this code, the] The record made by the air contaminant recorder shall be dated and retained on the premises where the recorder is located for a period of sixty days from the last date appearing on the record.

(g) The commissioner may recommend to the board that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, 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 the work has been performed to permanently correct the violation. If 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.

§24-166 Use of combustion shutoff; halting of emission of air contaminant. (a) Whenever the use of a combustion shutoff is required by this code or by the commissioner, the combustion shutoff must automatically halt the operation of fuel burning equipment using fuel oil within two minutes after the emission of an air contaminant of a density which appears darker than number one on the standard smoke chart, or of an opacity which obscures vision to a degree greater than smoke of number one density on the standard smoke chart.

(b) No person shall cause or permit the resumption of the normal operation of the fuel burning equipment whose operation was halted by a combustion shutoff until the equipment operates in accordance with the standards of this code.

(c) The commissioner may recommend to the board that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, 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 the work has been performed to permanently correct the violation. If 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.

§24-167 Improper use of equipment or apparatus prohibited. No person shall use or permit the use of equipment or apparatus for a purpose or in a manner which causes it to function improperly or not in accordance with its design. Nothing in this section shall be construed to

prohibit the use of bioheating fuel in equipment that may be adapted for such use.

§ 35. Subchapter 8 of chapter 1 of title 24 of the administrative code of the city of New York, subdivision (a) of section 24-168 as amended by local law number 43 for the year 2010, section 24-168.1 as added by local law number 43 for the year 2010, subdivision (i) of such section as added by local law number 107 for the year 2013, subdivisions (a) and (b) of section 24-169 as amended by local law number 43 for the year 2010, and section 24-173 as amended by local law number 93 for the year 1985 and as redesignated pursuant to section 14 of chapter 907 of the laws of 1985, is amended to read as follows:

SUBCHAPTER 8

FUEL STANDARDS

§24-168 Use of proper fuel in fuel burning equipment. (a) No person shall cause or permit the use of a kind or grade of fuel in fuel burning equipment [which] that is not designed to burn that kind or grade of fuel. Nothing in this subdivision shall be construed to prohibit the use of bioheating fuel in fuel burning equipment that [may be] is adapted for such use.

(b) No person shall cause or permit the burning of refuse material in fuel burning equipment unless the equipment is designed to burn refuse material.

(c) No person shall cause or permit a boiler to burn residual fuel on or after January 1, 2020.

(d) No person shall cause or permit a boiler to burn fuel oil grade no. 4 on or after January 1, 2030.

(e) No person shall cause or permit the use of a kind or grade of fuel in a diesel powered generator other than ultra low sulfur diesel.

§24-168.1 Clean heating oil. (a) Definitions. For the purpose of this section, the following terms shall have the following meanings:

[(1) “Biodiesel” shall mean a fuel, designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of the American Society of Testing and Materials designation D 6751-09a.

(2) “Bioheating fuel” shall mean a fuel comprised of biodiesel blended with petroleum heating oil that meets the specifications of the American Society of Testing and Materials designation D 396-09a or other specifications as determined by the commissioner.

(3) “District steam system” shall mean a system for the production of steam and for its transmission and distribution through underground pipelines to multiple buildings.

[(4) “Emergency generator” shall mean a machine or device that combusts fuel to create electricity and that is used for the purpose of providing backup power in the event of a general interruption in electrical service.

(5) “Feedstock” shall mean soybean oil, oil from annual covercrops, algal oil, biogenic waste oils, fats or greases, or non-food grade corn oil, provided that the commissioner may modify the definition of feedstock based on the vegetable oils, animal fats or cellulosic biomass listed in table 1 of 40 C.F.R. § 80.1426.

[(6) “Heating oil” shall mean oil refined for the purpose of use as fuel for combustion in a heating system and that meets the specifications of [the American Society of Testing and Materials] ASTM designation D [396-09a] 396-12 or other specifications as determined by the commissioner.

[(7) “Heating system” shall mean a system that generates heat, hot air, hot water or steam by combustion and distributes it within a building, provided that “heating system” shall not include

wood burning stoves.

[(8) “Renewable biomass” shall mean crops and crop residue from existing agricultural land, tree residues, animal waste material and byproducts, slash and pre-commercial thinnings from non-federal forest lands, biomass cleared from the vicinity of buildings and other areas to reduce the risk of wildfire, algae, and separated yard waste or food waste. Such term shall not include processed materials such as particle board, treated or painted wood, and melamine resin-coated panels.

(9) “Renewable fuel” shall mean fuel produced from renewable biomass.]

(b) (1) After October 1, 2012, no person shall cause or permit the use in any building in the city or deliver to any building in the city for use in such building, heating oil that is fuel oil grade no. 2[,] or no. 4 or [no. 6 containing] residual fuel if such heating oil contains less than two percent biodiesel by volume. The provisions of this subdivision shall not apply to the use or delivery of heating oil for use in an emergency generator or for use in a boiler where heating oil from a dual-use tank supplies both such boiler and an emergency generator.

(2) The commissioner may authorize the use of any renewable fuel in heating systems if he or she determines that such fuel meets an applicable [American Society for Testing and Materials] ASTM International standard or other standard as determined by the commissioner, and the emissions from such fuel contain equal or lesser amounts of particulate matter, sulfur dioxide and nitrogen oxides than the emissions from fuel oil grade no. 2.

(c) The commissioner may waive the requirements of paragraph [1] one of subdivision b of this section in accordance with the provisions of this subdivision.

(1) A waiver may be issued for a particular type of boiler or fuel if the commissioner finds that:

(i) a sufficient quantity of bioheating fuel containing two percent biodiesel is not available in the city for that boiler type;

(ii) the price of available bioheating fuel for that boiler type is at least fifteen percent more than the price of a comparable fuel oil grade of one hundred percent petroleum heating oil;

(iii) the use of bioheating fuel would void the manufacturer's warranty for that boiler type;
or

(iv) there is no applicable [American Society of Testing and Materials] ASTM International standard or other standard as determined by the commissioner to govern the specification of the bioheating fuel for purposes of receiving bids and enforcing contracts.

(2) Any waiver issued pursuant to subparagraph (i) or (ii) of paragraph [1] one of this subdivision shall expire after three months, unless renewed in writing by the commissioner.

(3) Any waiver issued pursuant to subparagraph (iii) or (iv) of paragraph [1] one of this subdivision shall expire after six months, unless renewed in writing by the commissioner.

(4) A waiver may be issued for a specific district steam system if the commissioner finds based on documentation submitted by the applicant, including but not limited to a report certified by a professional engineer, that compliance with the requirements of paragraph [1] one of subdivision b of this section would result in damage to equipment used to generate steam within such district steam system. Any waiver issued pursuant to this paragraph shall expire after one year, unless renewed in writing by the commissioner.

(d) (1) No later than September 1, 2013, and no later than September 1 of every year thereafter, the commissioner shall submit a report to the mayor and the speaker of the council, which shall include:

(i) all waivers, findings and renewals of such findings issued pursuant to this section during

the immediately preceding calendar year;

(ii) a summary of the information received pursuant to subdivision e of this section;

(iii) all waivers, findings and renewals of such findings issued pursuant to subdivision b of section 24-169 of this code during the immediately preceding calendar year; and

(iv) determinations made by the commissioner regarding renewable biomass pursuant to paragraph [2] two of subdivision b of this section and any recommendations with respect to the use of renewable biomass in the city, considering appropriate standards and experiential use.

(2) The report required pursuant to this subdivision may be satisfied by including such information in the management report and preliminary management report made public and submitted to the council by the mayor pursuant to section twelve of the New York city charter.

(e) (1) The commissioner shall require persons who supply heating oil directly to buildings in the city to disclose annually to the commissioner the following information regarding fuel oil supplied:

(i) the amount in gallons of each fuel oil grade supplied by such person to buildings by zip code; and

(ii) the average percentage of biodiesel blended into each fuel oil grade supplied by such person within the city and the types of feedstock used in the creation of such biodiesel.

(2) The commissioner shall prescribe the form in which required information shall be reported annually to the department. Such form shall be certified by the person supplying the information as to the completeness and accuracy of the information provided.

(3) The department shall require that records be maintained to substantiate the information provided pursuant to this subdivision and that such records shall be made available for inspection and audit by the department for a period up to three years.

(f) The department shall require that building owners who receive shipments of heating oil maintain such records as may be required by the commissioner by rule and make available such records for inspection and audit by the department for a period of up to three years. Such records may be maintained electronically.

(g) The term “fuel oil” as used in any provision of the administrative code of the city of New York or the rules of the city of New York shall be deemed to include heating oil that is fuel oil grade no. 2, no. 4 or no. 6 containing biodiesel.

[(g) The commissioner shall promulgate rules to carry out the provisions of this section.]

(h) The commissioner shall have the authority to sample, test and analyze heating oil supplied to buildings in the city to determine compliance with this section.

(i) Use of biodiesel for heating purposes by city buildings. (1) After [October first, two thousand fourteen] October 1, 2014, all no. 2, no. 4 and no. 6 heating oil purchased for use in any building owned by the city shall be bioheating fuel containing not less than five percent biodiesel (B5) by volume except that the provisions of this subdivision shall not apply to the use of emergency generators.

(2) The commissioner of citywide administrative services shall institute a pilot program to use greater amounts of biodiesel in city-owned buildings. Such pilot program shall require that beginning [October first, two thousand fourteen] October 1, 2014, the heating oil burned in not less than five percent of city-owned buildings shall contain at least ten percent biodiesel (B10) by volume. Such pilot program shall continue until [October first, two thousand fifteen] October 1, 2015 and within six months of the conclusion of such pilot program, the commissioner of citywide administrative services shall issue a report to the mayor and the speaker of the council detailing the findings of such pilot program, including the utility of and any impediments to the use of ten

percent biodiesel (B10) by volume in city-owned buildings and any recommendations for the use of ten percent biodiesel (B10) by volume in all city-owned buildings.

(3) The commissioner of citywide administrative services in conjunction with the office of long-term planning and sustainability shall undertake a one year study on the feasibility of the use of five percent biodiesel (B5) by volume in all buildings throughout the city. Such study shall include recommendations on whether and when the city should require the use of five percent biodiesel (B5) by volume in heating oil in all buildings and shall be issued to the mayor and the speaker of the council by [April first, two thousand fifteen] April 2, 2015.

§24-169 Sulfur content of fuel restricted. Except for ocean-going vessels engaged in international or interstate trade, no person[, other than one having a sulfur exemption certificate,] shall cause or permit the use, or if intended for use in the city of New York [city], the purchase, sale, offer for sale, storage or transportation of:

(a) Fuel oil grade no. 2 [as classified by the American Society for Testing and Materials] that contains more than [0.2 percent of sulfur by weight and after June 30, 2012, more than] the amount of sulfur set forth in section 19-0325 of the environmental conservation law or as provided by an executive order of the governor issued pursuant to such section.

(b) Residual fuel oil and fuel oil grade no. 4 [as classified by the American Society for Testing and Materials or solid fuel on a dry basis] that [contains] contain more than the following percentages of sulfur by weight:

(1) for residual fuel oil 0.30 percent and

(2) for fuel oil grade no. 4 [after October 1, 2012,] more than 0.15 percent, provided that the commissioner may waive the requirements of this paragraph if the commissioner finds that there is an insufficient quantity of fuel oil grade no. 2 that contains no more than 0.0015 percent of

sulfur by weight. Any waiver issued pursuant to this subdivision shall expire after three months, unless renewed in writing by the commissioner. The [provisions of] percentage provided in paragraph [1] one of this subdivision shall apply as the maximum percentage for fuel oil grade no. 4 during the period such waiver is in effect.

(c) [Residual fuel oil or fuel oil grade no. 4 as classified by the American society for testing and materials used in facilities for the generation of steam for off-premises sale and electricity, which contains more than the following percentages of sulfur by weight:

(1) For a period ending October first, nineteen hundred seventy-one, one percent;

(2) For a period ending October first, nineteen hundred seventy-two, an annual average of 0.55 percent;

(3) After October first, nineteen hundred seventy-two, 0.30 percent.

(d) Those facilities burning solid fuel which are operated in compliance with this code may, at the discretion of the commissioner, continue to burn solid fuel containing up to 0.7 percent sulfur after October first, nineteen hundred seventy-one, provided that there is no increase or expansion of use and further provided that a report, satisfactory to the commissioner, is submitted setting forth a detailed program, including a specific time schedule, for the termination of use of such solid fuel.

(e) Sulfur by weight shall be calculated by the methods of the [American society for testing and materials] ASTM designation D 2622-10.

[§24-170 Reporting of fuel supplies. The owner of any boiler with a capacity of five hundred million Btu per hour or more shall report fuel supply information to the commissioner on or before the first day of each month.

§24-171 Sulfur exemption certificates. (a) Except for fuel burning equipment that must

comply with the sulfur dioxide emission standards of section 24-144 of this code, the commissioner may grant a certificate of exemption from the sulfur content restrictions of section 24-169 of this code if the applicant establishes to the satisfaction of the commissioner that the fuel burning equipment is operated in such a manner, or is equipped with such control apparatus, as to continuously prevent the emission of any sulfur compound or compounds in an amount greater than that which would have been emitted from the same fuel burning equipment, if operated, in the absence of control apparatus, using fuel which complies with the sulfur content restrictions of section 24-169 of this code.

(b) The commissioner may grant a temporary certificate of exemption from the sulfur content restrictions of section 24-169 of this code, if the applicant establishes to the satisfaction of the commissioner that the application is for the purpose of conducting an experimental operation prior to application for a sulfur exemption certificate.

(c) A sulfur exemption certificate shall be valid for one year from the date granted or renewed, unless sooner suspended or revoked. Application for renewal shall be made by the holder of the certificate, and shall be postmarked, or where personally delivered, date stamped by the department no later than ninety days prior to the expiration of the certificate. The commissioner may renew a sulfur exemption certificate if he or she is satisfied that the provisions of this code and the conditions and terms contained in the certificate will be met.

(d) Any sulfur exemption certificate or temporary sulfur exemption certificate issued by the commissioner shall be limited to the kind and amount of fuel specified, and to use in the equipment described, and may be further limited as determined by the commissioner.

(e) A separate application for a sulfur exemption certificate or temporary sulfur exemption certificate shall be made for each unit of fuel burning equipment for which exemption is sought.

(f) In addition to the conditions and limitations for the issuance of a sulfur exemption certificate or temporary sulfur exemption certificate specified in this section, the commissioner may provide such further conditions or limitations as he or she may deem appropriate.

(g) A temporary sulfur exemption certificate shall be valid for three months from the date granted or renewed, unless sooner suspended or revoked. The commissioner may renew a temporary certificate no more than once upon application which is postmarked or dated by the department no later than fourteen days prior to the expiration of the certificate.

§24-172 Volatile content of solid fuel restricted. (a) No person shall cause or permit the use of solid fuel as the normal boiler fuel which contains more volatile matter by weight in any part thereof than:

- (1) If used in equipment which is hand-fed, fourteen percent; or
 - (2) If used in equipment which is mechanically fed, thirty-two percent.
- (b) Volatile matter shall be calculated on a moisture and ash-free basis.]

§24-173 Use of [solid fuel] coal. (a) [Except as provided in subdivision (c) of this section, no person shall cause or permit the use of solid fuel in fuel burning equipment to provide heat or hot water for any structure or any part thereof, other than the generation of steam for off-premises sale.

(b) No person shall cause or permit the use of solid fuel in fuel burning equipment for any purpose whatsoever, unless he or she has complied with subdivision (c) of this section. No person shall cause or permit the use of bituminous coal in fuel burning equipment, for which an operating certificate or certificate of registration is required pursuant to this chapter for any purpose whatsoever.

(c) Solid fuel, unless otherwise prohibited by this section, may be used for fueling boilers

used for on-site space heating, provided that:

(1) No expansion of capacity of the boiler shall be made over capacity existing on May twentieth, nineteen hundred sixty-eight; and

(2) Only anthracite coal is used; or

(3) The solid fuel shall meet the following criteria:

(a) Volatile content shall not exceed thirty-two percent by weight.

(b) Fixed carbon shall not be lower than sixty-six percent by weight.

(c) Ash shall not exceed four percent by weight.

(d) Sulfur shall not exceed 0.7 percent by weight.

(e) Heating value shall not be less than fourteen thousand seven hundred fifty Btu/lb.

All the above criteria shall be measured on a dry basis.] No person shall cause or permit the use of any type of coal in fuel burning equipment, except for the use of anthracite coal in one of the following:

(1) in the generation of electricity for utilities; or

(2) as provided in section 24-149.5 of this code.

[§24-174 Lead content of gasoline restricted. (a) No person shall cause or permit the use, or, if intended for use in the city of New York, the purchase, sale, offer for sale, storage or transportation of gasoline which contains more than the following amount of lead by weight for the respective octane ranges as follows:

95.9 Octane No.* & Above

Below 95.9 Octane No.*

(1) On and after November 1, 1971 2.0 grams per gal.

1.5 grams per gal.

- | | | |
|----------------------------------|--------------------|--------------------|
| (2) On and after January 1, 1972 | 1.0 grams per gal. | 1.0 grams per gal. |
| (3) On and after January 1, 1973 | 0.5 grams per gal. | 0.5 grams per gal. |
| (4) On and after January 1, 1974 | zero grams | zero grams |

* The term octane number shall mean research octane number or rating measured by the research method.

(b) Where the lead content of gasoline is restricted to zero grams per gallon as in subdivision (a) of this section, gasoline which contains 0.075 grams of lead per gallon shall be deemed to meet such restriction.

§24-175 Volatility limits on gasoline. Effective October first, nineteen hundred seventy-one, no person shall cause or permit the use, or, if intended for use in the city of New York, the purchase, sale, offer for sale, storage or transportation of gasoline which exceeds the following volatility limits:

(a) For the period October first, through April thirtieth, not to exceed twelve Reid vapor pressure.

(b) For the period May first through September thirtieth, not to exceed seven Reid vapor pressure.]

§24-176 Fuel information ticket required for shipment or delivery of fuel into the city of New York [city]. No person[, other than a dealer in solid fuel who complies with section 20-626 of the code,] shall cause or permit the shipment or delivery of fuel into the city of New York [city] for use in the city without first reporting the shipment or delivery on a form prescribed by the department to be known as a fuel information ticket. A fuel information ticket shall not be required for fuel shipped into the city of New York [city] in the engine fuel tank of a motor vehicle. A shipment or delivery includes any sale or non-sale transaction, or any transaction between shipper

and recipient who are identical.

§24-177 General requirements for fuel information tickets. (a) Each fuel information ticket shall contain the following statement signed by the shipper of the fuel: “I hereby attest that I have shipped to the recipient named hereon the fuel specified in this ticket.”

(b) Copies of the fuel information ticket required to be retained by the shipper of fuel by subdivision (c) of this section shall be kept at the shipper's place of business. The copy of the fuel information ticket required to be retained by the recipient of the fuel by subdivision (c) of this section shall be kept at his or her place of business or at the place where the delivery was received.

(c) All records relating to the use of fuel, or the distribution, storage or transportation of fuel for use in the city of New York shall be retained for not less than one year and shall be kept readily available at all times during business hours for inspection by the department.

(d) This section shall apply to all shipments of fuel into the city and it shall be no defense to non-compliance that the shipment was not made pursuant to a sales transaction between the shipper and the recipient or that the shipper and the recipient are identical.

§ 36. Section 24-178 of the administrative code of the city of New York is REPEALED and subchapter 9 of title 24 of such code is amended by adding a new section 24-178 to read as follows:

§24-178 Powers of the board. (a) The board may, upon notice pursuant to this chapter, and after a hearing pursuant to the rules of the board:

(1) Order the commissioner to seal any equipment or apparatus which causes or is maintained or operated so as to cause a violation of any provision of this code or order or rule promulgated by the commissioner or the board, except as provided in subdivision (b) of this section;

(2) Order any person to cease and desist from any activity or process that causes or is conducted so as to cause, a violation of any provision of this code or any order or rule promulgated by the commissioner or the board, except as provided in subdivision (b) of this section;

(3) (i) Impose a civil penalty in each instance in an amount as hereinafter set forth in the table of civil penalties against any person who violates any provision of this code or of any order or rule promulgated thereunder.

TABLE OF CIVIL PENALTIES

<u>Violation</u>	<u>Minimum</u>	<u>Maximum</u>
24-108	\$200	\$800
24-109(a)(1)-(2)	800	3200
24-109(a)(3)-(17)	400	1600
24-109(f)	400	1600
24-109(g)	400	1600
24-111	400	1600
24-112	400	1600
24-113	200	800
24-118	1600	6400
24-120	800	3200
24-122	800	3200
24-123(d)	800	3200
24-131	200	800
24-136	1000	15000
24-138	1000	15000
24-139	1600	6400
24-141	400	1600
24-142	400	1600
24-143	200	800
24-143.1	200	800
24-145	800	3200
24-146(b)-(d)	400	1600
24-146(e), (f)	800	3200
24-147	800	3200

24-148	800	3200
24-149	200	800
24-149.1	400	1600
24-149.2	400	1600
24-149.3	400	1600
24-149.4	800	3200
24-149.5	400	1600
24-151	800	3200
24-152	200	800
24-153	800	3200
24-155	400	1600
24-156	400	1600
24-159	200	800
24-160	400	1600
24-161	200	800
24-163	200	2000
24-163.3, 24-163.5, 24-163.6, 24-163.7, 24-163.9	1000 ¹	10000 ¹
24-163.8	500	500
24-163.11	0	10000 ²
24-164	400	1600
24-165	0	1600
24-166	0	875
24-167	200	800
24-168	800	3200
24-168.1	800	3200
24-169	1600	6400
24-173	1600	6400
24-176	200	800
24-177	200	800
<u>All other sections, subdivisions and paragraphs of this chapter</u>	400	1600

¹ Plus twice the amount saved by failing to comply.

² Plus five hundred dollars per day for each day the violation is not corrected beyond sixty days

from the date of an order of the commissioner or of the chairperson of the business integrity

commission to correct the violation.

(ii) Impose a separate penalty for each day on which a violation under this code shall have occurred.

(iii) Impose an additional civil penalty, in the amount of ten per cent (10%) of the penalty originally imposed, for late payment of a penalty for each month or part thereof that the penalty payment is in arrears. In no event shall the total additional civil penalty exceed the maximum set forth in the table of civil penalties.

(4) Impose a civil penalty of not less than one thousand nor more than four thousand dollars on any person who willfully breaks, or causes or permits the breaking of, a seal placed on equipment pursuant to this section.

(b) The board may, upon notice pursuant to section 24-180 of this code, order any person to:

(1) Cease and desist from the installation or alteration of equipment or apparatus, without a permit as required by section 24-120 of this code;

(2) Cease and desist from the operation of any equipment or apparatus without a certificate and the board may also order the commissioner to seal any such equipment or apparatus;

(3) Cease and desist from the spraying of insulating material on, or the demolition of, any building or structure which does not conform to the requirements of section 24-109 or 24-146 of this code or any rule promulgated thereunder. The board may also order the commissioner to seal any equipment used therefor.

(c) The board may order the commissioner to install any apparatus or to clean, repair, or alter any equipment or apparatus which causes or is maintained or operated so as to cause a violation of an order issued pursuant to paragraph two of subdivision (a) of this section, where such installation, cleaning, repairing, or alteration can reasonably be expected to correct such a

violation. Any work required under such an order may be executed by the commissioner through the officers, agents or contractors of the department. The department shall be reimbursed promptly for all costs and expenses of such work by the owner of the equipment or apparatus to which the order relates and in respect to which such expenses were incurred. Such expenses may be recovered in a civil action brought in the name of the commissioner.

(d) If an order of the board issued pursuant to subdivisions (a) and (b) of this section provides for a period of time during which a person subject to the order is permitted to correct a violation, the board may require the respondent to post a performance bond or other security with the department in a form and amount sufficient to assure the correction of such violation within the prescribed time. In the event of a failure to meet the schedule prescribed by the board, the sum named in the bond or other security shall be forfeited and shall be paid to the commissioner.

(e) The board may order any person to cease and desist from an activity which it reasonably believes causes an emission of an air contaminant which creates an imminent peril to the public health. Such order shall be effective upon service thereof. Any party affected by such an order may request a hearing on written notice, and he or she shall be afforded a hearing, within twenty-four hours after service of such request, pursuant to the rules of the board. If such an accelerated hearing is not requested, then a hearing shall be afforded within ten days of the issuance of the order. The board shall issue its final decision and order thereon within three days from the conclusion of a hearing held pursuant to this subdivision.

§ 37. Section 24-179 of the administrative code of the city of New York is REPEALED.

§ 38. Section 24-180 of the administrative code of the city of New York is amended to read as follows:

§24-180 Notice of violation. (a) Notice, required by this subchapter, shall be given by

issuance of a notice of violation.

(b) Whenever the commissioner has reasonable cause to believe that a violation of any provision of this code or any order or [regulation] rule promulgated thereunder may exist, he or she may cause to have a notice of violation issued and served on:

- (1) The person in violation; or
- (2) An owner [with an equity interest in] of the equipment in violation[; or
- (3) If an owner with an equity interest in the equipment in violation cannot be located with due diligence, any other owner of said equipment].

(c) A notice of violation shall[:

- (1) Specify the section or sections of this code, order, or regulation that such person or equipment is in violation of; and
- (2) Indicate the amount of the civil penalty that such person is subject to; and
- (3) Contain a brief statement of the nature of the violation; and
- (4) Require a written response that conforms to section 24-181 of this code; and
- (5) Require such person or owner of equipment to answer the allegations in the notice of violation at a designated time and place, unless a hearing is not required by section 24-178 of this code] include the information specified in the rules of the board.

§ 39. Section 24-181 of the administrative code of the city of New York is REPEALED.

§ 40. Section 24-182 of the administrative code of the city of New York, subdivision (a) as amended by local law number 4 for the year 2009, is amended to read as follows:

§24-182 Citizen's complaint. (a) Any person, other than personnel of the department and employees of the city of New York authorized by law to serve summonses for violations of the code, may serve upon the department a complaint, in a form prescribed by the department, alleging

that a person has violated any provision of this code or order or regulation promulgated by the commissioner or the board, except with respect to sections 24-143[, 24-150] and 24-163 of this code, but still applicable to buses as defined in section one hundred four of the vehicle and traffic law and trucks as defined in section one hundred fifty eight of the vehicle and traffic law, together with evidence of such violation. With respect to section 24-142 of this code, only such person who has been certified as a smoke watcher, by passing a course of smoke observation approved by the department within three years prior to the observation, may serve such complaint.

(b) A person who has served a complaint pursuant to subdivision (a) of this section may serve upon the person allegedly in violation, and upon the board, a notice of violation in a form prescribed by the board within forty-five days from service of such complaint if;

(1) The department has failed to serve a notice of violation, pursuant to [section 24-180 of this code] the rules of the board, for the violation alleged in a complaint pursuant to subdivision (a) of this section; or

(2) The department fails to serve a written notice upon the complainant of its determination that his or her complaint is frivolous or duplicitous.

(c) A person commencing a proceeding pursuant to this section shall prosecute such proceeding at his or her own expense. The department may intervene in such a proceeding at any time.

(d) In any proceeding brought by the department after receiving a complaint, pursuant to subdivision (a) of this section, pertaining to a violation of this code or any regulation or order promulgated by the commissioner or the board, wherein the source of the violation is a manufacturing or industrial facility or a facility for the generation of steam for off-premises sale or electricity or equipment used by any such facility, the board shall award the complainant, out of

the proceeds collected, an amount which shall not exceed twenty-five percent of such proceeds, for disclosure of information or evidence, not in the possession of the department prior to the receipt of the complaint by the department, which leads to the imposition of the civil penalty.

(e) In any proceeding brought by a complainant pursuant to subdivision (a) of this section, the board shall award, out of the proceeds collected, fifty percent of any civil penalty as fair and reasonable compensation to such person.

§ 41. Section 24-183 of the administrative code of the city of New York is amended to read as follows:

§24-183 [Settlement of proceedings. The board may settle any proceeding by stipulation and may exercise any or all of its powers under section 24-178 of this code thereby, at any time prior to the issuance of a decision pursuant to section 24-186 of this code] Adjudication, settlement and settlement by stipulation. The adjudication, settlement or settlement by stipulation of any notice of violation issued pursuant to this subchapter shall be in accordance with section 1049-a of the New York city charter and the applicable rules of the board.

§ 42. Sections 24-184, 24-185, 24-186, 24-187 and 24-188 of the administrative code of the city of New York are REPEALED.

§ 43. Subdivision (f) of section 24-190 of the administrative code of the city of New York is REPEALED.

§ 44. Subdivisions (g) and (h) of section 24-190 of the administrative code of the city of New York are designated subdivisions (f) and (g) respectively.

§ 45. Section 28-106.1.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§28-106.1.1 Full demolition permit. The commissioner shall not issue a full demolition

permit unless the owner of the building provides certification in a form and manner to be provided in the rules of the department of environmental protection that (i) the building is free of asbestos containing material, or (ii) the commissioner of environmental protection, has issued a variance from this requirement in accordance with subdivision [(o)] (m) of section [24-146.1] 24-136 of the administrative code and the rules of the department of environmental protection, subject to the requirement that demolition work will be performed only in parts of the building that are certified free of asbestos containing material. The full demolition permit shall be subject to such additional conditions as the department of buildings may require of the permittee based on the size and complexity of the demolition work.

Exception: This section 28-106.1.1 shall not apply to full demolition performed as emergency work pursuant to article 215 of chapter 2 of this title where the emergency warrants immediate commencement of the work or full demolition with asbestos in place authorized pursuant to 12 NYCRR 56-11.5.

§ 46. Section 28-106.1.2 of the administrative code of the city of New York, as added by local law number 77 for the year 2009, is amended to read as follows:

§28-106.1.2 Alteration permit for the removal of one or more stories. The commissioner shall not issue an alteration permit for the removal of one or more stories of a building unless the owner of the building provides certification in a form and manner to be provided in the rules of the department of environmental protection that (i) the stories to be removed are free of asbestos containing material and that no abatement activities will be performed anywhere in the building concurrently with the removal work authorized by such permit or (ii) the commissioner of environmental protection has issued a variance from these requirements in accordance with subdivision [(o)] (m) of section [24-146.1] 24-136 of the administrative code and the rules of the

department of environmental protection, subject to the requirement that work authorized by the alteration permit will be performed only in parts of the building that are certified free of asbestos containing material. The alteration permit shall be subject to such additional conditions as the department of buildings may require of the permittee based on the size and complexity of the work.

Exception: This section 28-106.1.2 shall not apply to removal of one or more stories performed as emergency work pursuant to article 215 of chapter 2 of this title where the emergency warrants immediate commencement of the work.

§ 47. Section 28-106.3 of the administrative code of the city of New York, as added by local law number 37 for the year 2009, is amended to read as follows:

§28-106.3 Permit exemption. Except as otherwise provided by rule, work performed in the course of and only for the purpose of an asbestos project that is required to be permitted pursuant to section [24-146.3] 24-138 of the administrative code shall be exempt from the permit requirements of this code.

§ 48. Section 28-106.4 of the administrative code of the city of New York, as added by local law number 37 for the year 2009, is amended to read as follows:

§28-106.4 Definitions. For the purposes of this article, the terms "asbestos" and "asbestos project" shall have the meanings as are ascribed in section [24-146.1] 24-136 of the administrative code.

§ 49. Section 2111.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

2111.1 [Definition] General. A masonry fireplace is a fireplace constructed of concrete or masonry. Masonry fireplaces shall be constructed in accordance with this section, Table 2111.1

and Figure 2111.1. All masonry fireplaces shall be installed, altered and maintained in buildings in conformity with the applicable provisions of the *New York City Air Pollution Control Code* and no new masonry fireplaces shall be permitted except those that burn the types of fuel allowed by section 24-149.2 of such code.

§ 50. Section 3303.5.4 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

3303.5.4 Air pollution. The provisions of the Air Pollution Control Code shall apply in order to prevent [particulate matter] dust from becoming airborne.

§ 51. Sections 901.3, 901.4, 901.5 and 901.6 of the New York city mechanical code, as amended by local law number 141 for the year 2013, are re-numbered 901.4, 901.5, 901.6 and 901.7, respectively.

§ 52. Chapter 9 of the New York city mechanical code is amended by adding a new section 901.3 to read as follows:

901.3 Solid fuel-burning fireplaces and appliances. All solid fuel-burning fireplaces and appliances shall be installed, altered and maintained in buildings in conformity with the applicable provisions of the *New York City Air Pollution Control Code* and no new solid fuel-burning fireplaces or appliances shall be permitted except those that burn the types of fuel allowed by such code.

§ 53. This local law takes effect one year after it becomes law, except that the commissioner of environmental protection may, before such effective date, take all actions necessary, including the promulgation of rules, to implement this local law on such effective date. Notwithstanding the foregoing, any amendments made to section 24-163 of the administrative code of the city of New York by a local law of the city of New York for the year 2015, as proposed

in Introductory Number 230-A, shall remain in effect following the effective date of this local 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 April 16, 2015 and approved by the Mayor on May 6, 2015.

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. 38 of 2015, Council Int. No. 271-A of 2014) 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.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 41

Introduced by Council Members Torres, Arroyo, Johnson, Van Bramer, Constantinides and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to car sharing in the city fleet.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 6 of the administrative code of the city of New York is amended by adding a new section 6-140 to read as follows:

§ 6-140 Car sharing in the city fleet. a. For the purposes of this section, the following terms shall have the following meanings:

(1) “Car sharing” means a shared-use motor vehicle program that provides a geographically distributed fleet of motor vehicles that is made available to entities or persons on an hourly or short-term basis, or provides technology that enables the city to share internally its city-owned or leased vehicles.

(2) “Car sharing organization” means an organization that provides pre-approved members with access to motor vehicles at geographically distributed locations for an hourly or short-term rate that includes fuel, maintenance, and insurance, or provides technology and services that enable the city to share internally its city-owned or leased vehicles.

(3) *“City agency” means a city, county, borough, administration, 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.*

(4) *“Motor vehicle” means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability. For the purposes of this section, such term shall not include vehicles that are used for emergency response, inspection or enforcement by agencies including, but not limited to, the department of environmental protection, the department of sanitation, the department of transportation, the office of emergency management, the sheriff's office of the department of finance, the police department, the fire department, and the department of correction.*

(5) *“Light-duty vehicle” means a motor vehicle that is a maximum of eighty-five hundred pounds in gross vehicle weight and includes sedans, utility vehicles, pick-up trucks and vans.*

b. The city shall establish a car sharing program for city agencies utilizing light-duty motor vehicles.

c. Beginning January 1, 2016 and during each of the following three consecutive years thereafter through December 31, 2019, the city shall remove from service without replacement at least two percent of the total existing number of light-duty motor vehicles in the city fleet through the use of strategies including, but not limited to, car sharing. For the year beginning January 1, 2020, the city shall remove from service without replacement at least one percent of the total existing number of light-duty motor vehicles in the city fleet through the use of strategies including, but not limited to, car sharing. This subdivision shall not apply to light-duty motor vehicles that have been added to any individual city agency's fleet in connection with a

proportional increase in such agency's headcount resulting from programmatic or operational changes in such agency's functions or duties, provided that the city shall consider the use of such strategies including, but not limited to, car sharing with respect to such light-duty motor vehicles.

d. No later than February 1, 2017 and no later than every February 1 thereafter through February 1, 2021, the mayor shall submit to the comptroller and the speaker of the council a report regarding the car sharing program and reductions in the city fleet during the immediately preceding calendar year. Such reports shall include, but not be limited to: (1) an evaluation of such car sharing program; (2) recommendations, if any, for changing any component(s) of such car sharing program; (3) data regarding the use of car sharing, disaggregated by city agency; (4) the utilization of services of car sharing organizations, if applicable; (5) the impact of such car sharing program on expenses related to the city fleet; and (6) the number and percentage of motor vehicles removed from the city fleet since the inception of such car sharing program and, if applicable, the number and percentage of motor vehicles removed in the preceding twelve months. In addition, the report due no later than February 1, 2021 shall contain an evaluation of the size of the city fleet and recommendations, if any, for further reducing the size of such fleet.

§ 2. This local law shall take 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 April 16, 2015 and approved by the Mayor on May 6, 2015.

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. 41 of 2015, Council Int. No. 597-A of 2014) 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.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 56

Introduced by Council Members Johnson, Rodriguez, Ferreras, Lander, Rose, Levin, Van Bramer, Menchaca, Arroyo, Garodnick, Chin, Rosenthal, Barron, Kallos and Lancman.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to side guards.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-141 to read as follows:

§ 6-141 Side guards in the city fleet. a. Definitions. For the purposes of this section:

Department. The term “department” means the department of citywide administrative services.

Large vehicle. The term “large vehicle” means a motor vehicle with a manufacturer’s gross vehicle weight rating exceeding 10,000 pounds. “Large vehicle” does not include street sweepers, fire engines, car carriers, off road construction vehicles, or any specialized vehicles or vehicle types on which side guard installation is deemed impractical by the department pursuant to subdivision c of this section.

Side guard. The term “side guard” means a device fit to the side of a large vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between the front axle and the rear axle of such vehicles. Except where otherwise authorized by rule of the department, side guards: shall allow for a maximum 13.8 inch ground clearance, maximum 13.8

inch top clearance up to four feet in height, and a minimum 440 pound impact strength; must achieve a smooth and continuous longitudinal (forward to backward) impact surface flush with the vehicle sidewall; may include rail style guards, provided that such rails be no less than four inches tall and no more than 11.8 inches apart; and may incorporate other vehicle features such as tool boxes and ladders.

b. Side guards. No later than January 1, 2024, all large vehicles in the city fleet shall be equipped with side guards.

c. The department shall have the authority to promulgate any rules necessary to administer the provisions of this section, including but not limited to rules establishing side guard specifications that depart from the default specifications set forth in subdivision a of this section when such departure is deemed necessary by the department, as well as rules governing when the installation of side guards on certain city vehicles is impractical and will not be required. The department shall be authorized to inspect side guards and side guard specifications for compliance with the requirements of this section.

§ 2. Section 16-509 of the administrative code of the city of New York, as amended by local law number 145 for the year 2013, is amended to add a new subdivision f to read as follows:

f. On or after January 1, 2024, the commission may refuse to issue a license or registration to an applicant that has failed to demonstrate to the satisfaction of the commission that such applicant will at all times meet the requirements of section 16-526 of the code, or any rule promulgated pursuant thereto, in the performance of such license or registration.

§ 3. Subdivision a of section 16-513 of the administrative code of the city of New York, as amended by local law number 145 for the year 2013, is amended to read as follows:

a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its principals, employees and/or agents: (i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto; (ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the transportation and disposal of waste containing asbestos; (iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof; (iv) has failed to pay, within the time specified by a court, the department of consumer affairs or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto; (v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer affairs pursuant to section 16-306 or former subchapter eighteen of title twenty of this code; (vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the handling of trade waste, or any laws prohibiting deceptive, unfair, or unconscionable trade practices; (vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant as a trade waste broker lacks good character, honesty and integrity; (viii) whenever there has been any false statement or

any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based; (ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration, or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known; [or] (x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto; *or (xi) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 16-526 of the code, or any rule promulgated pursuant thereto.*

§ 4. Chapter 1 of title 16-A of the administrative code of the city of New York is amended by adding a new section 16-526 to read as follows:

§ 16-526 Side guards. a. Definitions. For the purposes of this section:

Side guard. The term "side guard" means a device fit to the side of a trade waste hauling vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between the front axle and the rear axle of such vehicles and with such additional specifications as may be established by the commission pursuant to paragraph 3 of subdivision c of this section. Except where otherwise authorized by rule of the commission, side guards: shall allow for a maximum 13.8 inch ground clearance, maximum 13.8 inch top clearance up to four feet in height, and a minimum 440 pound impact strength; must achieve a smooth and continuous longitudinal

(forward to backward) impact surface flush with the vehicle sidewall; may include rail style guards, provided such rails be no less than four inches tall and no more than 11.8 inches apart; and may incorporate other vehicle features such as tool boxes and ladders.

Trade waste hauling vehicle. The term "trade waste hauling vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating exceeding 10,000 pounds that is owned or operated by an entity that is required to be licensed or registered by the commission pursuant to section 16-505 of the code and that is operated in New York city for collection or removal of trade waste. "Trade waste hauling vehicle" does not include any specialized vehicle or vehicle type on which side guard installation is deemed impractical by the commission pursuant to subdivision c of this section.

b. Side guards. No later than January 1, 2024, all trade waste hauling vehicles shall be equipped with side guards.

c. Enforcement. 1. Any owner or operator of a trade waste hauling vehicle that violates any provision of this section shall be liable for a civil penalty of ten thousand dollars per vehicle that is in violation, returnable to the office of administrative trials and hearings. Each notice of violation shall contain an order of the chair of the commission directing the respondent to correct the condition constituting the violation and to file with the commission electronically, or in such other manner as the commission shall authorize, a certification that the condition has been corrected within thirty days from the date of the order. In addition to such civil penalty, a separate additional penalty may be imposed of not more than five hundred dollars for each day that the violation is not corrected beyond thirty days from such order.

2. For the purposes of this section, if the office of administrative trials and hearings finds that a certification of correction filed pursuant to this subdivision contained material false

statements relating to the correction of a violation, such certification of correction shall be null and void, in addition to or as an alternative to any other penalties provided by law. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

3. The commission shall have the authority to promulgate rules requiring the installation of side guards that are to be fit to the side of any trade waste hauling vehicle, and may establish rules establishing side guard specifications that depart from the default specifications outlined in subdivision a of this section when such departure is deemed necessary by the commission. The commission may further promulgate any rules necessary to enforce the provisions of this section, including but not limited to establishing procedures for owners and operators of trade waste hauling vehicles to demonstrate compliance with the requirements of this section.

§ 5. 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, 2015 and approved by the Mayor on June 16, 2015.

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. 56 of 2015, Council Int. No. 198-A of 2014) 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.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 57

Introduced by Council Members Vallone, Chin, Cohen, Gentile, Gibson, Koo, Reynoso, Rose, Vacca, Garodnick, Maisel, Constantinides, Rosenthal, Menchaca, Levin, Van Bramer, Arroyo, Rodriguez, Miller, Barron, Kallos, Lancman, Lander and Ulrich.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to a truck route compliance study.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended to add a new section 19-178.1 to read as follows:

§ 19-178.1 Truck route compliance study. The department shall conduct a study of compliance with the rules of the city of New York by truck drivers related to truck routes. Such study shall also include locations where large numbers of truck drivers routinely operate off designated truck routes, which may include areas identified by council members and community boards. Based on the study, the department shall institute measures designed to increase truck route compliance based on best practices for roadway design and operations, including but not limited to, converting two-way streets to one-way streets, posting of signs regarding the permissible use of certain routes by trucks, as appropriate, and education and outreach to the trucking industry. The department shall post on the department's website and submit to the speaker of the council such study, including the locations of such measures, no later than January 1, 2017.

§ 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, 2015 and approved by the Mayor on June 16, 2015.

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 2015, Council Int. No. 315-A of 2014) 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.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 103

Introduced by Council Members Johnson, Constantinides, Arroyo, Chin, Gentile, Richards, Rose, Wills, Koslowitz, Rodriguez, Rosenthal, Menchaca, Vallone, Greenfield, Kallos, Levin, Mealy, Eugene and Ulrich.

A LOCAL LAW

To amend the administrative code, in relation to requiring the department of health and mental hygiene to conduct community air quality surveys and publish the results annually.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-125 to read as follows:

§ 17-125 Community air quality surveys and annual report. a. For the purposes of this section, "pollutants" means particulate matter that is less than 2.5 micrometers in diameter, nitrogen dioxide, nitric oxide, sulfur dioxide and ground-level ozone.

b. The department shall conduct a community air quality survey on an annual basis. Such survey shall:

1. Measure pollutants at street-level at monitoring sites across the city of New York over every season of the year, selected to ensure that the number of monitoring sites provides adequate information to assess the range of common emissions sources and neighborhood pollutant concentrations across the city, as determined by the department. At the discretion of the department, data on ozone may be measured in the summer months only and data on sulfur dioxide may be measured in the winter months only;

2. Determine whether and how concentrations of pollutants near monitor sites vary across the city and the relationship, if any, of such concentrations to local traffic, building emissions and other factors;

3. Identify the major local sources of pollutants that contribute to local variation in the concentrations thereof;

4. Identify patterns of pollutants by geographic area, by source, and by season or time of year;

5. Produce maps indicating the varying concentration levels of pollutants across neighborhoods and by pollutant;

6. Write an annual report summarizing the results of the activities described in paragraphs one through five of this subdivision;

7. Include in such report the findings of any completed or ongoing health surveillance or research studies using community air quality survey data to estimate population exposure to pollutants; and

8. Describe in the report the scientific methodology used to select monitor locations for measuring pollutants and for studying variations in pollutant concentrations.

c. Beginning April 22, 2016, and on or before April 22 annually thereafter, the department shall submit to the speaker of the council a report with the results of the annual community air quality survey for the most recently available year's analysis. The department shall post a copy of such annual report on the department's website. The data included in such posted report shall be in a machine-readable format.

§ 2. This local law takes effect 120 days after it becomes law, provided that the commissioner of health and mental hygiene may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such 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 15, 2015 and approved by the Mayor on November 4, 2015.

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. 103 of 2015, Council Int. No. 712-A of 2015) 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.

A5317-B Braunstein Same as S 5893-B LANZA

General Business Law

TITLE....Relates to publicly accessible collection bins

This bill is not active in the current session.

02/17/15 referred to consumer affairs and protection

04/28/15 amend (t) and recommit to consumer affairs and protection

04/28/15 print number 5317a

06/02/15 reported referred to codes

06/16/15 amend and recommit to codes

06/16/15 print number 5317b

06/17/15 reported referred to rules

06/18/15 reported

06/18/15 rules report cal.645

06/18/15 ordered to third reading rules cal.645

06/24/15 passed assembly

06/24/15 delivered to senate

06/24/15 REFERRED TO RULES

06/24/15 SUBSTITUTED FOR S5893B

06/24/15 PASSED SENATE

06/24/15 RETURNED TO ASSEMBLY

11/30/15 delivered to governor

12/11/15 signed chap.524

LAWS OF NEW YORK, 2015

CHAPTER 524

AN ACT to amend the general business law, in relation to publicly accessible collection bins

Became a law December 11, 2015, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 399-bbb of the general business law, as added by chapter 264 of the laws of 2010, is amended to read as follows:

§ 399-bbb. Solicitations by container; disclosures. 1. As used in this section the term "publicly accessible collection [~~container~~] bin" shall mean an unattended canister, box, receptacle, or similar device, used for the solicitation and collection of personal property, not including money or evidences of debt. Such term shall not include an unattended canister, box, receptacle, or similar device, used exclusively for the collection of used paper, cardboard, motor oil, bottles, cans or other receptacles or materials, not including textiles, for recycling or waste diversion purposes.

2. A publicly accessible collection bin shall not be placed on public property; if placed on public property, the local municipality may immediately remove and dispose of such bin.

3. Any person, business, not-for-profit organization or other entity or entities, or an agent or agents, whether paid or not paid, of such person, business, not-for-profit organization or other entity, who places a publicly accessible collection [~~container~~] bin in a public place on [~~public or~~] private property shall affix to the publicly accessible collection [~~container~~] bin a label that is designed to be incapable of being destroyed or removed and that clearly and conspicuously displays in at least twenty-four point type unless otherwise specified in this section and on the front of the publicly accessible collection [~~container~~] bin in a manner that is readily visible to an individual placing property in the publicly accessible collection [~~container~~] bin the following:

(a) the name of the person, business, not-for-profit organization or other entity which owns the publicly accessible collection [~~container~~] bin and any agent thereof; the legal address [~~and~~], telephone number, e-mail address and website, if applicable, of such person, business, not-for-profit organization or other entity and any agent thereof where the owner of the publicly accessible collection [~~container~~] bin or its agent can be reached during ordinary business hours; any [~~registrations~~] permit or license required by [~~state or~~] local law of such person, business, not-for-profit organization or other entity and any agent thereof; a statement that nothing shall be left outside of such bin; and a statement that shall take the following form: For more information, contact the department of law at (insert the current telephone number established by the department of law for receiving inquiries from consumers) or (insert the current address of the website of the department of law).

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.

If more than one person, business, not-for-profit organization or other entity own the publicly accessible collection [~~container~~] bin, all of the owners' names, legal addresses, telephone numbers and any [~~registrations~~] permits or licenses required by [~~state-or~~] local law of such owners shall be included in the disclosure label. If more than one agent represents an owner of the publicly accessible collection [~~container~~] bin, including a for-profit entity, on behalf of, or in conjunction with a not-for-profit organization, all of the agents' names, legal addresses, telephone numbers and any [~~registrations~~] permits or licenses required by [~~state-or~~] local law of such owners shall be included in the disclosure label; and

(b) a statement about the purpose or purposes for the property collected in the [~~container~~] bin using letters no less than two inches in height as follows:

(i) if all of the property placed in the publicly accessible collection [~~container~~] bin is directed to a non-business purpose or purposes as described in paragraph (b) of section two hundred one of the not-for-profit corporation law or, if the property is sold and all proceeds of such sale are directed to a non-business purpose or purposes described in paragraph (b) of section two hundred one of the not-for-profit corporation law, the label affixed to the publicly accessible collection [~~container~~] bin pursuant to this section shall state:

DONATED ITEMS WILL BE USED FOR CHARITABLE PURPOSES

The value of items placed in this [~~container~~] bin is tax-deductible.

or

(ii) if [~~all~~] any of the property placed in the publicly accessible collection [~~container~~] bin is not directed to a non-business purpose or purposes as described in paragraph (b) of section two hundred one of the not-for-profit corporation law, or if the property is sold, and [~~all~~] any proceeds of such sale are not directed to a non-business purpose or purposes described in paragraph (b) of section two hundred one of the not-for-profit corporation law, the label affixed to the publicly accessible collection [~~container~~] bin pursuant to this section shall state:

DONATED ITEMS WILL BE USED FOR PROFIT

The value of items placed in this [~~container~~] bin is NOT tax-deductible.

(c) for collection bins owned by a not-for-profit organization, a statement describing the charitable causes that will benefit from donations; and

(d) collection bins operated by corporate fundraisers or any entity placing and operating collection bins for the benefit of another for-profit entity or not-for-profit entity shall abide by the requirements of the above and any additional guidelines and labeling requirements under state or local law as applicable.

[3] 4. The owner of a publicly accessible collection [~~container~~] bin shall obtain written consent from the owner or lessee of the property where the publicly accessible collection [~~container~~] bin is located, or the owner or lessee's authorized agent, stating that the owner of the publicly accessible collection [~~container~~] bin has received permission to place the [~~box~~] bin on the property. Upon request of any local jurisdiction, documentation evidencing the written consent shall be made available by the owner of the publicly accessible collection [~~container~~] bin. The owner or lessee of the property where the publicly accessible collection bin is located, or the owner or lessee's authorized agent may rescind such consent at any time, provided, written notice of such rescission is provided to the bin owner at least ten days prior to the

bin's removal. Written notice of rescission of consent, if given by first-class mail, shall be deemed given when deposited in a mailbox properly addressed and adequate postage prepaid. Such written notice shall be effective irrespective of the form of such written notice if it indicates the intention of the owner or lessee of the property to rescind the consent previously given by the property owner or lessee's authorized agent. Ten days after giving notice, the property owner or lessee may remove and dispose of such bin, and any reasonable costs associated with such removal or disposal shall be recoverable from the owner of the publicly accessible collection bin.

[4] 5. The owner of a publicly accessible collection bin shall adhere to the following maintenance requirements:

(a) bins shall be serviced and emptied as needed or within seven days of a request by the property owner or owner's agent, including requests for removal of debris and bulk items;

(b) remove graffiti on the outside of bins within seven days of requests or otherwise becoming aware of such damage or vandalism;

(c) repair damaged bins within seven days of requests or otherwise becoming aware of such damage or vandalism;

(d) secure each collection bin with a tamper-resistant lock; and

(e) maintain the aesthetic presentation of such bin, including fresh paint and readable signage.

6. Whenever a bin is removed by a property owner in accordance with the provisions of this section, the property owner shall inform the bin owner of the location to which the bin was removed, or any other disposition of the bin, and any reasonable costs associated with such removal or disposal shall be recoverable from the owner of the publicly accessible collection bin.

7. (a) Any violation of the provisions of this section shall be deemed a deceptive practice within the meaning of section three hundred forty-nine of this chapter and any remedy provided therein shall be available for the enforcement of this section. In addition, the district attorney, county attorney, and the corporation counsel shall have concurrent authority to seek the relief in paragraph [b] (b) of this subdivision, and all civil penalties obtained in any such action shall be retained by the municipality or county in which such bin is placed.

(b) In every case where the court shall determine that a violation of this section has occurred, it may impose a civil penalty of not more than five thousand dollars for each violation.

(i) Any bin not in compliance with the provisions related to the display of information or unpermitted placement shall subject the owner of such bin to a civil penalty of up to two hundred fifty dollars for the first offense, and a civil penalty of up to five hundred dollars for each subsequent offense within an eighteen month period.

(ii) Any bin not in compliance with the maintenance provisions shall subject the owner of such bin to a civil penalty of up to fifty dollars for the first offense, and a civil penalty of up to one hundred dollars for each subsequent offense within an eighteen month period.

(c) It shall be a defense to the imposition of any civil penalty or any other remedy in an action brought to enforce the provisions of this section if the person or entity affixed a label as required by this section and such label was removed or defaced by vandals, provided that such person or entity subsequently complies with the requirements of this section.

(d) Nothing in this section shall be construed to restrict any right which any person may have under any other statute or the common law.

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§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to all publicly accessible collection bins in place on the effective date of this act and all publicly accessible collection bins placed subsequent to the effective date of this act.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOHN J. FLANAGAN
Temporary President of the Senate

CARL E. HEASTIE
Speaker of the Assembly

New York City Department of Sanitation

NOTICE OF ADOPTION OF FINAL RULES GOVERNING RECYCLING REQUIREMENTS FOR ENTITIES THAT RECEIVE PRIVATE CARTER COLLECTION

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 section 16-306 of the New York City Administrative Code that the Department adopts the following rules governing recycling requirements for entities that receive private carter collection. The Department published a Notice of Opportunity to Comment on the proposed rules in the *City Record* on September 8, 2015. On October 22, 2015 the Department held a public hearing on the proposed rules.

Statement of Basis and Purpose of Rule

Businesses in New York City are required to recycle in accordance with the Department of Sanitation's commercial recycling rules promulgated pursuant to Local Law No. 87 of 1992, which amended §16-306 of the Administrative Code. Private carters, which collect and dispose of putrescible and non-putrescible waste from commercial waste generators, must recycle designated recyclable materials, including paper, cardboard, metal, glass and plastic.

These rules revise the City's current commercial recycling rules to simplify the requirements, and make them easier for businesses to understand. Currently, not all businesses are required to recycle the same materials. Eliminating the distinction and applying the same rules for all businesses will facilitate greater recycling participation and make recycling easier for the business community. In addition, allowing all designated recyclable materials including metal, glass, plastic, paper and cardboard to be placed in the same bag or bin by the business generator ("single stream recycling") and prohibiting private carters from placing any source separated recyclables material with refuse in the same compartment of a waste hauling truck, will help make commercial recycling easier and can significantly increase the diversion of recyclables.

These rules:

- Amend §1-01 by adding, amending and removing relevant definitions;
- Make technical amendments to §1-02 (collection service), §1-08 (residential recycling) and §1-09 (agency and institutional recycling);
- Designate a standard set of recyclable materials that all businesses that receive private-carter collection are required to recycle, including but not limited to, metal, glass, plastic, paper and cardboard, consistent with the requirements for New York City residents;
- Prohibit the commingling of any designated recyclable materials with solid waste;
- Allow private carters, in addition to separate pick-up of designated recyclable materials, to utilize single stream collection and recycling or the co-collection of recyclables;
- Require any generator of private carter collected waste to post a sign identifying: 1) its private carter(s); 2) by type, each designated recyclable material that will be collected by

each private carter, and; 3) if such private carter will be utilizing single stream collection and recycling or co-collection of recyclables;

- Provide implementation and notice requirements for owners, net lessees, or persons-in-charge who arrange for private carter collection, and set forth recycling requirements for their tenants and occupants;
- Set forth responsibilities of operators of non-putrescible and putrescible solid waste transfer stations; and
- Provide for the enforcement of such rules in accordance with the New York City Administrative Code.

DSNY's authority for these rules is found in sections 753 and 1043(a) of the New York City Charter and section 16-306 of the New York City 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. The definitions as set forth in section 1-01 of Title 16 of the Rules of the City of New York are amended, and new definitions are added, in alphabetical order, to read as follows:

§1-01 Definitions

Beverage [Cartons] cartons. "Beverage cartons" means coated cardboard cartons or boxes, including milk and juice cartons or boxes, gable-top cartons and aseptic packages.

Bulk [Metal] 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] 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 [§1-09 (recycling rules for residential buildings)] §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 §1-10 (recycling of private-carter collected waste) [a yet to be numbered section of the Department rules governing 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.

Co-collection of recyclables. "Co-collection of recyclables" means a system in which 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. Such designated recyclable materials must be kept separate from solid waste and organic waste and delivered directly to a recycling processing facility that is designed to receive, separate and process for reuse or sale designated recyclable metal, glass and plastic, and designated recyclable paper, collected in a single compartment of a waste hauling truck. "Co-collection of recyclables" does not include any system in which designated recyclable metal, glass and plastic and designated recyclable paper that have been source separated and set out by a generator are collected at the same time but placed in separate compartments of the same waste hauling truck.

Commissioner. "Commissioner" means the Commissioner of the Department or his/her representative.

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

Department. "Department" means the Department of Sanitation or its agents or contractors.

Designated recyclable [glass,] metal, glass and plastic. "Designated recyclable [glass,] metal, glass and plastic" includes: metal cans; containers made of glass; [metal cans;] 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 [means solid waste] 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] administrative code of the [City] 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.

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.

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

Generator of private carter-collected waste. "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.

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; and manila folders]. Carbon paper and envelopes are not included in the definition of high grade office paper.

Institution. "Institution" includes non-profit organizations and other facilities or organizations[, except those described in subdivision c of this section,] receiving Department collection service or free dump privileges at Department solid waste disposal facilities. Excluded from the definition of institutions are college or university owned residential apartment buildings that are

located outside of the college's or university's campus. Such buildings shall be covered by recycling rules for residential buildings.

Metal items. "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] 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-designated materials. "Non-designated materials" means solid waste that the Commissioner has not designated as recyclable pursuant to §§16-304, 16-305, 16-306, 16-307 or 16-314 of the Administrative Code of the City of New York.]

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

Private carter. "Private carter" means any person required to be licensed or permitted pursuant to [Subchapter eighteen of Chapter two of] Title [twenty] 16A of the [Administrative Code] administrative code of the [City] city of New York.

Recyclable materials. "Recyclable materials" means [solid waste] 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 [permitted] registered pursuant to [Subchapter 18 of Chapter 2 of] Title [20] 16-A of the [New York City Administrative Code] 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.

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

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 [(2)] (3) of this [subsection] 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, [waste collected by any person required to be licensed or permitted pursuant to Subchapter eighteen of Chapter two of Title

twenty of the Administrative Code of the city of New York,] 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. [Such term shall include recyclable materials, as defined in §1-101 of chapter one of title sixteen.]

(1) A material is discarded [or rejected if it is] if it is abandoned by being:

[(i) spent, useless, worthless or in excess to the owners at the time of such discard or rejection;

(ii)] (i) disposed of;

[(iii)] (ii) burned or incinerated, including material being burned as a fuel for the purpose of recovering useable energy; or

[(iv)] (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 [subsection] 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 [any material that is introduced into such system in order to avoid the provisions of the Title 16 of the [Administrative Code] administrative code of the [City] city of New York, or of state regulations promulgated to regulate solid waste management facilities] (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; [provided that] 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. S 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[, including material containing hazardous waste]; and

(viii) regulated medical waste [as defined 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] administrative code of the [City] city of New York or any rules and regulations promulgated pursuant to such provisions of law] or other medical waste as described in section 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 16A of the administrative code of the city of New York.

Source [Separation] separation. "Source [Separation] separation" means [the dividing of solid waste into some or all of its component parts] the separation of designated recyclable materials from each other or the separation of designated recyclable materials from solid waste at the point of generation.

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.

§2. Subdivision (e) of Section 1-02 of Title 16 of the Rules of the City of New York is amended to read as follows:

(e) Upon the request of any authorized representative of the New York City Department of Housing Preservation and Development, the Commissioner may, in his/her absolute discretion, authorize the collection of construction [waste] and demolition debris, originating from any premise or structure owned or managed by the City of New York, the rehabilitation of which is administered by the New York City Department of Housing Preservation and Development or its contractor.

§3. Paragraphs (4) and (5) of subdivision (h) of Section 1-08 of Title 16 of the Rules of the City of New York is amended to read as follows:

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

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

§4. Subdivisions (a), (b) and (c) of Section 1-09 of Title 16 of the Rules of the City of New York are amended to read as follows:

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

(b) *Designated recyclable materials.* Pursuant to §16-307 of the [New York City Administrative Code] 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 [containers], beverage cartons,[and] 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) [and bulk waste. The requirement that a specific designated recyclable material be source separated or separated post-collection shall be scheduled as required by subdivision (e) of this section. Implementation schedules for specific designated recyclable materials may vary pursuant to the provisions of subdivision (e).]

(c) *Designation of additional materials.* The Commissioner may require that a facility within an agency/institution source separate, [or separate post-collection,] an additional material for recycling if it is determined by the Commissioner, in consultation with the facility, that the facility generates a [non-designated] 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[material] materials shall be considered [a] designated recyclable [material] materials for that facility and shall be subject to the requirements of this section.

§5. Paragraph (4) and the final, undesignated paragraph 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:

(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 whether designated recyclable materials will be source separated or separated post-collection] 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.

§6. Paragraph (1) of subdivision (h) of Section 1-09 of Title 16 of the Rules of the City of New York is amended to read as follows:

(1) Recycling programs in facilities in agencies/institutions that receive private carter collection service shall provide for source separation [or post-collection separation of designated recyclable materials from non-designated materials, unless the private carter receives free dump privileges at Department solid waste disposal facilities, in which case recycling programs shall provide for source separation] of designated recyclable [material] materials from [non-designated material] solid waste and organic waste, if applicable.

§7. Paragraph (1) of subdivision (j) of Section 1-09 of Title 16 of the Rules of the City of New York is amended to read as follows:

(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 [non-designated materials] solid waste and organic waste, if applicable.

§8. Section 1-10 of Chapter 1 of Title 16 of the Rules of the City of New York, relating to the recycling of private carter collected waste, is REPEALED and a new section 1-10 is added, to read as follows:

§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 section 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 section 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 section 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) his or her private carter has furnished information to the business integrity commission of its ability to use either single stream collection and recycling, or co-collection of recyclables; or

(ii) a 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 to use either single stream collection and recycling, or co-collection of recyclables, or delivered by the generator directly to a recycler.

(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 section 16-306.1 of the administrative code of the city of New York.

(2) As required by section 16-116 of the administrative code of the city of New York, generators must post a sign identifying each private carter approved to provide collection and/or recycling services for such generators. Such sign 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 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.

(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 section 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 submitted to the Department upon request within five business days of such request either by postal mail or electronic mail to the Department.

(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 section 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 section 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 section 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.

§9. This rule shall take effect on August 1, 2016 and the Department shall not issue any violations pursuant to this rule until August 1, 2017, provided however, section 1 shall take effect thirty days after the final rule is published in the City Record.

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

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

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

Statement of Basis and Purpose of Final Rule

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

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

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

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

New material is underlined.

[Deleted material is in brackets.]

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

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

§ 1-04.2 Disposal of Electronic Waste.

(a) Definitions. For purposes of this section:

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

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

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

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

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

New York City Department of Sanitation

**NOTICE OF ADOPTION OF FINAL RULES AMENDING THE RULES GOVERNING
THE RECOVERY OF REFRIGERANTS**

NOTICE IS HEREBY GIVEN in accordance with the requirements of section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by section 753 of the New York City Charter and section 16-485 of the New York City Administrative Code that the Department adopts the following amendments to the rules governing the recovery of refrigerants. The Department published a Notice of Opportunity to Comment on the proposed rules in the *City Record* on January 26, 2015. On February 27, 2015 the Department held a public hearing on the proposed rules.

Statement of Basis and Purpose of Rule

Local Law 69 of 2013 makes original equipment manufacturers (“OEMs”), as defined by the law, responsible for the lawful recovery of refrigerants from their refrigerant-containing appliances when those appliances are discarded by residents. Local Law 69 was enacted in August 2013. Subsequently, a lawsuit challenging the validity of Local Law 69 was brought against the City of New York. As a result of the settlement of this lawsuit, the Department of Sanitation (DSNY) has adopted the following amendments to Chapter 17 of Title 16 of the Rules of the City of New York.

Specifically, the amendments:

- Add certain new definitions and clarify existing defined terms;
- use the term “responsible party,” defined as a brand owner or manufacturer, in place of the term “original equipment manufacturer”;
- clarify the responsibilities of a responsible party;
- place additional requirements on the DSNY with regard to the information that must be contained in the biannual bill sent to a responsible party;
- establish a process by which a responsible party can challenge the biannual bill issued by the department;
- state that it will be a violation, punishable by a fine of \$500, for any responsible party to dispose of a refrigerant-containing appliance without arranging for the lawful recovery of the appliance’s refrigerants, as provided by Local Law 69; and
- state that enforcement proceedings may be brought as civil actions or in a proceeding before the Environmental Control Board.

DSNY’s authority for these rules is found in sections 753 and 1043(a) of the New York City Charter and section 16-485 of the New York City 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. Chapter 17 of Title 16 of the Rules of the City of New York is amended to read as follows:

Chapter 17

RECOVERY OF REFRIGERANTS

§17-01 Definitions. When used in this chapter:

"Appliance" means any device that contains refrigerants and can be used for household purposes including, but not limited to, room air conditioners, portable air conditioners, dehumidifiers, refrigerators, refrigerator-freezers, water coolers, or freezers.

"Appliance type" means any of the following categories of appliances: air conditioners, dehumidifiers, refrigerators, water coolers, or freezers.

"Brand owner" means a person or entity whose brand name appears on an appliance sold, offered for sale or distributed in the city.

"Manufacturer" means a person or entity who manufactures or has manufactured an appliance sold, offered for sale or distributed in the city.

["Original equipment manufacturer" ("OEM") means (1) a person or entity whose brand name appears on an appliance sold, offered for sale or distributed in the city or (2) a person or entity who manufactures or has manufactured an appliance sold, offered for sale or distributed in the city.]

"Orphaned product" means an appliance for which no brand owner or manufacturer exists.

"Recover" or "recovery" means to remove refrigerants from an appliance in such a way that the refrigerants are not released into the atmosphere pursuant to subpart F of part 82 of title 40 of the code of federal regulations.

"Refrigerants" means any substances consisting in whole or in part of a class I or class II ozone-depleting substance, which are used for heat transfer purposes and provide a cooling effect, including, but not limited, to chlorofluorocarbons, hydro-chlorofluorocarbons, or any other substitute substance as may be defined by the United States environmental protection agency. A class I or class II ozone-depleting substance shall be those substances as defined by the United States environmental protection agency in section 602 of the United States clean air act. A "substitute substance" shall be any environmental protection agency approved replacement for a class I or II ozone-depleting substance in a refrigeration or air-conditioning end-use. Refrigerants shall not include (1) any substance that the administrator for the United States environmental protection agency has determined can be safely vented, released or disposed of pursuant to 42 U.S.C. 7671g(c)(2) or (2) one or more of the following substances used alone or in combination with other compounds: CFC-11, CFC-12, CFC-113, CFC-114 or CFC-115.

"Residential generator" means any person, entity, agency, or institution in the city of New York that receives solid waste or recycling collection service from the department.

"Responsible party" means (1) a brand owner or (2) a manufacturer.

"Room air conditioner" means any electrical appliance that has a compressor, a condenser, an evaporator and a fan to cool and dehumidify the surrounding air and that is capable in ordinary usage of being mounted in a window or through a wall.

"Serviced by the department" means the recovery of refrigerants by the department from appliances that are set out for department collection in the city of New York and in compliance with applicable federal, state and local regulations.

§17-02 [OEM] Responsibility for Recovery.

(a) On or after July first, two thousand fourteen, [OEMs] responsible parties shall be responsible for the lawful recovery of refrigerants from their appliances that are disposed of by residential generators.

(b) [An OEM] A responsible party may elect to (i) establish its own refrigerant recovery program, (ii) participate with other [OEMs] responsible parties in a refrigerant recovery program or (iii) have its appliances serviced by the department under the department's refrigerant recovery program. No program established pursuant to paragraph (i) or (ii) of this subdivision may include curbside collection of appliances. All such programs must comply with applicable federal, state and local regulations regarding the lawful recovery of refrigerants.

§17-03 [OEM] Registration Requirements.

(a) By July first, two thousand fourteen, [OEMs] responsible parties must register with the department on a form provided by the department. Such form may be obtained from the department's website or by written request to:

[Bureau of Waste Prevention, Reuse and Recycling]

Bureau of Recycling and Sustainability
ATTN: Refrigerant Recovery Program
New York City Department of Sanitation
44 Beaver Street, 6th Floor
New York, NY 10004

(b) Such registration shall include:

(1) the name and billing address of the [OEM] responsible party;

(2) a statement indicating whether the [OEM] responsible party has elected to (i) establish its own refrigerant recovery program, (ii) participate with other [OEMs] responsible parties in a refrigerant recovery program, or (iii) have its appliances serviced by the department in the refrigerant recovery program provided pursuant to subdivision a of section 16-482 of the Administrative Code of the City of New York;

(3) a list of all brand names currently owned by and/or licensed to the [OEM] responsible party. If a manufacturer licenses the right to market and sell all models of an appliance type from the brand owner, it shall list all such appliance type(s) by brand;

(4) If [an OEM] a responsible party has elected to establish or participate in a refrigerant recovery program pursuant to paragraph one or two of subdivision b of section 16-481 of the Administrative Code of the City of New York, the registration shall also include:

- (i) the name, title and contact information of the person designated by the [OEM] responsible party as the liaison for its refrigerant recovery program;
- (ii) a toll-free telephone number and/or the address of a website where residential generators may obtain information regarding the [OEM's] responsible party's refrigerant recovery program; and
- (iii) a brief description of the [OEM's] responsible party's refrigerant recovery program.

§17-04 Departmental Refrigerant Recovery Program.

(a) The department shall provide a refrigerant recovery program for appliances set out for department collection by residential generators. The department shall charge [OEMs] the responsible party a fee of [twenty] fifteen dollars for each of their appliances serviced by the department.

(b) The department shall bill [OEMs] responsible parties biannually for their appliances that are serviced by the department. The department shall provide [an OEM] a responsible party with a statement indicating how many of its appliances were serviced by the department. [If practicable,] [t]The department shall also provide the [OEM] responsible party with information indicating the number of the [OEM's] responsible party's appliances the department serviced by type [of appliance], the district where the appliances were serviced, the date on which the appliances were serviced, and [if available,] the serial or model numbers of the appliances serviced by the department. Payment of any fees not challenged in good faith pursuant to paragraph (1) of subdivision (c) of this section shall be due no later than [30] sixty days, plus an additional five days for bills that are mailed for delivery by the United State Postal Service, after the date the department issued the bill. Such date will be included in the bill. [The department shall first seek to bill the OEM whose brand name appears on the appliance sold, offered for sale or distributed in the city. If the department is unable to find the brand name, the department shall seek to bill the OEM who manufactures or has manufactured the appliance sold, offered for sale or distributed in the city.] The department shall first seek to bill the brand owner and then the manufacturer. However, if a manufacturer that licenses the right to market and sell all models of an appliance type from a brand owner (1) registers with the department as a responsible party, (2) lists any such appliance type on its registration form pursuant to paragraph (3) of subdivision (b) of section 17-03 and (3) provides the department a billing address within the United States, the department shall first seek to bill the manufacturer/licensee. If the manufacturer/licensee fails to timely pay a bill pursuant to this paragraph, the department may bill the brand owner. If the department determines that an appliance is an orphaned product or the department does not record a serial or model number for the appliance serviced, then no responsible party shall be billed.

(c) (1) No later than sixty days, plus an additional five days for bills that are mailed for delivery by the United States Postal Service, after a biannual bill is issued by the department, a responsible party may submit a challenge in good faith to fees contained in a biannual bill by sending a letter setting forth the specific reasons why the responsible party believes the fees are inaccurate or without legal basis and any necessary documentation or evidence to substantiate the challenge to:

Deputy Commissioner for Legal Affairs
New York City Department of Sanitation
125 Worth Street, Room 710
New York, NY 10013

(2) The department shall issue an initial response to any timely challenge submitted by a responsible party within sixty days of receipt. Such initial written response may be, but need not be, the Deputy Commissioner for Legal Affairs' final determination. If the department does not respond within sixty days, then the responsible party shall not be obligated to pay the disputed fees. The department shall issue a final determination when, in its discretion, it has determined the merit of the challenge. The department shall notify the responsible party of such final determination and shall make any necessary adjustments or corrections to the bill. Any remaining payments shall be due within thirty days after the date of issuance of such final determination.

[(c)] (d) The department shall provide a list on its website of all [OEMs] responsible parties that elect to (i) establish refrigerant recovery programs, or (ii) participate with other [OEMs] responsible parties in refrigerant recovery programs. Such list shall include a toll-free telephone number and/or a link to the address of a website where residential generators may obtain information regarding the [OEMs'] responsible parties' refrigerant recovery program, if such telephone number or website address has been provided to the department as required by section 17-03 of this chapter. If the department is aware of any appliance take-back program serving city residents that is sponsored by a utility company, it shall provide on such list a link to the address of the website for such utility-sponsored program.

§17-05 Annual Reporting.

(a) By July first, two thousand fifteen and annually thereafter, [an OEM] a responsible party who elects to (i) establish its own refrigerant recovery program or (ii) participate with other [OEMs] responsible parties in a refrigerant recovery program shall submit to the department an annual report on a form provided by the department. Such form may be obtained from the department's website or by written request to:

[Bureau of Waste Prevention, Reuse and Recycling]

Bureau of Recycling and Sustainability
ATTN: Refrigerant Recovery Program
New York City Department of Sanitation
44 Beaver Street, 6th Floor
New York, NY 10004

(b) [An OEM's] A responsible party's annual report shall include:

(1) a brief description of the [OEM's] responsible party's refrigerant recovery program and any changes thereto;

(2) a listing of the [OEM's] responsible party's current brand names;

(3) the number of appliances by appliance type and the total tonnage of appliances by appliance type serviced under the [OEM's] responsible party's refrigerant recovery program; and

(4) the volume of refrigerants by refrigerant type recovered under the [OEM's] responsible party's refrigerant recovery program.

§17-06 Enforcement.

(a) It shall be a violation of this section for [an OEM] a responsible party to fail to submit a registration or annual report required by this chapter. Any such violation shall be punishable by a fine of two hundred [and] fifty dollars per violation.

(b) It shall be a violation of this section for [an OEM] a responsible party or its agent to remove refrigerants from appliances that are serviced pursuant to [an OEM's] a responsible party's refrigerant recovery program in a manner that does not comply with subpart F of part 82 of title 40 of the code of federal regulations. Any such violation shall be punishable by a fine of five hundred dollars per violation.

(c) It shall be a violation for any responsible party or its agent to dispose of an appliance as solid waste in the city unless arrangements have been made for the lawful recovery of refrigerants. Any such violation shall be punishable by a fine of five hundred dollars per violation.

(d) The civil penalties prescribed in this subdivision shall be recoverable in a civil action brought in the name of the Commissioner or in a proceeding returnable before the Environmental Control Board.

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

**NOTICE OF ADOPTION OF FINAL RULES GOVERNING PUBLICLY ACCESSIBLE
COLLECTION BINS**

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 and 1043(a) of the New York City Charter and section 10-169 of the New York City Administrative Code, as amended by Local Law 67 of 2014, that the Department adopts the following rule governing publicly accessible collection bins. The Department published a Notice of Opportunity to Comment on the proposed rule in the *City Record* on December 19, 2014. On January 20, 2015 the Department held a public hearing on the proposed rule.

Statement of Basis and Purpose of Rule

Local Law 67 of 2014 (“Local Law 67”) amended §10-169 of the Administrative Code of the City of New York (“Administrative Code”), which authorizes the Department of Sanitation (the “Department”) to regulate publicly accessible collection bins. These amendments of the law were needed to combat the increase in the illegal placement of publicly accessible collection bins throughout the City. Section 10-169 of the Administrative Code prohibits the placement of publicly accessible collection bins on City property, or property maintained by the City, or on any public sidewalk or roadway (“public property”). Bins are allowed on private property if written permission of the property owner or the property owner’s designated agent is received.

This rule:

- requires all owners of publicly accessible collection bins placed on private property to register with the Department,
- provides the procedures for such registration,
- requires owners of bins to submit an annual report to the Sanitation Commissioner that identifies the weight of the material collected during the reporting period,
- requires both the owner of a publicly accessible collection bin that is on private property and the owner of the private property in which the bin is located to maintain the bin in a clean and neat condition,
- sets forth a violation for the failure to register, submit an annual report to the Department, or maintain a bin,
- allows the Department to immediately remove a publicly accessible collection bin that is placed on public property and creates a process for the owner of the bin to have the bin returned,
- sets forth the penalties for the placement of publicly accessible collection bins on public property, and,
- sets forth the removal cost and storage rates associated with the removal and storage of a publicly accessible collection bin that is illegally placed on public property.

DSNY’s authority for these rules is found in sections 753 and 1043(a) of the New York City Charter and §10-169 of the New York City 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. Title 16 of the Rules of the City of New York is amended by adding a new Chapter 18 to read as follows:

Chapter 18

PUBLICLY ACCESSIBLE COLLECTION BINS

§18-01 Definitions. When used in this chapter:

"Commissioner" means the Commissioner of Sanitation.

"Department" means the Department of Sanitation.

"ECB" means the Environmental Control Board.

"Publicly accessible collection bin" means any outdoor container, other than any container placed by any government or governmental agency, or its contractors or licensees, that allows for any member of the public to deposit items into the container for the purpose of collection by the owner of such container.

"Public property" means any city property, or property maintained by the city, or any public sidewalk or roadway.

§18-02 Placement of Publicly Accessible Collection Bins

(a) No publicly accessible collection bin may be placed on any public property.

(b) No publicly accessible collection bin may be placed on any private property without the written permission of the property owner or the property owner's designated agent.

§18-03 Registration Requirements

(a) By April 1, 2015, all owners of publicly accessible collection bins that are placed on private property with written permission of the property owner or the property owner's designated agent must register with the Department. Registration forms may be obtained from the Department's website or by written request to:

New York City Department of Sanitation
Bureau of Recycling and Sustainability
44 Beaver Street, 6th Floor
New York, New York 10004
Attn: Collection Bin--Registration

(b) The Registration must include:

(1) the name, address and telephone number of the owner. A post office box is not an acceptable address;

(2) the location of the owner's publicly accessible collection bin(s); and

(3) the type of material collected in the bin(s).

(c) It is unlawful for the owner of any publicly accessible collection bin to fail to register with the Department.

§18-04 Maintenance Requirements

(a) Each individual publicly accessible collection bin must prominently display on the front and on at least one other side of the bin the name, address and telephone number of the owner

of the bin. This information must be printed in characters that are plainly visible. A post office box is not an acceptable address.

(b) The owner of a publicly accessible collection bin and the owner of the private property where such bin is located must maintain the bin in a clean and neat condition.

§18-05 Annual Reporting.

(a) By August 1, 2015 and annually thereafter, each owner of any publicly accessible collection bin must submit a report to the commissioner identifying the weight of the material collected from July first of the year before the year the report is due and ending on June 30 of the year the report is due. Forms for completing the reports may be obtained from the Department's website or by written request to:

New York City Department of Sanitation
Bureau of Recycling and Sustainability
44 Beaver Street, 6th Floor
New York, New York 10004
Attn: Collection Bin—Annual Report

(b) It is unlawful for the owner of any publicly accessible collection bin to submit a report containing false or misleading information or to fail to submit a report in accordance with this section.

§18-06 Redemption Procedures for Publicly Accessible Collection Bins Placed on Public Property

(a) When the Department removes any publicly accessible collection bin placed on public property, as provided by §10-169 of the Administrative Code, provided that the name and address of the bin owner are legibly located on the bin, the Commissioner will notify the owner of the bin by certified mail, return receipt requested, that the bin was removed by the Department. The notification will state that the owner has 30 days from the date the notification was issued by the Department to redeem the bin from the possession of the Department. The notification will also contain a brief description of the publicly accessible collection bin and the location from which it was removed, as well as the address of the office at which an application to redeem the publicly accessible collection bin may be made and a statement as to applicable charges, fees and penalties due.

(b) Whenever the Department removes any publicly accessible collection bin, as provided by §10-169 of the administrative code, the bin will not be released until the bin owner has:

(1) submitted proof of ownership to the Commissioner. Proof may include, but need not be limited to, a bill of sale or a picture of the publicly accessible collection bin;

(2) exhibited proof to the Commissioner that the ECB proceedings against the owner have been disposed of and that applicable penalties, if any, have been paid; and

(3) paid the storage charge and the removal charge, as specified in the notification set forth in subdivision (a), for each day or fraction thereof since the removal of the publicly accessible collection bin, unless the owner was found not liable for violating §10-169 of the Administrative

Code by the ECB. The storage charge is \$20.00 for each of the first 3 days and \$25.00 for each additional day. The removal fee is \$280.00 per collection bin.

§18-07 Failure to Redeem Collection Bin

(a) The Department will send any collection bin, including any contents, that is not redeemed and removed from the Department's possession within the applicable time provided by this chapter to a recycling facility or otherwise provide for its disposal.

(b) If a bin owner has met some, but not all, of the requirements for redemption included in § 18-06 of this chapter, the Department may send a written request to the owner asking him or her to remove the bin from the Department's possession. The owner will have 30 days from the issuance of the written request by the Department to collect the bin. If the owner does not remove the bin from the Department's possession within 30 days of the issuance of the request, the Department will send the bin, including any contents, to a recycling facility or otherwise provide for its disposal.

§18-08 Enforcement.

(a) It is a violation for any owner to place a publicly accessible collection bin on public property. Any such violation is punishable by a civil penalty recoverable in a proceeding before the ECB of \$250.00 for the first offense and \$500.00 for each subsequent offense within any 18-month period. For purposes of this section, each publicly accessible collection bin placed on public property will be deemed a separate violation.

(b) It is a violation for any owner to attach or enclose by any means any publicly accessible collection bin to or on public property. Any such violation is punishable by a civil penalty recoverable in a proceeding before the ECB of \$500.00 dollars for the first offense and \$1,000.00 dollars for each subsequent offense within any 18-month period. For purposes of this section, each publicly accessible collection bin placed on public property will be deemed a separate violation.

(c) It is a violation for any bin owner to fail to have his or her bin prominently display on the front and on at least one other side of the bin, the name, address and telephone number of the bin owner. Any such violation is punishable by a civil penalty recoverable in a proceeding before the ECB of \$50.00 for the first offense and \$100.00 for each subsequent offense within any 18-month period.

(d) It is a violation for any bin owner, and/or the owner of the private property on which the bin is located, to fail to maintain the bin in a clean and neat condition. Any such violation is punishable by a civil penalty recoverable in a proceeding before the ECB of \$50.00 for the first offense and \$100.00 for each subsequent offense within any 18-month period.

(e) It is a violation for any bin owner to fail to submit a registration or to submit an annual report containing false or misleading information or to fail to submit an annual report required by this chapter. Any such violation is punishable by a civil penalty recoverable in a proceeding before the ECB of \$50.00 for the first offense and \$100.00 for each subsequent offense within any 18-month period.

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

**NOTICE OF ADOPTION OF FINAL RULES GOVERNING TIME FOR PLACING
SOLID WASTE FOR COLLECTION**

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 and 1043(a) of the New York City Charter and section 16-120 of the New York City Administrative Code that the Department adopts the following rule governing the time for placing solid waste for collection. The Department published a Notice of Opportunity to Comment on the proposed rules in the *City Record* on November 25, 2014. On January 6, 2015 the Department held a public hearing on the proposed rules.

Statement of Basis and Purpose of Rule

Section 16-120 of the New York City Administrative Code requires that all refuse and recycling be kept inside a building or at the rear of a building prior to collection time by the Department of Sanitation (DSNY) or a private carter. These rules specify how long before scheduled collection receptacles and bags containing refuse and recyclables may be placed at the curb for collection.

Collection by DSNY

Persons receiving DSNY collection will now be allowed to place their receptacles and bags containing solid waste and recyclables at the curb for collection by DSNY no earlier than 4:00 P.M. on the day before their scheduled collection.

Collection by Private Carter while an Establishment is Closed

Commercial establishments that receive collection from a private carter after the establishment is closed will be permitted to set out their solid waste and recyclables at the curb for collection within one hour of closing provided that the establishment's scheduled collection occurs before the establishment next reopens for business.

Collection by Private Carter while an Establishment is Open

Commercial establishments receiving collection from a private carter during hours in which the establishment is open can set out their solid waste and recyclables at the curb for collection no earlier than two hours before the scheduled collection time.

DSNY's authority for these rules is found in sections 753 and 1043(a) of the New York City Charter and section 16-120 of the New York City 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. Chapter one of Title 16 of the Rules of the City of New York is amended by adding a new section 1-02.1, to read as follows:

§1-02.1 Placement of Receptacles and Bags Containing Solid Waste and Recyclables for Collection

(a) Occupants of residential buildings, public buildings, and special use buildings, except commercial occupants of residential buildings where Department collection service is not otherwise authorized by section 1-03 of this chapter, shall not place receptacles or bags containing solid waste or recyclables out at the curb for collection by the Department earlier than 4:00 p.m. on the day before scheduled collection.

(b) A commercial establishment that receives collection from a private carter while the establishment is closed may place receptacles or bags containing solid waste or recyclables out at the curb for collection within one hour of closing, provided that the scheduled collection occurs before the establishment next reopens for business. If collection is performed while an establishment is open, receptacles or bags containing solid waste or recyclables may be placed out at the curb for collection no earlier than two hours before the scheduled collection time.

(c) If the Mayor declares a health or solid waste emergency, the Commissioner may change the authorized times for placement of receptacles or bags containing solid waste or recyclables for collection for the duration of the emergency.

ATTACHMENT 4B

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2016**

No. 63

Introduced by Council Members Lander, Chin, the Public Advocate (Ms. James), Richards, Koo, Levin, Crowley, Dromm, Levine, Johnson, Van Bramer, Cohen, Constantinides, Rosenthal, Menchaca, Kallos, Rodriguez, Cumbo, Miller, Torres, Reynoso, Mendez, Cabrera, Ferreras-Copeland, King, Williams and Garodnick.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reducing the use of carryout bags.

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-F to read as follows:

CHAPTER 4-F: CARRYOUT BAG REDUCTION

16-490 Definitions

16-491 Carryout bag fee

16-492 Additional obligations for covered stores

16-493 Exemptions

16-494 Reporting

16-495 Outreach and education

16-496 Enforcement

§ 16-490 Definitions. As used in this chapter:

Carryout bag. The term “carryout bag” means any bag that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store, provided, however, that such term shall not include any of the following: (i) a bag without handles used to carry produce, meats, poultry, fish, dairy, dry goods or other non-prepackaged food items to the

point of sale within a covered store or to prevent such food items from coming into direct contact with other purchased items; (ii) a bag provided by a pharmacy to carry prescription drugs; (iii) a garment bag; or (iv) any other bag exempted from the provisions of this chapter by rule of the commissioner.

Covered store. The term “covered store” means a general vendor, green cart or a retail or wholesale establishment engaged in the sale of personal, consumer or household items including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, apparel stores, home center and hardware stores, stationery and office supply stores, and food service establishments located within grocery stores, supermarkets, convenience stores or foodmarts that provide carryout bags to customers in which to place purchased items. Such term does not include food service establishments located outside of grocery stores, supermarkets, convenience stores, or foodmarts, including emergency food providers, mobile food vendors that are not green carts, or stores licensed pursuant to section 63 of the state alcoholic beverage control law to sell liquor at retail for consumption off the premises.

Emergency food provider. The term “emergency food provider” means any facility, including soup kitchens and food pantries, operated by a not-for-profit corporation or by a federal, state, or local government agency that provides food to needy individuals at no charge.

Food service establishment. The term “food service establishment” has the same meaning as in section 81.03 of the health code of the city of New York or any successor provision.

General vendor. The term “general vendor” has the same meaning as in subdivision b of section 20-452.

Green cart. The term “green cart” means a green cart as in subdivision s of section 17-306 or any other non-processing mobile food vending unit in or on which non-potentially

hazardous uncut fruits and vegetables are sold or held for sale or service, regardless of geographic restrictions on operation of such green cart or mobile food vending unit.

Reusable carryout bag. The term “reusable carryout bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and is either (i) made of cloth or other machine washable material, but not film plastic, or (ii) defined as a reusable carryout bag by rule of the commissioner. Reusable carryout bags provided to customers pursuant to this chapter shall be conspicuously labeled as reusable.

§ 16-491 Carryout bag fee. a. Except as provided in section 16-493 or subdivision e of section 16-492, covered stores shall charge a fee of not less than five cents for each carryout bag provided to any customer. All fees collected by a covered store under this chapter shall be retained by the store. Covered stores shall separately itemize the fee charged pursuant to this subdivision on the standard receipt provided to customers.

b. No covered store shall charge a fee for, or prevent a customer from using, a carryout bag brought by the customer to such store to carry purchased goods from such store.

§ 16-492 Additional obligations for covered stores. a. All covered stores shall post signs at or near the point of sale to notify customers of the provisions of this chapter. Such signs shall measure at least five inches by seven inches and shall read as follows: “Pursuant to New York City law, all carryout bags provided by this store to a customer, with limited exceptions, shall be subject to a fee of not less than five cents per bag. Carryout bags brought by customers into this store to carry purchased goods from this store shall not be subject to a fee.”

b. No covered store shall provide a credit to any customer specifically for the purpose of reducing or eliminating the carryout bag fee required by subdivision a of section 16-491.

c. Paper carryout bags provided by covered stores to customers shall contain a minimum of forty percent post-consumer recycled content and be conspicuously labeled with the amount of post-consumer recycled content.

d. Plastic carryout bags provided by covered stores to customers labeled as “compostable” must be certified as compliant with the ASTM D6400-12 standard specification for labeling of plastics designed to be aerobically composted in municipal or industrial facilities or other standard determined by rule of the commissioner. Plastic carryout bags provided by covered stores to customers shall not be labeled as “biodegradable,” “degradable,” or “decomposable.”

e. Covered stores may provide their customers with reusable carryout bags free of charge for a two-week period from October 1, 2016, to October 14, 2016. In addition, covered stores may provide their customers with reusable carryout bags free of charge for a two-week period each year from April 17 to April 30.

§ 16-493 Exemptions. All covered stores that provide carryout bags to customers shall provide carryout bags free of charge for items purchased at such covered store by any customer using the supplemental nutrition assistance program, special supplemental nutrition program for women, infants and children, or any successor programs, as full or partial payment toward the items purchased in such covered store.

§ 16-494 Reporting. No later than March 1, 2018, and annually thereafter, the commissioner, in collaboration with the commissioners of environmental protection and consumer affairs, and the head of any other department or office designated by the mayor, shall include in the department’s annual recycling report pursuant to subdivision k of section 16-305, information on the progress of single-use carryout bag reduction including, but not limited to: (i) the general effectiveness of this chapter in reducing the use of single-use carryout bags in the city and

increasing the use of reusable carryout bags; (ii) the waste- and litter-reduction benefits of this chapter, including, where practicable, the amount of single-use plastic bags in the waste stream; (iii) the number of notices of violation issued pursuant to this chapter; and (iv) any cost savings for the city attributable to single-use carryout bag reduction such as reduced contamination of the residential recycling stream or reduction in flooding or combined sewer overflows.

§ 16-495 Outreach and education. a. The commissioner shall establish an outreach and education program aimed at educating residents and covered stores on reducing the use of single-use carryout bags and increasing the use of reusable carryout bags. This outreach and education program shall include, but not be limited to, a multilingual public education program, including advertisements about the program in newspapers of general circulation, radio, and public venues such as subways and buses.

b. To the extent practicable, the commissioner shall seek the assistance of for-profit and not-for-profit corporations in providing and distributing reusable carryout bags to residents and in providing and distributing signs pursuant to subdivision a of section 16-492 to covered stores.

c. In conducting outreach and distributing reusable carryout bags to residents pursuant to this section, the commissioner shall prioritize such outreach and reusable carryout bag distribution to residents in households with annual income below two hundred percent of the federal poverty line and covered stores and residents within the police precincts identified in subparagraph b of paragraph four of subdivision b of section 17-307.

d. No later than three months following the date the local law that added this subdivision became law, the commissioner shall distribute a multilingual letter to all covered stores informing them of their obligations to comply with the provisions of this chapter and any rules promulgated pursuant thereto. Failure to receive a letter pursuant to this subdivision shall not eliminate or

otherwise affect the obligations of a covered store pursuant to this chapter and any rules promulgated pursuant thereto.

e. On or before January 1, 2019, the commissioner shall issue a study on the effect of the law on residents, which shall include, but need not be limited to, determining the percentage reduction in single-use plastic or paper carryout bags usage by residents; residents' attitudes toward the law, disaggregated by race and income; and whether residents are substituting other types of plastic bags for single-use carryout bags. The commissioner shall also include an assessment on the potential effectiveness of coupling a ban on single-use plastic carryout bags with the carryout bag fee in reducing the amount of carryout bags in the waste stream.

§ 16-496 Enforcement. a. Any notice of violation issued pursuant to this chapter shall be returnable to the environmental control board, which shall have the power to impose civil penalties as provided in this chapter.

b. The department and the department of consumer affairs shall have the authority to enforce the provisions of this chapter.

c. Any covered store that violates section 16-491 or subdivision b, c or d of section 16-492 or any rules promulgated pursuant thereto shall be liable for a civil penalty of \$250 for a first violation and \$500 for any subsequent violation of the same section or subdivision of this chapter or rule promulgated pursuant thereto within an eighteen-month period, except that the department and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning for any violation that occurs during the six-month period from October 1, 2016, to March 31, 2017. For purposes of this chapter, each commercial transaction shall constitute no more than one violation.

d. It shall not be a violation of this chapter for a general vendor or green cart to fail to provide a receipt to a customer that separately itemizes the carryout bag fee.

e. No covered store that fails to post signs in accordance with subdivision a of section 16-492 shall be liable for a civil penalty.

§2. This local law takes effect October 1, 2016, except that section 16-495 of the administrative code of the city of New York, as added by section one of this local law, takes effect immediately, and except that the commissioner of sanitation and the commissioner of consumer affairs may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such 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 May 5, 2016 and returned unsigned by the Mayor on June 6, 2016.

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. 63 of 2016, Council Int No. 209-A of 2014) 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.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2016**

No. 75

Introduced by Council Members Lancman and The Speaker (Council Member Mark-Viverito), Rosenthal, Torres, Williams, Gibson, Levine, Cumbo, Rodriguez, Richards, Garodnick, Eugene, Wills, Lander and Levin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the penalties for littering, and to repeal subdivision 5 of section 16-118 of the administrative code of the city of New York, relating to the distribution of advertising matter.

Be it enacted by the Council as follows:

Section 1. Subdivision 5 of section 16-118 of the administrative code of the city of New York is REPEALED.

§ 2. Subdivisions 1, 8, 9, 10, and 11 of section 16-118 of the administrative code of the city of New York, subdivisions 8 and 9 as amended by local law number 56 for the year 2013 and subdivision 11 as amended by local law number 1 for the year 2003, are amended to read as follows:

1. (a) No person shall litter, sweep, throw or cast, or direct, suffer or permit any servant, agent, employee, or other person under his or her control, to litter, sweep, throw or cast any ashes, garbage, paper, dust or other rubbish and refuse of any kind whatsoever, in or upon any street or public place, vacant lot, air shaft, areaway, backyard court, *park*, or alley

(b) *No person shall spit upon a sidewalk of a street or public place, or on a floor, wall or stairway of any public or private building or premises used in common by the public, or in or on any public transportation facility.*

8. The violation of any provision of this section shall constitute an offense punishable by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment not to

exceed ten days, or both; *provided that the violation of subdivision 1 of this section, or the violation of subdivision 6 of this section by means of the act of public urination, shall constitute an offense punishable only by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment not to exceed one day.*

9. Any person violating the provisions of this section shall be liable for a civil penalty [of not less than fifty dollars nor more than two hundred fifty dollars, except that for a second violation of subdivision one, three, or six of this section within any twelve-month period, such person shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than three hundred fifty dollars and for a third or subsequent violation of subdivision one, three, four, or six of this section within any twelve-month period such person shall be liable for a civil penalty of not less than three hundred fifty dollars nor more than four hundred fifty dollars] *in the following amounts, provided that for the purposes of this subdivision, the term “first violation” means any number of violations issued for a single incident:*

a. 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;

b. notwithstanding paragraph a of this subdivision, for any natural person violating subdivision 6 of this section by means of the act of public urination:

(1) 75 dollars for a first violation, and

(2) not less than 250 and not more than 350 dollars for any second violation within any 12 month period, and

(3) not less than 350 and not more than 450 dollars for any third violation within any 12 month period; and

c. notwithstanding paragraph a of this subdivision, for any natural person violating subdivision 1 of this section:

(1) 75 dollars for a first violation, and

(2) not less than 250 and not more than 350 dollars for any second violation within any 12 month period, and

(3) not less than 350 and not more than 450 dollars for any third violation within any 12 month period.

10. In the instance where [the] a notice of violation[, appearance ticket or summons] is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the [environmental control board] *office of administrative trials and hearings pursuant to section 1049-a of the charter*[, which shall have the power to impose the civil penalties hereinabove provided in subdivision nine of this section].

11. 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, *a tribunal of the office of administrative trials and hearings, pursuant to section 1049-a of the charter*, he or she shall become liable for additional penalties. The additional penalties shall not exceed four hundred fifty dollars for each violation, *provided that such penalties imposed for a violation of this section for the act of public urination shall not exceed 150 percent of the penalties enumerated in paragraph b of subdivision 9 of this section, and further provided that such penalties imposed for violations of subdivision 1 of this section shall not exceed 150 percent of the penalties enumerated in paragraph c of subdivision 9 of this section.*

§ 3. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-141 to read as follows:

§ 16-141 Uniform civil penalties for littering and public urination.

a. Notwithstanding any inconsistent provision of law, the civil penalties for the violation of the prohibition against urination set forth section 1-04(k) of title 56 of the rules of the city of New York, or any successor rule of the department of parks and recreation that prohibits public urination, shall be no greater than the civil penalties established in paragraph b of subdivision 9 of section 16-118 of the code.

b. Notwithstanding any inconsistent provision of law, the civil penalties for the violation of the first two sentences of section 1-04(c)(1) of title 56 of the rules of the city of New York, or any successor rules of the department of parks and recreation that prohibit littering and require the use of receptacles for refuse disposal, shall be no greater than the civil penalties established in paragraph c of subdivision 9 of section 16-118 of the code.

§ 4. This local law takes effect 60 days after it becomes law, and shall apply to proceedings for enforcement of section 16-118 of the administrative code commenced on and after 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 25, 2016 and approved by the Mayor on June 13, 2016.

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. 75 of 2016, Council Int. No. 1070-A of 2016) 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 2016**

No. 81

Introduced by Council Members Lander, Chin, Reynoso, the Public Advocate (Ms. James) and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reducing the use of carryout bags.

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 16-492 of the administrative code of the city of New York, as added by local law number 63 for the year 2016, is amended to read as follows:

e. Covered stores may provide their customers with reusable carryout bags free of charge [for a two-week period] from [October 1, 2016] *February 15, 2017*, to [October 14, 2016] *April 30, 2017*. In addition, covered stores may provide their customers with reusable carryout bags free of charge for a two-week period each year from April 17 to April 30.

§ 2. Subdivision e of section 16-495 of the administrative code of the city of New York, as added by local law number 63 for the year 2016, is amended to read as follows:

e. On or before [January 1] *March 1, 2019*, the commissioner shall issue a study on the effect of the law on residents, which shall include, but need not be limited to, determining the percentage reduction in single-use plastic or paper carryout bags usage by residents; residents' attitudes toward the law, disaggregated by race and income; and whether residents are substituting other types of plastic bags for single-use carryout bags. The commissioner shall also include an

assessment on the potential effectiveness of coupling a ban on single-use plastic carryout bags with the carryout bag fee in reducing the amount of carryout bags in the waste stream.

§ 3. Subdivision c of section 16-496 of the administrative code of the city of New York, as added by local law number 63 for the year 2016, is amended to read as follows:

c. Any covered store that violates section 16-491 or subdivision b, c or d of section 16-492 or any rules promulgated pursuant thereto shall be liable for a civil penalty of \$250 for a first violation and \$500 for any subsequent violation of the same section or subdivision of this chapter or rule promulgated pursuant thereto within an eighteen-month period, except that the department and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning for any violation that occurs during the six-month period from [October 1, 2016] *February 15, 2017*, to [March 31] *August 14, 2017*. For purposes of this chapter, each commercial transaction shall constitute no more than one violation.

§ 4. Section 2 of local law number 63 for the year 2016 is amended to read as follows:

§ 2. This local law takes effect [October 1, 2016] *February 15, 2017*, except that section 16-495 of the administrative code of the city of New York, as added by section one of this local law, takes effect immediately, and except that the commissioner of sanitation and the commissioner of consumer affairs may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

§ 5. This local law takes effect on February 15, 2017, except for section four which 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 21, 2016 and approved by the Mayor on June 28, 2016.

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 2016, Council Int. No. 1223 of 2016) 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

S4158 FELDER Same as A 4883 Cusick

ON FILE: 02/03/17 Environmental Conservation

TITLE....Relates to establishing a moratorium on the adoption or implementation of any local law, ordinance, rule or regulation related to charging a fee for carryout merchandise bags or a fee of similar effect

02/03/17 REFERRED TO RULES

02/06/17 ORDERED TO THIRD READING CAL.148

02/06/17 PASSED SENATE

02/06/17 DELIVERED TO ASSEMBLY

02/06/17 referred to cities

02/07/17 substituted for a4883

02/07/17 ordered to third reading rules cal.20

02/07/17 passed assembly

02/07/17 returned to senate

02/07/17 DELIVERED TO GOVERNOR

02/14/17 SIGNED CHAP.7

02/14/17 APPROVAL MEMO.1

LAWS OF NEW YORK, 2017

CHAPTER 7

AN ACT to establish a moratorium on the adoption or implementation of any local law, ordinance, rule or regulation relating to charging a fee for carryout merchandise bags or a fee of similar effect; and providing for the repeal of such provisions upon expiration thereof

Became a law February 14, 2017, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby established a moratorium on the adoption and/or implementation of any local law or ordinance, or any rule or regulation, by a city with a population of one million or more, related to charging a fee for carryout merchandise bags ("carryout bags") or a fee of similar effect.

§ 2. This act shall take effect immediately and shall be deemed to be in full force and effect on and after February 15, 2017 and shall expire and be deemed repealed two hundred and seventy days after the adoption of a local law which re-authorizes, modifies or repeals local law number 63 of the city of New York for the year 2016, as amended by local law number 81 of the city of New York for the year 2016, for the charging of a fee on customers for carryout bags, which re-authorization, modification or repeal must be passed by the council of the city of New York during the term commencing January 1, 2018 and terminating December 31, 2021, or any term commencing thereafter. The mayor of a city with a population of one million or more shall notify the legislative bill drafting commission upon the adoption of such local law in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOHN J. FLANAGAN
Temporary President of the Senate

CARL E. HEASTIE
Speaker of the Assembly

EXPLANATION--Matter in **italics** is new; matter in brackets [-] is old law to be omitted.

New York City Department of Sanitation

NOTICE OF ADOPTION OF FINAL RULES GOVERNING REGISTRATION REQUIREMENTS FOR RECYCLING PROCESSING FACILITIES IN NEW YORK CITY THAT RECEIVE AND PROCESS RECYCLABLE MATERIALS

NOTICE IS HEREBY GIVEN in accordance with the requirements of Section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by sections 753 of the New York City Charter and sections 16-130 and 16-463 of the New York City Administrative Code that the Department adopts the following rules governing registration requirements for recycling processing facilities in New York City that receive and process recyclable materials. The Department published a Notice of Opportunity to Comment on the proposed rules in the *City Record* on May 10, 2016. On June 16, 2016 the Department held a public hearing on the proposed rules.

Statement of Basis and Purpose of Rule

Section 16-130(b) of the Administrative Code of the City of New York authorizes the Sanitation Commissioner to establish one or more classes of permits for solid waste facilities that receive, process, and store materials consisting of solid waste and recyclable materials. In addition, section 16-463 authorizes broad oversight over recycling processing facilities that handle paper and cardboard, metal, glass and plastic, as well as scrap metal, including refrigerant containing items. Some facilities operating in New York City limit their operations to the receipt, process and storage of recyclable materials.

Currently, recycling processing facilities are either registered or permitted by the New York State Department of Environmental Conservation as source-separated non-putrescible solid waste recycling recovery facilities or licensed by the New York City Department of Consumer Affairs as scrap metal processors. A recycling processing facility is defined as a facility where recyclable materials, other than organic waste, are delivered separately from solid waste or where source-separated recyclable materials, other than organic waste, are processed for the purpose of reuse or sale. Section 16-463 authorizes the Department to provide broad oversight of facilities that handle such materials and to promulgate rules that regulate such facilities.

This rule requires recycling processing facilities to register with the Department and allow for the inspection of site operations to ensure that recyclable materials are effectively processed and accurate records are maintained to capture the flow of recyclable materials handled and processed within the facility. To further this goal, recycling processing facilities will be required to submit quarterly reports to the Department summarizing the handling of such materials within the target period. This will allow the Department to more accurately determine the recycling diversion rate within New York City.

DSNY's authority for these rules is found in sections 753 and 1043(a) of the New York City Charter and sections 16-130 and 16-463 of the New York City 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: Title 16 of the Rules of the City of New York is amended by adding a new Subchapter E to Chapter 4 to read as follows:

SUBCHAPTER E

RECYCLING PROCESSING FACILITIES

§4-51 Definitions. As used in this subchapter, the following terms have the following meanings:

Commissioner. The term “Commissioner” means the commissioner of sanitation.

Department. The term “Department” means the department of sanitation.

Department-marked item. The term “Department-marked item” means any refrigerant-containing item that: (i) has written upon it a Department service identification number that has been provided to the property owner by a 311 or Department representative, or (ii) has affixed upon it an official decal or sticker indicating that such item is designated for future servicing of refrigerant removal by the Department, or (iii) has affixed upon it an official decal or sticker indicating that such item has already been serviced for refrigerant removal by the Department.

ECB. The term “ECB” means the environmental control board.

Ferrous. The term “ferrous” means metals and alloys that contain iron, such as mild steel, carbon steel, stainless steel, cast iron, and wrought iron.

Non-ferrous. The term “non-ferrous” means metals and alloys that do not contain iron, such as aluminum, brass, copper, nickel, tin, lead, zinc, and precious metals including gold and silver.

Not-for-profit corporation. The term "not-for-profit corporation" means a not-for-profit corporation as defined in subparagraph five or subparagraph seven of subdivision a of section 102 of the New York state not-for-profit corporation law.

Organic Waste. The term "organic waste" shall have the same meaning as set forth in section 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 by-products that are sold to a rendering company.

Person. The term "person" means any individual, corporation, partnership, association, firm, trust, estate or any other legal entity whatsoever.

Recyclable material. The term "recyclable material" means material 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, ferrous or non-ferrous metal, glass, paper, cardboard, rigid plastic, food waste, tires and yard waste.

Recycling processing facility. The term "recycling processing facility" means a facility that is registered or permitted by the New York state department of environmental conservation and/or the Department where recyclable materials, other than organic waste, are delivered separately from solid waste or where source-separated recyclable materials, other than organic waste, are processed for the purpose of reuse or sale. This term also includes scrap metal processors licensed by the department of consumer affairs.

Refrigerant. The term "refrigerant" means any substance consisting in whole or in part of a class I or class II ozone-depleting substance, which is used for heat transfer purposes and provides a cooling effect, including, but not limited to, chlorofluorocarbons, hydro-chlorofluorocarbons, or any other substitute substance as may be defined by the United States environmental protection agency. A class I or class II ozone-depleting substance shall be those substances as defined by the United States environmental protection agency in section 602 of the United States clean air act. A substitute substance shall be any environmental protection agency approved replacement for a class I or II ozone-depleting substance in a refrigeration or air-conditioning end-use.

Refrigerant-containing item. The term "refrigerant-containing item" means any recyclable material that uses a refrigerant that must be removed prior to disposal, including, but not limited to, any air conditioner, refrigerator, water cooler, or freezer.

Scrap metal. The term "scrap metal" means ferrous or non-ferrous metal that is used for the production of raw material for remelting purposes for steel mills, foundries, smelters, refiners, and similar users.

Scrap metal processor. The term "scrap metal processor" means an establishment that purchases, sells, accepts, stores or processes scrap metal destined for recycling, but shall not include a redemption center, dealer or distributor as defined in section 27-1003 of the New York state environmental conservation law, or an electronic waste collection site, electronic waste consolidation facility or electronic waste recycling facility as defined in section 27-2601 of the New York state environmental conservation law.

§4-52 Registration of Recycling Processing Facilities.

(a) No person shall operate a recycling processing facility within the city of New York, unless, in addition to any other permit or authorization required by law, such person obtains a registration from the Commissioner as required by this subchapter.

(b) Within 90 days of the effective date of this rule, any recycling processing facility that is currently in operation must register with the Department using a form prescribed by the Department.

(c) Any recycling processing facility that commences operations after the effective date of this rule must register with the Department using a form prescribed by the Department no less than 30 days prior to operating such recycling processing facility.

(d) Registration forms may be obtained from the Department's website or by written request to:

New York City Department of Sanitation
125 Worth Street, Room 723
New York, New York 10013
Attn: Recycling Processing Facility Registration

(e) A registration must include, at a minimum:

(1) The business name, business address and telephone number of the recycling processing facility. A post office box is not an acceptable address;

(2) The names of the principals and/or officers, on-site managers, and a contact person to whom all official Department correspondence may be sent regarding the recycling processing facility;

(3) Copies of all registrations, permits, licenses or other authorizations to operate required under federal, state, or local laws, rules or regulations; and

(4) The days and hours of operation of such recycling processing facility.

(f) (1) A registration issued to a recycling processing facility shall not be transferrable or assignable to any other party. In the event there is a change in ownership or a sale of the recycling processing facility, the new owner of the facility must register the recycling processing facility within 30 days of such purchase.

(2) A recycling processing facility that terminates its business must notify the Department immediately of the date of cessation of its operations.

(3) A recycling processing facility must advise the Department within 30 days of any changes to the information submitted pursuant to subdivision (e) of this section.

(g) This section will not apply to a redemption center, dealer or distributor as defined in section 27-1003 of the environmental conservation law, or to any person that, using a motor vehicle, collects recyclable containers in bulk and is required to be registered pursuant to chapter 4-D of title 16 of the administrative code of the city of New York.

(h) Registration of a recycling processing facility is an official act of a ministerial nature, involving no exercise of discretion for purposes of the state environmental quality review act, codified as article 8 of the environmental conservation law and part 617 of title 6 of the New York codes, rules, and regulations and the rules of procedure for city environmental quality review codified as chapter 5 of title 62 of the rules of the city of New York.

§4-53 Posting of Registration

Any recycling processing facility must conspicuously post the registration issued by the Commissioner at the place of business.

§4-54 Receipt and Handling of Recyclable Material

(a) External storage of paper and other recyclables whose marketability may be adversely affected by exposure to the sun or weather conditions is prohibited unless stored in covered containers or in a manner otherwise acceptable to the Department.

(b) No recycling processing facility shall store recyclable materials in such a manner that they become a nuisance or a sanitary or environmental problem.

§4-55 Receipt of a Department-marked Item

No recycling processing facility shall receive for storage, collection or processing any Department-marked item from any person other than an authorized employee or agent of the Department. A written agreement between the owner of a residential building or an authorized agent of such owner, and anyone delivering a Department-marked item to a recycling processing facility shall not be a defense in any proceeding before the environmental control board to the improper receipt of such item.

§4-56 Receipt of Refrigerant-Containing Item

Any recycling processing facility that receives for storage, collection or processing any refrigerant-containing item shall ensure that the refrigerant has been removed from the item previously or that any removal of refrigerant from such item by the recycling processing facility complies with all applicable city, state and federal laws and regulations.

§4-57 Quarterly reporting requirements.

(a) Every registered recycling processing facility must submit to the Department a copy of any report required to be filed with the New York state department of environmental conservation pursuant to part 360 of title 6 of the New York codes, rules, and regulations, if applicable. Any such report must be submitted to the Department at the same time it is submitted to the New York state department of environmental conservation.

(b) Every registered recycling processing facility, other than a scrap metal processor, must submit to the Department quarterly reports that contain the following information, calculated by weight in tons on a monthly basis:

(1) the total amount of recyclable material received;

(2) the origin of the recyclable material received; and

(3) the destination of the recyclable material removed, including a listing, by type, of recyclable material.

(c) Every scrap metal processor must report to the Department quarterly the total amount of recyclable material, by type, calculated by weight in tons, that it has transported out from the facility and the destination of the recyclable material by state and county. Such report shall not separate ferrous and non-ferrous metal, but shall report the total amount of metal transported from the facility as one category.

(d) Quarterly reports must be submitted on forms prescribed by or acceptable to the Department. Such report must include a description of any changes in operation that occurred in the previous quarter, if applicable.

(e) The report for the quarter ending on March 31 shall be due on May 1; the report for the quarter ending on June 30 shall be due on August 1; the report for the quarter ending September 30 shall be due on November 1; and the report for the quarter ending December 31 shall be due on February 1.

(f) The first such report shall be due on May 1, 2017 for the quarterly reporting period from January 1, 2017 through March 31, 2017.

§4-58 Compliance with Federal, State and Local Laws.

Every person who owns, operates, maintains or otherwise controls a recycling processing facility regulated by this subchapter shall comply fully with all applicable federal, state and local laws, rules and regulations of any governmental authorities having jurisdiction over any of the registrant's activities. Failure to comply with these laws, rules or regulations shall be grounds for suspension and/or revocation of the registration, in addition to any other penalty provided by law.

§4-59 Enforcement and Compliance.

(a) The Department reserves the right to conduct lawful inspections during business hours to ensure compliance with this subchapter.

(b) Where a notice of violation is issued for a violation of any of the provisions of this subchapter, such notice shall be returnable to the ECB or court of appropriate jurisdiction, which shall have the power to impose the civil penalties provided.

(c) The Department shall issue a warning letter to a recycling processing facility that fails to comply with sections 4-52, 4-53 or 4-57 of this subchapter. Such warning letter shall give the recycling processing facility 30 days to submit proof of having cured the violating condition. Any recycling processing facility that does not submit proof of having cured such violating condition within the 30 day time period shall be issued a notice of violation by the Department and shall be liable for a civil penalty of \$2,500.00 for the first offense, \$5,000.00 for the second offense and \$10,000.00 for each subsequent offense committed within any three year period.

(d) Any recycling processing facility that violates section 4-54 of this subchapter shall be liable for a civil penalty of \$2,500.00 for the first offense, \$5,000.00 for the second offense and \$10,000.00 for each subsequent offense committed within any three year period.

(e) Any recycling processing facility that violates sections 4-55 or 4-56 of this subchapter shall be liable for (1) a criminal fine of \$1,500.00 or imprisonment not to exceed 48 hours, or both, or (2) a civil penalty of \$1,500.00 for the first offense and \$3,000.00 for each subsequent offense within an 18-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this paragraph, each receipt from a separate motor vehicle of Department-marked material shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.

New York City Department of Sanitation

NOTICE OF ADOPTION OF FINAL RULES RELATING TO THE CHANGE OF CRITERIA FOR THE REMOVAL OF DERELICT BICYCLES FROM PUBLIC PROPERTY

NOTICE IS HEREBY GIVEN in accordance with the requirements of Section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by sections 753 of the New York City Charter and sections 16-122 and 16-128 of the New York City Administrative Code that the Department adopts the following rule relating to the change of criteria for the removal of derelict bicycles from public property. The Department published a Notice of Opportunity to Comment on the proposed rule in the *City Record* on July 6, 2016. On August 9, 2016, the Department held a public hearing on the proposed rule.

Statement of Basis and Purpose of Rule

The Department of Sanitation (“DSNY”) is amending its rule for the removal of derelict bicycles from public property by:

- 1) reducing the requirements of derelict condition from a minimum of three characteristics to a minimum of two characteristics,
- 2) removing flat or missing tires as a derelict condition characteristic, and
- 3) changing the minimum amount of rust cover from 75 percent to 50 percent.

DSNY’s authority for these rules is found in sections 753 (a) and (b) of the New York City Charter and by sections 16-122 and 16-128 of the New York City 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: Subdivisions (a) of section 1-05.1 of Chapter 1 of title 16 of the Rules of the City of New York is amended to read as follows:

§1-05.1 Removal of Derelict Bicycles.

(a) Definitions. When used in this section.

(1) **Derelict bicycle.** The term "[D]derelict bicycle" means any bicycle, that is not a ghost bike, which is affixed to public property and also contains [three] two or more of the following characteristics:

(i) the bicycle appears to be crushed or not usable;

(ii) the bicycle is missing parts essential to its operation, other than the seat and front wheel, including, but not limited to handlebars, pedal or pedals, rear wheel and chain;

(iii) [the bicycle has flat or missing tires;

(iv)] the handlebars or pedals are damaged, or the existing forks, frames or rims are bent; or

[(v) seventy-five] (iv) fifty percent or more of the bicycle, which includes the handlebars, pedals and frames are rusted, along with any chain affixing such bicycle to public property.

(2) **Ghost bike.** The term "[G]ghost bike" means a bicycle that has been placed on public property and apparently intended as a memorial for someone who is deceased, and which may be painted white or have a sign posted on or near it, or flowers or other mementos in the basket.

(3) **Public property.** The term "[P]public property" means city property or property maintained by the city, or any public sidewalk or roadway, including, but not limited to any bicycle rack, light pole, bus pole, parking meter, tree, tree pit, railing or similar structure. For purposes of this section, public property shall include any bicycle rack installed by the department of transportation, its contractors, permittees or other entity authorized by the department of transportation. Public property shall not include those docks or stations installed under authority of the department of transportation's Bikeshare Program.

(b) In the event that a derelict bicycle is affixed to public property, a notice shall be affixed to the derelict bicycle advising the owner that such derelict bicycle must be removed within seven days from the date of the notice. This notice shall also state that the failure to remove such derelict bicycle within the designated time period will result in the removal and disposal of the derelict bicycle by the department of sanitation.

(c) Nothing in this section shall preclude the immediate removal of any bicycle, including, but not limited to, a derelict bicycle or ghost bike, or the taking of any other action by any city agency if the presence of such bicycle which creates a dangerous condition by restricting vehicular or pedestrian traffic, or otherwise violates the law.



sanitation

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December 18, 2015

Honorable Melissa Mark-Viverito
Speaker, New York City Council
City Hall
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Section 1043(b) of the New York City Charter, the New York City Department of Sanitation submits to you a copy of its Final Rule governing source separation and handling requirements for organic waste generated by certain commercial establishments that have their refuse and recycling collected by private carters, based on Local Law 146 of 2013.

The Department's Final Rule:

- o Designates the first phase of specific covered establishments under the program to include stadiums, large hotels, food manufacturers and food wholesalers;
- o Provides source separation, storage, set-out, handling and signage requirements for the designated covered establishments; and
- o Includes enforcement compliance following an education and outreach period.

DSNY published a Notice of Opportunity to Comment on the rule in the City Record on August 27, 2015 and held a public hearing on the proposed rule on October 5, 2015. DSNY also submitted a copy of the Proposed Final Rule to the City Council on November 9, 2015 in accordance with Section 16-323 of the New York City Administrative Code. The Final Rule is being published in the City Record today, and the Rule will become effective on January 18, 2016.

Sincerely,

A handwritten signature in blue ink that reads "Robert Orlin".

Robert Orlin

cc: Kathryn Garcia, Commissioner
Jon Paul Lupo, Director, Mayor's Office of City Legislative Affairs
Honorable Antonio Reynoso, Chair, NYC Council Committee on Sanitation & Solid Waste
Steven Goulden, Law Department, Senior Counsel (2015 RG 084)

New York City Department of Sanitation

NOTICE OF ADOPTION OF FINAL RULES GOVERNING SOURCE SEPARATION AND HANDLING REQUIREMENTS FOR ORGANIC WASTE GENERATED BY CERTAIN COMMERCIAL ESTABLISHMENTS

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 section 16-306.1 of the New York City Administrative Code that the Department adopts the following rules governing source separation and handling requirements for organic waste generated by certain commercial establishments that have their refuse and recycling collected by private carters. The Department published a Notice of Opportunity to Comment on the proposed rules in the *City Record* on August 27, 2015. On October 5, 2015 the Department held a public hearing on the proposed rules.

Statement of Basis and Purpose of Final Rule

Organic waste makes up approximately one-third of the waste generated by food-generating businesses in New York City. This material can be converted into soil enhancing compost, or used as an energy source in aerobic and anaerobic digesters, but most of it is currently disposed of in landfills outside the City. Under Local Law 146 of 2013, codified in §16-306.1 of the New York City Administrative Code, the Sanitation Commissioner must evaluate, at least annually beginning July 1, 2015, whether there exists sufficient regional organics waste processing capacity to require that certain food-generating businesses in the City, or a sub-set of them, arrange with their private carters to engage in alternative methods for handling organic waste separated by the businesses. These methods include in-vessel composting, aerobic or anaerobic digestion, or any other method for processing organic waste approved by DSNY rule. The Department of Environmental Protection may separately promulgate additional rules regulating the use of onsite aerobic and anaerobic digestion equipment. These rules may include, among other requirements, standards for types of equipment that may be installed.

Following site visits and surveys of active private organics waste processing facilities in the region and an evaluation of organic waste quantities generated by various food industry sectors in the city, DSNY identifies that there is organics processing capacity available to a limited extent, and will require a subset of food-generating businesses in the city to separate their organic waste for collection and handling by their private carters. A designated covered establishment may also donate food that would otherwise be thrown away to a third party, such as a charity, sell or donate the food to a farmer for feedstock, or sell or donate meat by-products to a rendering company. Food disposed of through such donations or sales is not within the meaning of “organic waste” under these rules.

The rules do the following:

- Amend §1-01 by adding new definitions to effectuate the purpose of the rules;

- Provide that the following types of establishments will be “designated covered establishments” and must comply with the requirements set forth in the rules:
 - Any arena or stadium that has a seating capacity of at least 15,000
 - Any food service establishment that is located in a hotel with at least 150 sleeping rooms, is under common control with such hotel, and receives waste collection from the same private carter as such hotel
 - Any food manufacturer that has a floor area of at least 25,000 square feet
 - Any food wholesaler that has a floor area of at least 20,000 square feet
- Require designated covered establishments to source separate their organic waste and arrange for proper processing of this material through collection by a private carter licensed by the New York City Business Integrity Commission (BIC), or alternatively, by registering with BIC and transporting their own organic waste for proper processing;
- Allow covered establishments to separately donate their organic waste to a third party, donate or sell organic waste to a farmer for feedstock, and donate or sell meat by-products to a rendering company;
- Prohibit the commingling of organic waste with designated recyclable material or solid waste;
- Require the storage and set-out at the curb of organic waste in one or more containers that have a lid and latch, which must be closed and latched when they are set out for collection by a private carter;
- Require designated covered establishment to post signs identifying their private carters that will collect source separate organic waste;
- Set forth requirements for designated covered establishments that choose to process their organic waste on-site;
- Require designated covered establishments to post instructions for their employees on how to properly source separate organic waste;
- Set forth reporting responsibilities of operators of putrescible solid waste transfer stations authorized by the New York State Department of Environmental Conservation to receive source-separated organic waste; and
- Provide for the enforcement of such rules in accordance with the New York City Administrative Code.

DSNY’s authority for these rules is found in sections 753 and 1043(a) of the New York City Charter and section 16-306.1 of the New York City 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. New definitions are added in section 1-01 of Title 16 of the Rules of the City of New York, in alphabetical order, to read as follows:

§1-01 Definitions

Beneficial Organic Waste Use. “Beneficial organic waste use” means the processing of organic waste by composting, aerobic digestion, or anaerobic digestion.

Covered Establishment. “Covered establishment” shall have the same meaning as set forth in section 16-306.1(a) of the administrative code of the city of New York.

Organic Waste. “Organic Waste” shall have the same meaning as set forth in section 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 by-products 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.

§2. Chapter 1 of Title 16 of the Rules of the City of New York is amended by adding a new Section 1-11, relating to the handling of organic waste generated by certain commercial establishments, to read as follows:

§1-11 Organic Waste Generated by Commercial Establishments.

(a) Designated covered establishments. Pursuant to §16-306.1(b) of the New York City Administrative Code, the following commercial establishments are “designated covered establishments” for purposes of this section and shall comply with the requirements set forth in this section:

- (1) an arena or stadium having a seating capacity of at least fifteen thousand persons;
 - (2) a food service establishment that (i) is located within a hotel having at least one hundred fifty sleeping rooms (ii) operates under common ownership or control of such hotel, and (iii) receives waste collection from the same private carter as such hotel;
 - (3) a food manufacturer that has a floor area of at least twenty-five thousand square feet;
- and
- (4) a food wholesaler that has a floor area of at least twenty thousand square feet.

(b) Source separation requirements for designated covered establishments.

(1) A designated covered establishment shall source separate organic waste generated at its premises and either:

(i) arrange with a private carter for the separate collection of such organic waste directly from its premises for the purpose of a beneficial organic waste use;

(ii) transport its own organic waste directly to:

A) an organic waste processing facility; or

B) to a transfer station authorized by the New York state department of environmental conservation to receive source separated organic waste that will be removed to another location for beneficial organic waste use, provided that the designated covered establishment first registers with the business integrity commission pursuant to subdivision b of section 16-505 of the administrative code of the city of New York; or

(iii) provide for a beneficial organic waste use on-site at its premises, provided that any on-site composting must be in-vessel, and that it arranges for the collection or transport of the remainder of such organic waste, if any, in accordance with clause (i) or (ii) of this subparagraph.

(2) A designated covered establishment that registers with the business integrity commission pursuant to subdivision b of section 16-505 of the administrative code of the city of New York and transports its own organic waste shall enter into a written agreement with an organic waste processing facility that provides for a beneficial organic waste use. A copy of such written agreement shall be submitted by the covered establishment to the Department upon request within five business days of such request either by postal mail or electronic mail to the Department.

(3) A designated covered establishment that provides for a beneficial organic waste use on-site at its premises for some or all of the organic waste it generates shall:

(i) to the extent practicable, weigh and measure by volume the amount of organic waste disposed of by any such method on-site. A designated covered establishment shall maintain records of such weights and measurements for a period of three years, and the records shall be submitted by the covered establishment to the Department upon request within five business days of such request either by postal mail or electronic mail to the Department;

(ii) provide equipment on site that is properly sized to handle and process organic waste generated at the premises in a safe and sanitary manner, together with a contingency plan for handling the organic waste in the event such system becomes inoperable. The designated covered establishment shall ensure that no organic waste or other solid waste storage problem or public nuisance or condition hazardous to public health or safety is created during scheduled or unscheduled equipment maintenance, or equipment breakdown;

(iii) ensure that any such organic waste processing system is installed in accordance with the health code, including but not limited to the provisions of article 143, the New York city building code, including but not limited to subchapters twelve and thirteen of chapter one of title twenty-seven of the administrative code, if applicable, and all applicable laws and rules governing the discharge of waste and waste water, including section 19-11 of title 15 of the rules of the city of New York governing the discharge of grease into the city sewer system, and any other applicable regulations enforced by the department of environmental protection or the New York state department of environmental conservation. In accordance with section 413.1 of the New York city plumbing code, a commercial food waste grinder unit cannot be used as an organic waste processing system for purposes of this paragraph; and

(iv) within thirty days of the installation of any on-site organic waste processing equipment, report to the Department the manufacturer, model number, size and the minimum and maximum processing capacity of the equipment and the date of installation of such equipment on a form to be prescribed by the Department.

(c) Storage and set-out requirements for containers.

(1) A designated covered establishment shall provide separate containers for the disposal of organic waste in any area where such organic waste is generated by employees during the preparation of food. Containers for the disposal of organic waste to be used by employees shall be labeled to indicate only organic waste may be properly placed therein.

(2) A designated covered establishment that arranges for the collection of organic waste by a private carter shall ensure that it properly stores and maintains its source separated organic waste separately from all other materials generated at the premises, and shall not allow organic waste that is stored and maintained to be commingled with designated or non-designated recyclable material or solid waste. All such organic waste shall be stored in a manner that does not create a public nuisance.

(3) A designated covered establishment that arranges for the collection of organic waste by a private carter shall separately set out such organic waste in one or more containers that:

(i) have a lid and a latch that keeps the lid closed and is resistant to tampering by rodents or other wildlife;

(ii) have the capacity that meets the disposal needs of the designated covered establishment and its private carter;

(iii) are compatible with the private carter's hauling collection practices; and

(iv) are closed and latched at the time any such containers are placed out for collection by the carter.

(d) Sign and notice requirements. (1) (i) A designated covered establishment shall post a sign that states clearly and legibly either:

(A) the trade or business name, address, telephone number of, and the day and time of pickup by the private carter that collects the designated covered establishment's organic waste;

(B) the designated covered establishment transports its organic waste to an entity that provides for beneficial organic waste reuse; or

(C) the designated covered establishment provides for on-site processing of organic waste generated at its premises.

(ii) A designated covered establishment shall prominently display such sign by affixing it to a window near the principal entrance to the designated covered establishment so as to be easily visible from outside the building or, if this is not possible, shall prominently display such

sign inside the designated covered establishment near the principal entrance. If posting a sign near the designated covered establishment's entrance is not practicable, the owner of such designated covered establishment shall retain a copy of such sign on its premises and shall furnish a copy to the Department upon request.

(2) A designated covered establishment shall post instructions on the separation requirements for organic waste in an area where such instructions will be visible to employees who are disposing of organic waste. Such instructions shall state that organic waste is required to be source separated and shall explain how to source separate such material.

(e) Enforcement and compliance. (1) The commissioner, together with the commissioner of the department of mental health and hygiene, and the commissioner of the department of consumer affairs, reserves the right to conduct lawful inspections during business hours to ensure compliance with this section. Such inspections may include, but need not be limited to:

(i) inspections of organic waste set out by a designated covered establishment for collection by his or her private carter to determine whether such material has been set out in accordance with paragraph 2 of subdivision c of this section; and

(ii) inspections of putrescible solid waste transfer stations that are authorized to accept source separated organics by the New York state department of environmental conservation.

(2) Any person that violates any provision of this section shall be liable for civil penalties as provided for under paragraphs one, two and three of subdivision e of section 16-324 of the New York City Administrative Code.

§3. Subdivision f of section 4-17(f) of Subchapter B of Chapter 4 of Title 16 of the Rules of the City of New York, relating to the handling of organic waste received by putrescible waste transfer stations, is amended to read as follows:

§4-17 Operation and Maintenance of Putrescible Solid Waste Transfer Stations.

(f) (1) The Permittee shall maintain operational records including, but not limited to, all asset liability and capital and proprietary accounts, operating expenses, administrative expenses, tax returns and equipment expenses. Such records shall also include a clear and

legible daily log of the quantity of solid waste received and removed, specifying the point of origin and destination of the solid waste transported daily, as well as the quantity and type of material which has been brought to the putrescible solid waste transfer station for separation and/or processing. The daily log shall also include the names and addresses of the owner and/or operator of transport vehicles entering or exiting the transfer station. Such records shall be maintained on the premises and be readily available for inspection by representatives of the Department. An annual report shall be provided to the Department with any application for renewal of any permit required under these Rules. This report shall contain the daily weight and volume of solid waste received, according to type, daily point of origin of the solid waste, daily destination of the solid waste, daily weight and volume and type of material recovered, any changes in operation that have occurred during the previous year, and all other information specified to be included by this subchapter, including that required by subsections (c) and (e) of this section, and paragraph ii of this subsection. The Permittee shall submit to the Department a copy of any annual or quarterly report required to be filed with the New York State Department of Environmental Conservation pursuant to 6 NYCRR Part 360.

(2) A permittee that is authorized by the New York state department of environmental conservation to receive source separated organic waste and that receives such waste in accordance with subdivision d of section 16-306.1 of the administrative code and rules promulgated pursuant thereto, and that is not authorized to process organic waste at its own facility, shall deliver such organic waste or have such organic waste delivered directly to an organic waste processing facility, excluding waste that cannot be processed at an organic waste processing facility. Unless the permittee is authorized to process organic waste at its own facility, the permittee shall enter into a written agreement with an organics processing facility, or other transfer facility, at which organic waste will be received. A copy of such written agreement shall be available to the Department for inspection upon request. Operators of putrescible solid waste transfer stations that receive organic waste shall maintain the separation of organic waste before its transfer to another location. A permittee that receives source separated organic waste shall include in the quarterly reports submitted to the Department pursuant to paragraph (i) of this subsection the following information, calculated on a monthly basis by weight or volume: the total amount of organic waste received; the origin of such organic waste; and the destination facility of the organic waste removed, together with the name of the owner of such facility and his or her business contact information. Such quarterly reports shall be submitted on forms prescribed by or acceptable to the Department. The report for the quarter ending on March 31 shall be due on April 30; the report for the quarter ending on June 30 shall be due on

July 30; the report for the quarter ending September 30 shall be due on October 30; and the report for the quarter ending December 31 shall be due on January 30.

§4. This rule shall take effect thirty days after the final rule is published in the City Record. All designated covered establishments must comply with the requirements of the final rule beginning no later than six months after the effective date of the rule.

ATTACHMENT 5

DSNY Green Fleet and Equipment Initiatives

DSNY strives to accomplish its mission while maintaining one of the largest and “greenest” municipal fleet in the nation. DSNY endeavors to operate its fleet in the most environmentally friendly manner, consistent with available resources, and therefore seeks to minimize emissions of concern from such operations, notably particulate matter (PM), nitrogen oxides (NOx), and greenhouse gases such as carbon dioxide. In 2013, DSNY was a recipient of the prestigious federal EPA “**Breathe Easy Leadership Award**”.

Dramatic Improvements in DSNY’s Fleet Emissions:

DSNY’s fleet is already achieving an estimated 90% reduction in PM and 81% reduction in NOx emissions fleet-wide when compared with DSNY’s heavy duty diesel fleet in 2005. The newest trucks achieve 98% reductions in each pollutant as compared with pre-1988 diesel engines. In addition, DSNY has cut its light duty fleet fuel use and emissions in half since 2005.

ULSD Fuel, New Vehicle Standards, Diesel Particulate Filters, and Retrofits

Currently, all of DSNY’s light, medium and heavy-duty diesel powered vehicles utilize the industry’s latest computer-controlled and regulated clean-diesel engines for their respective engine model years. DSNY has gone even further, our Clean Fleet Program that tested state-of-the-art technology and alternative fuels helped pioneer the improvements in heavy duty diesel emissions that are now taking place nationwide. This Program includes obtaining research grants, partnering with industry to test vehicles under real world conditions, and operating a vehicle testing laboratory for heavy duty trucks.

- DSNY pioneered the use of ultra-low sulfur diesel fuel (ULSD)—limited to 15 parts per million (ppm) of sulfur, in July of 2001 in selected districts and expanded its use to our entire fleet in 2004, in advance of the USEPA June 2006 nationwide ULSD mandate. The June 2006 standard is a 97% reduction from the previous 1993 500 ppm sulfur standard for on-road diesel. Prior to 1993, the average sulfur content for on-road diesel fuel was 2500 ppm.

- ULSD enabled 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 model year limit of 0.1 g/bhp-hr. As of 2010 NOx is limited to 0.2 g/bhp-hr, compared to 2.0 g/bhp-hr in the 2006 model year and 4.0 g/bhp-hr in the 2003 model year. As DSNY's collection trucks have a useful life of approximately seven years, planned fleet turnover would result in the purchase of approximately 250 new trucks per year meeting these new-truck standards. Although Fiscal constraints have temporarily caused a life cycle increase.
- To address the legacy of emissions from older trucks, DSNY mechanics have been installing Best Available Retrofit Technology (BART) devices such as particulate filters on pre-2007 trucks, as mandated by New York City LL#73 of 2013 (formerly LL#39 of 2005). These devices achieve reductions of up to 90% in PM and up to 25% in NOx. Including both factory-installed equipment and retrofits, by January 1, 2017 DSNY had particulate filters (DPF) on approximately 95% of the on-road fleet **Alternative Fuel Vehicles:**

Despite the clear success of DSNY's Clean Diesel Program in minimizing fleet emissions, DSNY believes further improvements are possible as technology advances. DSNY therefore continues an active program of testing other kinds of fuels and technologies. Under Local Law 38 of 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 873 vehicles that operate on various alternative fuels, including electric and hybrid-electric vehicles.

Compressed Natural Gas (CNG):

DSNY currently owns 41 dedicated CNG sanitation collection trucks and 4 street sweepers. CNG-fueled collection trucks are longer than conventional DSNY vehicles, affecting their ability to access certain narrow streets because of a wider turning radius. DSNY owns and operates one CNG fueling station and is working with local utilities and corporations in the hopes of expanding the availability of heavy-duty CNG fueling stations in NYC.

OneNYC Initiatives:

In 2015, Mayor Bill de Blasio issued OneNYC, a city-wide plan that, among other things, set a goal to reduce fleet Greenhouse Gas (GHG) emissions by 80% by 2035 (from 2005 baseline). In connection with OneNYC, DSNY is currently focused on improving the fuel efficiency of its fleet to lower overall GHG emissions and reduce its carbon footprint. As a result of deploying/utilizing advanced hybrid-electric light duty vehicles (< **8,500 GVW**), DSNY was able to reduce its light-duty (LD) fuel consumption by approximately 50% and thereby cutting GHG emissions for the LD fleet by 50%.

In order to achieve a major reduction in its overall GHG emissions, DSNY is conducting ongoing research into various fuel efficiency technologies designed for heavy-duty diesel-powered vehicles with our duty cycle. Technologies are evaluated by using DSNY's Heavy-duty Vehicle Emissions Testing Facility and by monitoring and capturing real-world data from pilot vehicles. DSNY is nationally recognized for its experience with alternative fuels and pioneering efforts to advance the development of environmentally friendly heavy-duty vehicles. DSNY is working with various manufacturers to help advance the commercialization of heavy-duty hybrid refuse trucks (hybrid-electric & hybrid-hydraulic) and hybrid-electric Street Sweepers.

To meet its GHG reduction goals, DSNY is currently testing a multitude of technologies designed to improve fuel efficiency of HD vehicles. The following information describes several technologies that are deployed, and being pilot tested at DSNY.

Power On Demand (POD)

- The POD system incorporates a body hydraulic control system designed to reduce parasitic losses when the packer body is not in use.
- This is accomplished by utilizing a tandem-mount (**piggyback**) variable displacement, load sensing hydraulic pump assembly designed to deliver the proper hydraulic pressure only when needed (i.e. compaction, ejection, etc.). Preliminary testing has yielded approximately 10% improvement in fuel consumption.
- 25 rear-loading collection trucks were pilot-tested
- All new collection trucks will now incorporate POD technology

Allison Neutral @ Idle (N@S)

- DSNY is the first refuse fleet in the nation to pilot-test and adopt N@S.
- Allison Transmissions “Neutral @ Stop” feature is designed to reduce the parasitic load imposed on the diesel engine by placing the transmission in neutral (no load) when the vehicle is in gear, at a stop and the drivers foot is on the brake.
- Allison Transmission projects a fuel savings of approximately of 3%
- All applicable new HD vehicle orders going forward will be equipped with the Allison “Neutral @ Stop” feature.
- DSNY currently has approximately 450 collection trucks equipped with N@S

Idle Off Start/Stop

- Idle off Start/Stop Technology is designed to turn off (shut down) the diesel engine during the collection route. Idle-shutdown technology is projected to reduce fuel consumption by approximately 20%
- After completing a short-term pilot in 2016, DSNY will expand the Stop/Start pilot to an additional six trucks in 2017 (one in each Zone).

Biodiesel

- In August of 2006, DSNY joined the growing number of U.S. fleets currently using Biodiesel fuel (made from domestically grown soy beans). Biodiesel fuel helps reduce Greenhouse Gas Emissions and our dependence on foreign oil. One-hundred percent of the DSNY diesel fleet currently utilizes B20 (20% Soy & 80% ULSD) from April to November and B5 (5% Soy & 95% ULSD) from December to March.
- To date, DSNY has displaced over seven-million gallons of petroleum made from fossil fuel.

Pack @ Idle

- Today All DSNY collection trucks incorporate “Pack @ Idle” technology. The compaction, hopper cycle and refuse ejection are accomplished without raising the diesel engine speed above idle.
- “Pack @ Idle” technology reduces fuel consumption and minimizes noise levels during compaction.

Light-Duty Hybrid Electric Vehicles

- DSNY owns and operates approximately 672 light-duty (LD) hybrid-electric vehicles (HEV) which make up approximately 85% of the LD fleet.

Hybrid Hydraulic Collection Trucks

- In 2009, DSNY put into service one of the first Class-8 hybrid hydraulic refuse collection trucks in the U.S. DSNY is currently testing 49 hybrid-hydraulic collection trucks. Hybrid-hydraulic technology is designed to improve fuel economy by capturing, storing and re-using energy (energy captured during braking) in advanced hydraulically-controlled transmissions. December to March.
- (10 – 20% Fuel Savings depending on duty-cycle)

Hybrid Electric Collection Trucks

- In 2010, DSNY put into service one of the first Class-8 hybrid Electric refuse collection trucks in the U.S. DSNY is currently testing three diesel-powered hybrid-electric collection trucks from Crane Carrier (CCC). Hybrid-hydraulic technology is designed to improve fuel economy by capturing, storing and re-using energy (energy captured during braking) in advanced electronically-controlled transmissions.
- (10 – 20% Fuel Savings depending on duty-cycle)

Hybrid Electric Street Sweepers

- In 2010, DSNY put into service the “World’s” first Class-7 hybrid-electric (HEV) street sweeper. DSNY currently owns and operates thirteen HEV street sweepers.
- Six 1st Gen and seven 2nd Gen HEV brooms with a projected fuel economy improvement of approximately 50%.

Hybrid Electric Flat-Bed Truck (Rack/Tire)

- In 2010, DSNY put into service its first fleet of Class-8 hybrid Electric flat-bed trucks. DSNY currently owns and operates thirteen hybrid-electric flat-bed type trucks.

Light-Duty Plug-in Vehicles (gasoline/electric)

- DSNY currently owns and operates 85 *Light-Duty plug-in Electric Vehicles (EV)*

Electric Vehicle Chargers

To accommodate a growing number of Electric Vehicles (EV) in the DSNY fleet, DSNY installed 86 “Level II” (220 Volt) EV chargers at various DSNY districts throughout the five boroughs of NYC. In CY17, DSNY will install an additional 37 EV chargers.

Heavy-Duty Vehicle Emissions Testing Laboratory

DSNY owns and operates a state-of-the art heavy-duty Vehicles Testing Laboratory. The primary objective of this facility is to conduct Research and Development projects, and perform independent exhaust emissions testing of various advanced environmentally friendly technologies, alternative fuels and novel diesel fuels blends.

Environmental Awards/Recognition

DSNY is nationally recognized for its experience with alternative fuels and pioneering efforts to advance the development of environmentally friendly heavy-duty vehicles

- 2005-Environmental Quality Award (EPA Region 2)
- 2009-Vocational Fleet of the Year (Fleet Owner Magazine)
- 2010-Clean Cities Success Stories (DOE / MotorWeek)
- 2010-#16 Government Green Fleet (Gov't Fleet Magazine)
- 2013-U.S. EPA Northeast Diesel Collaborative “Breath Easy Leadership” Award

Automotive Recycling

DSNY’s fleet maintenance activities result in tons of recycled batteries, motor oil, antifreeze, oil filter drums and the reuse of tires through repair or capping. The table provided below provides automotive recycling data on these categories of automotive products during the Reporting Period of 2013 and 2014.

FY 2016 AUTOMOTIVE PRODUCT RECYCLING*

	Unit of Measure	# of Units	Recycled Tons
Lead Acid Batteries (Cores)	Each	3376	95 Tons
Motor Oil	Gallons	1950	7.8 Tons
Antifreeze	Gallons	2695	12.8 Tons
Oil Filter Drums (Metal Weight)	Barrels	1049	78.68 Tons
Tires Repaired / Recapped	Each	6192	

*Recycling or repair

ATTACHMENT 6

Updates on Fresh Kills Landfill Closure, Post-Closure and End-Use Initiatives

Fresh Kills Landfill Closure

Overview

All 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).

In March 1996, DSNY submitted an application to NYSDEC for a 6 NYCRR Part 360 permit (“Part 360”) to continue operating two landfill sections (6/7 and 1/9). Under the provisions of the Consent Order, the City had agreed to early closure dates for the other operating sections. Sections 3/4 and 2/8 ceased accepting waste in November 1992 and June 1993 respectively; closure construction was completed in 1996 and 1997 respectively. On May 15, 1996, NYSDEC issued a Notice of Complete Application to DSNY. However, Governor Pataki and Mayor Giuliani agreed to close Fresh Kills Landfill to further receipt of waste by December 31, 2001 in state legislation on June 2, 1996.

Accordingly, the Consent Order was modified in April 2000 to formalize the withdrawal of the Part 360 application and to accommodate an accelerated closure schedule. It was modified again in January 2002 to allow the acceptance of World Trade Center debris from September 11, 2001 and to extend the closure deadlines for Sections 6/7 and 1/9. A Final Closure Report was approved by NYSDEC in 2003. Closure construction of Section 6/7 was completed in September 2011, three months ahead of schedule.

The environmental management systems at the closed sections continue to operate subject to the requirements of the Consent Order and Part 360 post-closure monitoring and maintenance operations

The Consent Order was further modified in December 2016 to, among other things:

- Remove all Consent Order provisions no longer needed due to satisfactory completion of their requirements by DSNY and approval thereof by NYSDEC or as a result of the

incorporation of textual changes made by previous modifications into the Consent Order document;

- Establish a publicly accessible document repository through a City of New York website; and
- Extend the closure completion date for Section 1/9 to the end of 2021.

On-Going Closure Construction

As of the commencement of this Reporting Period, Section 1/9 is the only solid waste management unit undergoing closure construction.

The sequence of closure construction for Section 1/9 has been established as follows:

- Phase 1: Muldoon Avenue Mound (approximately 39 acres);
- Phase 2: Muldoon Avenue Corridor (approximately 44 acres);
- Phases 3-7: Main Mound (approximately 314 acres)

During this Reporting Period

Design: Final adjustments were made to the previously approved *Section 1/9 Final Cover Design Report* and contract for *Engineering and Design Services for the Closure of Section 1/9 and Related Activities at Fresh Kills Landfill*. The contract implementation schedules in the construction bid documents were updated to reflect delays incurred due to additional permitting requirements as well as site conditions encountered during the surveys and site preparation for Phase 3 construction on the Main Mound. The adjusted sequence of construction and schedules became the basis for requesting an extended closure completion date through December 2021, which was memorialized in Modification 10 to the Consent Order. Under the revised phasing plan, Phase 3 is anticipated for completion by the end of CY2017, followed by the respective, yearly completion of Phases 4-7 in 2018, 2019, 2020, and 2021. (See attached illustration).

Construction: During the current reporting period, closure of Section 1/9 progressed as follows:

- Closure of the Muldoon Avenue Mound (Phase 1) was fully completed and the Construction Certification Report approved by NYSDEC in 2015;

- Closure of the Muldoon Avenue Corridor (Phase 2) was completed in 2015 and the Construction Certification Report submitted; and
- A contract for the construction of Phases 3-7 was issued in 2016 and site preparation for Phase 3 of the Main Mound was completed. Site preparation included stockpiling 50,000 cubic yards of general fill, re-surveying the WTC foot-print and installing a delineation fence, installing SWPPP mitigation controls, installing new LFG wells, and preparing working drawings for Phase 3. In addition, the Section 1/9 footprint and final cover types were re-analyzed to accurately account for reclaimed areas in the footprint and as-built final cover conditions.

Permitting: In support of the approved design revisions required to complete the Section 1/9 closure construction documents, the following regulatory actions, permits and/or modifications were issued during this reporting period:

- US Army Corps of Engineers Jurisdictional Determination confirming that the site contains wetlands within their jurisdictional waters (issued January 7, 2015); and
- Modification to the Fresh Kills Landfill State Pollutant Discharge Elimination System (SPDES) permit renewal authorizing, among other provisions, the discharge of stormwaters from Section 1/9 to the Arthur Kill through new culverts and outfalls identified in the approved closure design (issued March 13, 2015).

Post-Closure

Overview

Federal and State solid waste regulations stipulate that landfill environmental control systems continue to operate for a minimum of 30 years beyond the closure of the landfill and that the integrity and effectiveness of the systems are monitored and maintained. These post-closure care 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, gas emissions from the surface of the landfill, and gas concentrations in perimeter soils.

DSNY prepared a comprehensive *Post-Closure Monitoring and Maintenance Manual* that defines the inspection, monitoring and reporting schedules for each component of environmental control systems, and has complied with all requirements in accordance with the Fresh Kills Consent Order and Part 360 regulations.

Leachate Management

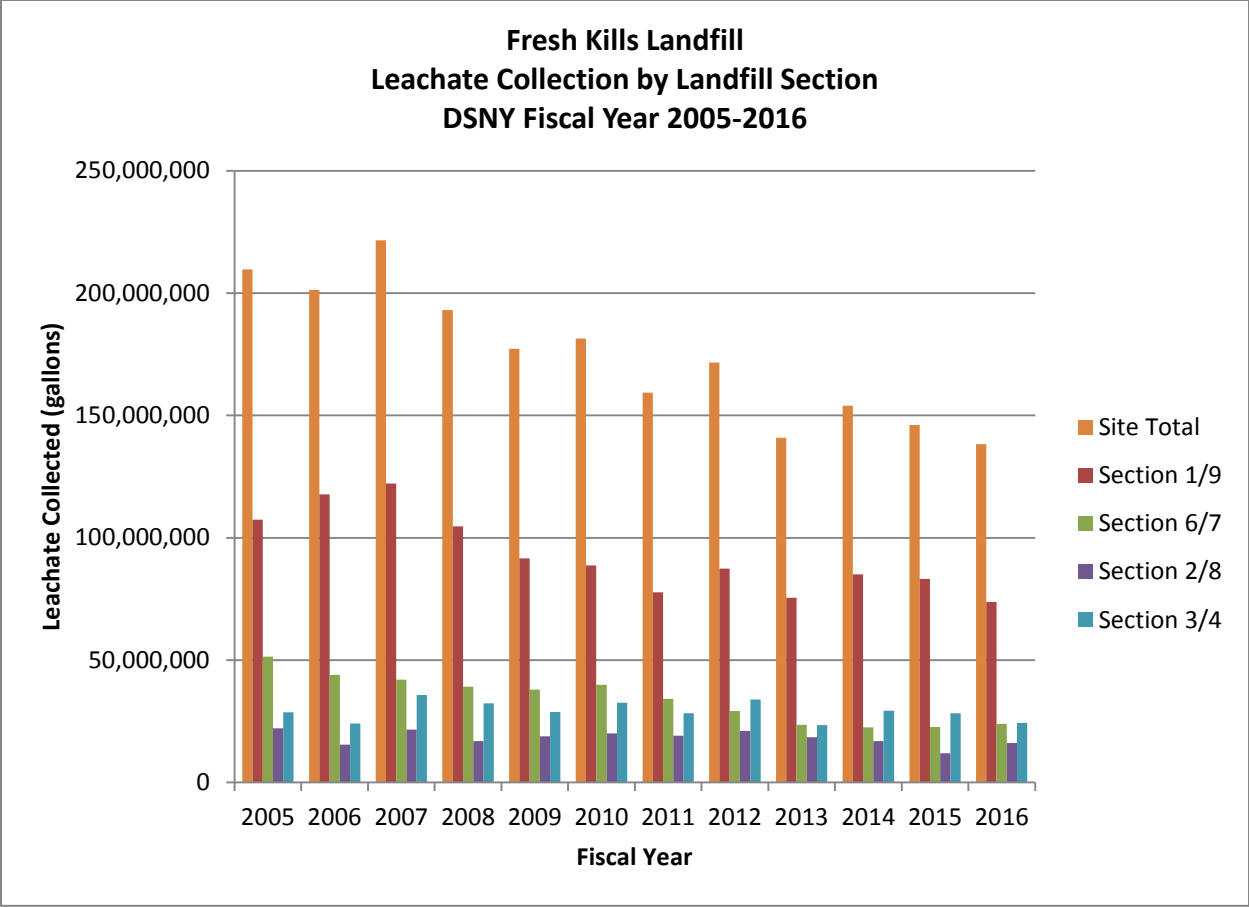
Overview

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.

Under the Consent Order, DSNY conducted comprehensive investigations to characterize the hydrogeological, surface water, groundwater and leachate flows and proposed leachate mitigation strategies that included containment, collection and treatment. The principal contaminants of concern were ammonia (a bi-product of the decomposition of organic matter), copper, lead, nickel and zinc. 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. The pollutants are removed through a combination of biological and chemical processes then discharged to the Arthur Kill under the allowable conditions of a SPDES permit issued by NYSDEC.

During this Reporting Period

Leachate generation has declined with the installation of final cover at each of the landfill mounds, as reflected in the graph below. For the previous Reporting Period, it was reported that an average of 420,000 gallons per day (approximately 153 million gallons per year) were generated and treated at the plant. During this Reporting Period, those quantities have dropped to an average of about 380,000 gallons per day (approximately 138 million gallons per year) being generated and treated.



Leachate controls. Monitoring and analyses of leachate flows and characteristics at Sections 3/4 and 2/8, where final cover has been in place since 1996 and 1997 respectively, demonstrated that leachate in these areas has been controlled to the maximum extent practicable so that passive leachate controls could suffice. NYSDEC approved DSNY’s petition to begin the transition from active to passive controls. Leachate collection and treatment was terminated at Sections 2/8 and 3/4 in June 2016, subject to contingency monitoring for two years. Three quarters of monitoring have shown no adverse impacts.

Landfill Gas Management

Overview for this reporting period

Landfill gas (LFG) is generated as garbage decomposes. At Fresh Kills, LFG contains approximately 60% methane and 40% Carbon Dioxide, a regulated greenhouse gas emission, and is managed through active collection, purification and flaring, passive venting systems, regular monitoring and reporting for all four landfill units. The LFG purification plant was designed to process a maximum of 14.1 million standard cubic feet (Mscf)/day and produce up to 7.0 Mscf of pipeline quality LFG for sale.

The LFG generation rate has continued to decline. Typically, the peak of LFG generation occurs one to two years after a landfill stops receiving municipal solid waste and then decreases over time. These trends are reflected in the attached graph and chart. Whereas an estimated 15 million standard cubic feet (MMscf) per day of LFG were being generated at the landfill in FY2000, the current collection rate is about 4.5 million (MMscf) per day. The total annual LFG collection at the landfill has declined approximately 8% per year over the last few years.

The LFG collection wells at Fresh Kills landfill are connected by pipeline to flare stations at Sections 2/8, 3/4 and 6/7, and to a gas transmission pipeline leading to the Landfill Gas Purification Plant at Section 1/9. During FY2016, 1,653MMscf of landfill gas were collected from Fresh Kills. Of that, 1,617 MMscf, i.e., 97.8% of the gas, was processed at the Landfill Gas Purification Plant where methane (natural gas) was separated from the carbon dioxide, purified and sold to *National Grid*, generating approximately \$1.41 million in revenue. During planned DSNY maintenance at the plant, *National Grid's* work on its distribution system, and periods following electrical outages or other disruptions to the plant or gas quality, the gas is directed to the flare stations to be burned. The landfill gas that was burned at the flare stations during FY2016 was 2.2% of the gas collected during the year. The percent of collected gas that was purified and sold in FY2016 (97.8%) was higher than that averaged for the past ten years (94.1%).

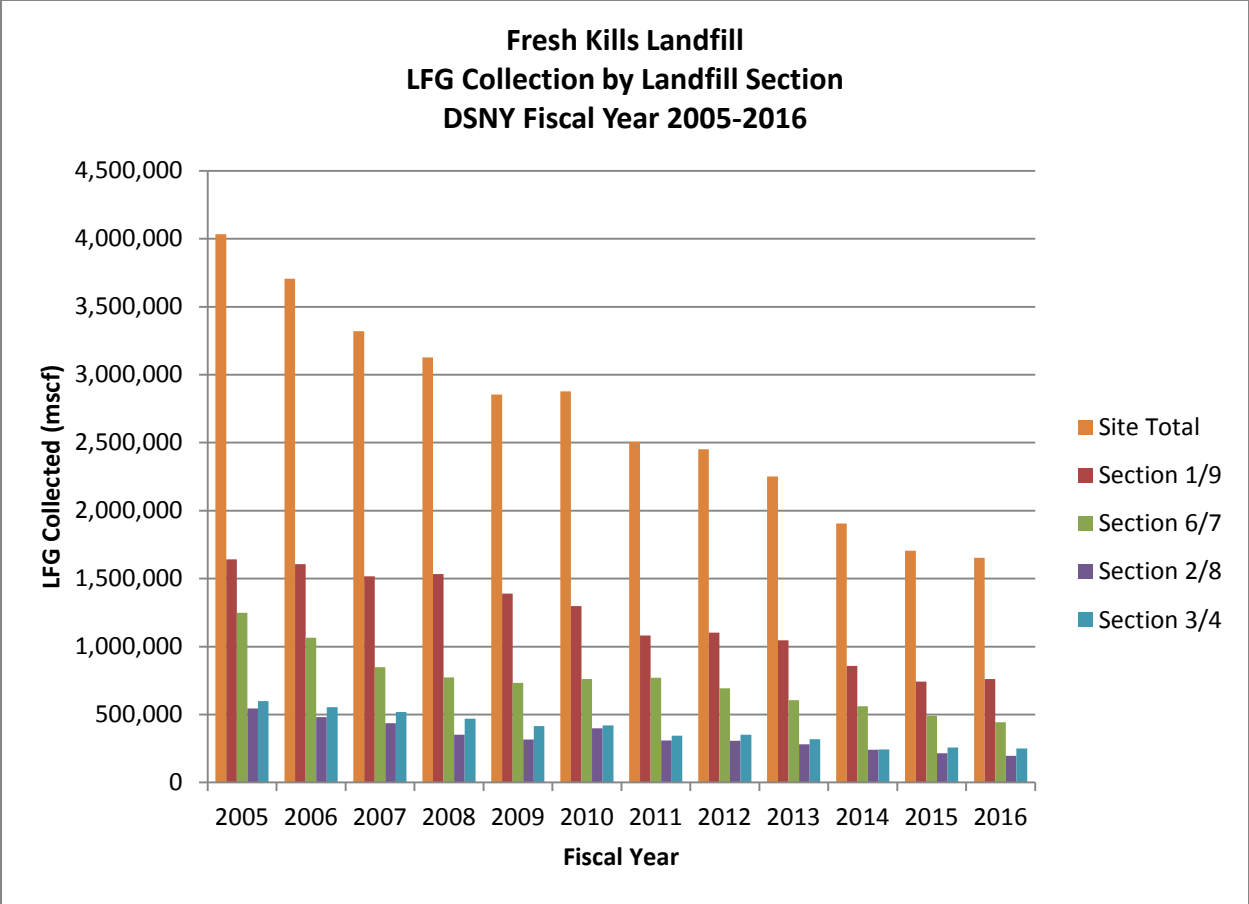
Generation and Marketing of Renewable Fuel Credits

During the Reporting Period, EM Gas Marketing, LLC, a wholly-owned subsidiary of Element Markets, LLC, was selected by DSNY to manage biogas produced at the Fresh Kills landfill to generate and sell Renewable Identification Number (RIN) and California-based Low-Carbon Fuel Standard (LCFS) credits for DSNY.

The contract between EM Gas Marketing and DSNY was awarded in April 2015, and registration of the Fresh Kills landfill as a biogas facility under the federal Renewable Fuel Standard program, administered by the United States Environmental Protection Agency, was received in June 2015. Under the multi-year agreement, Element Markets is responsible for the generation, marketing and sale of all federal RIN and California LCFS credits from the landfill's biogas. Though the landfill ceased accepting waste in 2001, the facility continues to produce biogas as the waste in place continues to degrade and the captured waste is processed and injected into the common carrier pipeline.

Through the EM Gas Marketing contract, DSNY is getting added value from the processing and sale of Fresh Kills biogas - over \$18 million in renewable fuel credits were sold by the end of 2016. The contract also makes New York City part of efforts by some states and USEPA to foster profitable renewable fuel markets in the U.S.

LANDFILL GAS GENERATION AND COLLECTION AT FRESH KILLS			
FY	QUANTITY COLLECTED (in standard cubic feet)		ANNUAL REVENUE
	Per year	Average Per day	
2010	2,877,639,000 scf	7.9 million scf	\$ 5.5 million
2011	2,506,742,000 scf	6.9 million scf	\$ 4.5 million
2012	2,451,334,000 scf	6.7 million scf	\$ 3.5 million
2013	2,250,476,000 scf	6.2 million scf	\$ 3.35 million
2014	1,905,385,000 scf	5.2 Million scf	\$ 3.11 million
2015	1,704,806,000 scf	4.7 Million scf	\$ 2.55 million
2016	1,653,517,000 scf	4.5 Million scf	\$ 1.41 million



Change of Landfill End Use – Freshkills Park Development

Overview

Prior to the formal commencement of plans to develop Freshkills Park, the approved end-use plan proposed in the *Fresh Kills Landfill Final Closure Plan (2003)* consisted of landscaping that incorporated a permanent, stabilizing ground cover with the potential for long-term placement of herbaceous and woody plant communities. Any major change of land use requires the preparation of environmental reviews and technical analyses to demonstrate that the proposed action, such as construction and operation of Freshkills Park, will not interfere with DSNY’s infrastructure or ability to execute its post-closure obligations under the Fresh Kills Consent Order and Part 360 regulations. All reports must be approved by NYSDEC. Although the Parks Department is responsible for preparing such demonstration reports related to park development,

DSNY, as the regulated entity, is responsible for reviewing the plans prior to their submittal to NYSDEC. DPR's plans for Freshkills Park are at varying stages of development.

During this Reporting Period:

New Springville Greenway: A 3.2 mile stretch along Richmond Avenue, most of which abuts Section 6/7, was upgraded as a multi-use bike path and pedestrian walk-way. It was completed in summer 2015.

North Park Phase 1: In January 2016, NYSDEC approved the *Request for Change in Landfill End Use, North Park, Phase 1*, prepared by the NYC Department of Parks and Recreation. The approval enables the development of a 21-acre parcel on the northern edge of Section 3/4, including pathway connections to the previously reconstructed Schmul Park just outside the landfill boundaries. Construction is anticipated to begin in late 2017.

South Park Phase 1/Anchor Park: As part of the Mayor's Anchor Park initiatives for each borough, DPR received funding in late 2016 to develop an approximately 19-acre parcel at the southern edge of Section 2/8. Currently in the public scoping and conceptual design phases, the intent is to create a mix of active and passive recreational options, including multi-purpose athletic fields, walking and hiking paths, a playground, seating and other amenities. The goal is to begin construction in 2019.

Solar Energy: During the previous reporting period, negotiations for a pre-lease agreement for the installation of solar panels on or adjacent to the Fresh Kills Landfill and Park were underway. In 2016, the City terminated this agreement as the selected vendor prepared to file for Chapter 11 bankruptcy protection.