

## Chapter 3: Solid Waste Recycling

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§ 16–301 **Short title.** This chapter shall be known and may be cited as the "New York City Recycling Law."

§ 16–302 **Declaration of policy.**

It is hereby declared to be the public policy of the city to reduce environmental pollution and dangers to health, to decrease the demand for scarce landfill space, to minimize the size and cost of the proposed resource recovery program, and to encourage the conservation of valuable natural resources and energy. It is the policy of the city to promote the recovery of materials from the New York City solid waste stream for the purpose of recycling such materials and returning them to the economy. This chapter shall be liberally construed in order to effectuate the purposes set forth in this section.

§ 16–303 **Definitions.**

When used in this chapter:

"Architectural paint" means interior and exterior architectural coatings, including paints and stains purchased for commercial or residential use, but does not include architectural coatings purchased for industrial use or for use in the manufacture of products.

"Department-managed solid waste" means all solid waste that the department and its contractors collect, all solid waste that the department receives for free disposal, all solid waste collected for recycling or reuse through special events or programs promoted, operated or funded by the department, and all solid waste diverted from collection by the department that is accepted through non-department infrastructure for recycling or reuse and counted towards the department's recycling goals as set forth in subdivision h of section 16-305 of this chapter.

"Household" means a single dwelling or a residential unit within a multiple dwelling, hotel, motel, campsite, ranger station, public or private recreation area, or other residence.

"Household and institutional compostable waste" means any compostable waste, excluding yard waste, in or otherwise destined for any waste stream collected by the department.

"Household hazardous waste" means:

1. any household waste that is ignitable, corrosive, reactive or toxic and that, but for its point of generation, would be a hazardous waste under part three hundred seventy-one of title six of the New York code, rules and regulations, as may be amended from time to time, and includes all pesticides, as defined in article thirty-three of the environmental conservation law, and hazardous waste, as defined in section 27–0901 of the environmental conservation law, as such laws may be amended from time to time; and
2. any other household waste that the commissioner determines, by rule, to be hazardous and require special handling.

"Organic waste" means any material found in the waste stream that can be broken down into, or otherwise become part of, usable compost, such as food scraps, soiled paper, and plant trimmings. As determined by the commissioner, such term may also include disposable plastic food service ware and bags that meet the ASTM International standard specifications for compostable plastics, but shall not include liquids and textiles.

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

"Post-consumer material" means those products generated by a business or a consumer which have served their intended end uses, and which have been separated or diverted from solid waste for the purposes of collection, recycling and disposition.

"Private carter" means any person required to be licensed or permitted pursuant to chapter one of title sixteen-A of this code.

"Publicly accessible textile drop-off bin" means any enclosed container that allows for members of the public to deposit textiles into such container for reuse or recycling in accordance with the textile reuse and recycling program established by section 16–310.1 of this chapter.

"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, yard waste and any other solid waste required to be recycled or composted pursuant to this chapter, solid waste collected for recycling or reuse through special events or programs promoted, operated or funded by the department, and solid waste accepted through non-department infrastructure for recycling or reuse.

"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.

"Recycling center" means any facility operated to facilitate the separation, collection, processing or marketing of recyclable materials for reuse or sale.

"Recycling district" means any borough or smaller geographic area the commissioner deems appropriate for the purpose of implementing this chapter.

"Rigid plastic container" means any plastic container having a semi-flexible or inflexible finite shape or form that is capable of maintaining its shape while holding other products and is designed to hold food, beverages, and consumer household products, including, but not limited to, the following types of containers: plastic bottles, plastic jugs, plastic tubs, plastic trays, plastic cups, plastic buckets, plastic crates and plastic flower pots, and any other rigid plastic material that the commissioner may designate by rule, but not including containers made of polystyrene foam.

"Solid waste" means all putrescible and non-putrescible materials or substances, except as described in paragraph three of this subdivision, that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to, garbage, refuse, industrial and commercial waste, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

1. A material is discarded if it is abandoned by being:
  - i. disposed of;
  - ii. burned or incinerated, including being burned as a fuel for the purpose of recovering useable energy; or
  - iii. accumulated, stored, or physically, chemically or biologically treated (other than burned or incinerated) instead of or before being disposed of.
2. A material is disposed of if it is discharged, deposited, injected, dumped, spilled, leaked, or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water.
3. The following are not solid waste for the purpose of this chapter:
  - i. domestic sewage;
  - ii. any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works for treatment, except (A) any material that is introduced into such system in order to avoid the provisions of this chapter or the state regulations promulgated to regulate solid waste management facilities pursuant to 6 NYCRR part 360 or (B) food waste;

iii. industrial wastewater discharges that are actual point source discharges subject to permits under article seventeen of the environmental conservation law; industrial wastewaters while they are being collected, stored, or treated before discharge and sludges that are generated by industrial wastewater treatment are solid wastes;

iv. irrigation return flows;

v. radioactive materials that are source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2011 et seq.;

vi. materials subject to in-situ mining techniques which are not removed from the ground as part of the extraction process;

vii. hazardous waste as defined in section 27-0901 of the environmental conservation law; and

viii. regulated medical waste or other medical waste as described in section 16-120.1 of this title.

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

"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.

#### § 16-304 **Department-disposed of solid waste. [Repealed]**

#### § 16-305 **Recycling of department-managed solid waste.**

a. 1. The following recycling percentage goals are established for the recycling of department-managed solid waste:

i. by July first, two thousand eleven, sixteen percent of department-managed solid waste;

ii. by July first, two thousand thirteen, nineteen percent of department-managed solid waste;

iii. by July first, two thousand fourteen, twenty-one percent of department-managed solid waste;

iv. by July first, two thousand sixteen, twenty-four percent of department-managed solid waste;

v. by July first, two thousand eighteen, twenty-seven percent of department-managed solid waste;

vi. by July first, two thousand nineteen, thirty percent of department-managed solid waste; and

vii. by July first, two thousand twenty, thirty-three percent of department-managed solid waste.

2. In addition, the following recycling goals are established for curbside and containerized waste collected by the department:

i. By July first, two thousand eleven, sixteen percent of curbside and containerized waste collected by the department;

ii. By July first, two thousand thirteen, eighteen percent of curbside and containerized waste collected by the department;

iii. By July first, two thousand fourteen, nineteen percent of curbside and containerized waste collected by the department;

iv. By July first, two thousand sixteen, twenty-one percent of curbside and containerized waste collected by the department;

v. By July first, two thousand eighteen, twenty-three percent of curbside and containerized waste collected by the department;

vi. By July first, two thousand nineteen, twenty-four percent of curbside and containerized waste collected by the department; and

vii. by July first, two thousand twenty, twenty-five percent of curbside and containerized waste collected by the department.

b. The commissioner shall adopt and implement rules designating at least six recyclable materials, including plastics to the extent required in subdivision c of this section and yard waste to the extent required in section 16–308 of this chapter, contained in department-managed solid waste and requiring households to source separate such designated materials.

c. 1. Prior to commencing delivery of department-managed recyclable materials to the designated recycling processing facility at the South Brooklyn Marine Terminal, the commissioner shall designate as recyclable materials, and require the source separation of, rigid plastic containers.

2. If the commissioner, in his or her discretion, determines that the cost to the city of recycling rigid plastic containers required to be designated as recyclable materials pursuant to paragraph one of this subdivision is not reasonable in comparison with the cost of recycling only metal, glass and plastic that have been designated as recyclable materials as of the effective date of the local law that added this subdivision, the commissioner shall within ten business days notify and provide documentation to the council of the factors relied upon to make such determination and shall not be required to designate any such rigid plastic containers as recyclable materials.

3. If the commissioner determines that the cost to the city of recycling rigid plastic containers is not reasonable in comparison with the cost of recycling only metal, glass and plastic that have been designated as recyclable materials as of the effective date of the local law that added this subdivision, the commissioner shall annually reevaluate the cost to the city of designating such rigid plastic containers as recyclable materials, and shall annually make a new determination as to whether the cost of designating such containers as recyclable materials is reasonable in comparison with the cost of recycling only metal, glass and plastic that have been designated as recyclable materials as of the effective date of the local law that added this subdivision and shall report such evaluations to the council as part of the department's annual recycling report required pursuant to subdivision k of section 16–305 of this chapter. The department shall not promulgate rules designating rigid plastic containers as recyclable materials, and need not conduct outreach or education relating thereto if, pursuant to paragraph two of this subdivision, the commissioner determines that the cost to the city of recycling rigid plastic containers is not reasonable in comparison with the cost of recycling only metal, glass and plastic that have been designated as recyclable materials as of the effective date of the local law that added this subdivision.

4. Immediately following the promulgation of rules designating rigid plastic containers as recyclable materials, the department shall undertake outreach and education, in cooperation with any other agency or entity designated for that purpose by the commissioner, to inform residents of such new designation and to provide instruction on compliance with the requirements of this subdivision and the rules promulgated pursuant thereto.

d. The commissioner shall adopt and implement rules establishing procedures requiring the placement of the designated materials at the curbside, in specialized containers, or in any other manner the commissioner determines, to facilitate the collection of such materials in a manner that enables them to be recycled. Under such rules, no person shall be liable for incorrectly placing a non-designated rigid plastic container in the recycling stream.

e. Where the department provides solid waste collection services to a building containing at least four and no more than eight dwelling units, the commissioner shall adopt and implement rules requiring the owner, net lessee or person in charge of such building to:

1. provide for the residents, where practicable, a designated area and, where appropriate, containers in which to store the source separated or other designated recyclable materials to be collected by the department; and

2. inform all residents of the requirements of this chapter and the rules promulgated pursuant thereto by, at a minimum, posting instructions on source separation in or near the designated recycling area and making available to each resident at the inception of a lease, where applicable, a department-issued guide to recycling, which shall be made available to the owner, net lessee or person in charge of such building by the department pursuant to section 16–315 of this chapter in print form or on the department's website, or in an alternative guide containing similar information to the guide required by section 16–315 of this chapter.

If reasonably accessible space for the storage of source separated or other designated recyclable materials is not available in such building, and such space is available behind the building's property line, such space behind the property line may be designated as the area for the storage of source separated or other designated recyclable materials. If no such space is available, the owner, net lessee or person in charge of such building shall post instructions on recycling and source separation in or near a designated area that is visible to all residents in the building.

With respect to solid waste generated by households in the aforesaid buildings, the obligations of an owner, net lessee or person in charge of such building under this chapter shall be limited to those set forth in this subdivision and subdivisions d and g of this section or rules promulgated pursuant to such subdivisions.

f. Where the department provides solid waste collection services to a building containing nine or more dwelling units, the commissioner shall adopt and implement rules requiring the owner, net lessee or person in charge of such building to:

1. provide for the residents a designated area and, where appropriate, containers in which to store the source separated or other designated recyclable materials to be collected by the department;
2. inform all residents of the requirements of this chapter and the rules promulgated pursuant thereto by, at a minimum, posting instructions on source separation in or near the designated recycling area, and making available to each resident at the inception of a lease, a department-issued guide to recycling, which shall be made available to the owner, net lessee or person in charge of such building by the department pursuant to section 16–315 of this chapter in print form or on the department's website, or in an alternative guide containing similar information to the guide required by section 16–315 of this chapter; and
3. remove non-designated materials from the containers of designated source separated recyclable materials before such containers are placed at the curbside for collection and ensure that the designated materials are placed at the curbside in the manner prescribed by the department.

With respect to solid waste generated by households in the aforesaid buildings, the obligations of an owner, net lessee or person in charge of such building under this chapter shall be limited to those set forth in this subdivision and subdivisions d and g of this section or rules promulgated pursuant to such subdivisions.

g. The commissioner shall adopt and implement rules for any building containing four or more dwelling units in which the amount of designated materials placed out for collection is significantly less than what can reasonably be expected from such building. These rules shall require residential generators, including tenants, owners, net lessees or persons in charge of such building to use transparent bags or such other means of disposal the commissioner deems appropriate to dispose of solid waste other than the designated recyclable materials. Upon request of the owner, net lessee or person in charge of such building, and if the commissioner determines that such owner, net lessee or person in charge of such building has complied with this subdivision, subdivision d of this section and, as applicable, subdivision e or subdivision f of this section or rules promulgated pursuant to such subdivisions and that the amount of designated materials placed out for collection remains significantly less than what can reasonably be expected from such building, the department may develop a schedule to conduct random inspections to facilitate compliance with the provisions of this

chapter by tenants of such building, provided that lawful inspections may occur at reasonable times without notice to ensure compliance by the tenants, owner, net lessee or person in charge of such building.

h. 1. In calculating the extent to which the department has met the recycling percentage goals set forth in paragraph one of subdivision a of this section, the department shall include in its calculations all curbside and institutional recycling it collects, including materials collected from households, schools, not-for-profit institutions and city agencies, and all recyclable materials collected as part of the public space recycling program pursuant to section 16–310 of this chapter, and may include yard waste collected pursuant to section 16–308 of this chapter and any other material collected for composting pursuant to this chapter, Christmas trees collected pursuant to section 16–309 of this chapter, clothing and textiles donated or collected pursuant to section 16–310.1 of this chapter, household hazardous waste diverted pursuant to section 16–310.3 of this chapter, rechargeable batteries collected pursuant to chapter four of this title, beverage containers returned within the city pursuant to title ten of article twenty-seven of the environmental conservation law, electronic waste collected within the city or otherwise diverted from the city's waste stream, including such waste collected or diverted pursuant to title twenty-six of article twenty-seven of the environmental conservation law, and plastic bags collected within the city or otherwise diverted from the city's waste stream, including such plastic bags collected or diverted pursuant to title twenty seven of article twenty seven of the environmental conservation law. Only recyclable materials specifically enumerated in this paragraph shall be counted for purposes of calculating the extent to which the department has met the recycling percentage goals set forth in paragraph one of subdivision a of this section.

2. In calculating the extent to which the department has met the recycling percentage goals set forth in paragraph two of subdivision a of this section, the department shall include in its calculations all curbside and institutional recycling it collects, including materials collected from households, schools, not-for-profit institutions and city agencies, and all recyclable materials collected as part of the public space recycling program pursuant to section 16–310 of this chapter.

3. In calculating the extent to which the department has met the recycling percentage goals set forth in paragraphs one and two of subdivision a of this section, the department shall not include recycling of abandoned vehicles or recycling from lot cleaning operations, asphalt and mill tailings, construction and demolition debris or other commercial recycling programs. The commissioner shall not designate any such materials as recyclable materials under this section for purposes of calculating the extent to which the department has met such recycling percentage goals.

4. In calculating the percent of the department-managed solid waste stream recycled in connection with the percentage goals set forth in paragraph one of subdivision a of this section, the department shall ensure that any quantity of material counted as recycled must be fully included in the calculation of the city's total department-managed solid waste stream.

5. All data used to make calculations pursuant to paragraphs one and two of this subdivision shall be made available on the department's website in raw form disaggregated by material type and using a non-proprietary format on a monthly basis, or, if such data is not generated by the department, within one month from the date that the department receives reports of such information.

i. In the event that the department does not meet any recycling percentage goal set forth in paragraphs one or two of subdivision a of this section by the dates specified therein, the department shall, within sixty days of the date for meeting such goal, expand recycling outreach and education and shall take such other appropriate measures including, but not limited to, directing such outreach and education to the neighborhoods and community districts in which recycling diversion rates fall below the median city recycling diversion rate and consulting with the council to explore additional measures to meet the recycling percentage goals set forth in

such subdivision. In expanding recycling outreach and education, the department may work with other agencies or entities designated for that purpose by the commissioner.

j. In the event that the department is unable to achieve two consecutive recycling percentage goals set forth in paragraphs one and two of subdivision a of this section by the dates specified therein, in addition to the requirements of subdivision i of this section, the commissioner shall retain a special advisor, who shall be selected by the mayor and the speaker, provided that the commissioner need not retain such special advisor more than once every three years. Within one hundred twenty days of such retention, such adviser shall submit a report to the mayor and council recommending additional measures that may be taken by the city following such report in order to meet such recycling percentage goals.

- k. 1. Beginning on March first, two thousand eleven and annually thereafter, the department shall submit to the mayor and the council and make available on its website, an annual department recycling report which shall include provisions addressing: the extent to which the department has met the recycling percentage goals set forth in paragraphs one and two of subdivision a of this section and including a description of the methodology used to arrive at its recycling percentages; city agency recycling pursuant to section 16–307 of this chapter; department of education recycling pursuant to section 16–307.1 of this chapter; yard waste composting pursuant to section 16–308 of this chapter; Christmas tree composting or recycling pursuant to section 16–309 of this chapter; the public space recycling program pursuant to section 16–310 of this chapter; the clothing and textiles collection program pursuant to section 16–310.1 of this chapter; household hazardous waste collected pursuant to section 16–310.3 of this chapter or otherwise collected by the department; and any composting capacity determinations or food waste composting pilot programs pursuant to section 16–316.2 of this chapter.
2. Beginning the year that the department commences delivering department-managed recyclable materials to a designated recycling processing facility, the department shall annually report to the council the cost to the city of designating as recyclable materials any rigid plastic containers not previously designated by the commissioner pursuant to subdivision c of this section, and the then-current market value of any such materials.

#### **§ 16–305.1 Weekly collection of designated recyclable materials.**

a. Weekly collection of designated recyclable materials shall be maintained in all local service delivery districts.

b. Effective July first, two thousand three, and notwithstanding any inconsistent provision of this chapter, the department shall be authorized, by written order of the commissioner, to implement and maintain alternate week collection of designated recyclable materials in all local service delivery districts, provided that the department may, by written order of the commissioner, provide for more frequent collection of designated recyclable materials in designated local service delivery districts. Any such written order of the commissioner implementing alternate week collection shall expire no later than March thirty-first, two thousand four.

c. For purposes of this section "designated recyclable materials" shall mean solid waste that has been designated by the commissioner as recyclable pursuant to section 16–305 or section 16–307 of this chapter.

d. Nothing in this section shall be construed to require collection of designated recyclable materials in such parts of the city or during such times of the year that such materials are not otherwise collected.

#### **§ 16–306 Private carter-collected waste.**

a. The commissioner shall adopt and implement rules designating recyclable materials that constitute in the aggregate at least one-half of all solid waste collected by private carters, and additional materials if the commissioner determines that economic markets exist for them. Pursuant to subdivision b of this section, such rules shall require generators of private carter-collected waste to source separate some or all of the designated materials and to arrange for lawful collection for recycling, reuse or sale for reuse by private carters or persons other than private carters of such source separated materials. With regard to designated materials that are not required by such rules to be source separated, generators of private carter-collected waste may source separate these designated materials and, in any event, shall arrange for their lawful collection for recycling, reuse or sale for reuse by private carters or persons other than private carters. If a generator or private carter-collected waste has source separated the designated materials in accordance with the rules and arranged for the lawful collection for recycling, reuse or sale for reuse by private carters or persons other than private carters of such source separated materials and, with regard to designated materials that are not required by such rules to be source separated, arranged for lawful collection for recycling, reuse or sale for reuse by private carters or persons other than private carters, such arrangement shall constitute an affirmative defense to any proceeding brought against the generator pursuant to section 16-324 of this chapter.

b. The rules promulgated pursuant to subdivision a of this section shall require that generators of waste collected by businesses required to be licensed pursuant to section 16-505 of this code source separate the designated materials in such manner and to such extent as the commissioner determines to be necessary to minimize contamination and maximize the marketability of such materials. However, in promulgating such rules the commissioner shall not require source separation of a material unless the commissioner has determined that an economic market exists for such material. For the purpose of this section, the term "economic market" refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials. The New York city business integrity commission shall adopt and implement rules requiring businesses licensed to remove, collect or dispose of trade waste to provide for the collection of, and ensure the continued separation of, designated materials that have been source separated, provide for the separation of all other designated materials, and provide for recycling of all the designated materials. Rules promulgated by the business integrity commission pursuant to this subdivision shall be enforced in the manner provided in section 16-517 of this code and violations of such rules shall be subject to the penalties provided in subdivision a of section 16-515 of this code for violation of the provisions of chapter one of title 16-A of this code. In addition, the commissioner shall have the authority to issue notices of violation for any violation of such rule and such notices of violation shall be returnable in a civil action brought in the name of the commissioner before the environmental control board which shall impose a penalty not to exceed ten thousand dollars for each such violation.

c. The department shall complete a study of commercial recycling in the city no later than January first, two thousand twelve. Such commercial recycling study shall focus on the putrescible portion of the commercial waste stream, and shall include, but need not be limited to, the following: (i) an integration of all data on commercial waste in the city collected and transported through transfer stations and recycling processors; (ii) an assessment of current practices, operations and compliance with applicable local laws and rules, consistent with the scope of study set forth in the 2006 Solid Waste Management Plan; (iii) estimates of waste composition and recycling diversion rates from research conducted with respect to other jurisdictions; (iv) a computer-based model to measure the amount and composition of waste generated by different commercial sectors; (v) recommendations of methods to encourage waste prevention, reuse, recycling and composting for each of the commercial sectors studied, including any recommended changes to applicable law; and (vi) an assessment of the efficiency of the transportation of commercial waste within the commercial system by, among other things, mapping and monitoring routes along which commercial waste and recycling trucks travel, including long-haul carriers within and outside the city. Following completion of the commercial recycling study,

the commissioner shall determine whether any additional studies are necessary in order to improve commercial recycling practices in the city and shall promptly report such determination to the mayor and the council.

**§ 16–307 City agency waste.**

a. The commissioner shall adopt, amend and implement rules, as necessary, governing the source separation or post-collection separation, collection, processing, marketing, and sale of designated recyclable materials including, but not limited to, designated metal, glass, plastic and paper generated by any agency, as such term is defined in section 1–112 of the code.

b. Every agency shall, no later than July first, two thousand eleven, prepare and submit to the commissioner for approval, a waste prevention, reuse and recycling plan. Such plan shall provide for the source separation of designated metal, glass, plastic and paper, and such other designated recyclable materials as the commissioner deems appropriate, in all offices and buildings occupied by agencies that receive collection service from the department and, to the extent practicable, in those that receive private carter collection. Such plans shall provide for the source separation of designated recyclable materials in the lobbies of such offices or buildings that receive department collection, unless the placement of bins for the source separation of designated recyclable materials would be in violation of any other provision of law, and, to the extent practicable, in the lobbies of such offices or buildings that receive private carter collection. Each agency shall designate a lead recycling or sustainability coordinator to oversee implementation of such plans. If an agency has offices in more than one city-owned building, then such agency shall designate one assistant coordinator for each building in which such agency has offices, except the building in which the lead coordinator has his or her office, to assist the agency's lead coordinator.

c. On or before July first, two thousand twelve and annually thereafter, every lead recycling or sustainability coordinator shall submit a report to the head of his or her respective agency and to the commissioner, summarizing actions taken to implement the waste prevention, reuse and recycling plan for the previous twelve-month reporting period, proposed actions to be taken to implement such plan, and updates or changes to any information included in such plan. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to subdivision k of section 16–305 of this chapter.

**§ 16–307.1 School recycling.**

a. The chancellor of the department of education shall designate a sustainability director for the department of education, who shall be responsible for (i) setting policies, guidelines and goals to promote waste prevention, reuse and recycling practices, and (ii) coordinating the department of education's waste prevention, reuse and recycling program in all school buildings, charter school locations, office buildings, and any other facilities under the jurisdiction of the department of education that receive department collection service.

b. The chancellor of the department of education shall promulgate such rules as may be necessary to require that each school building, charter school location, office building, and any other facility under the jurisdiction of the department of education that receives department collection service, develop a site-specific waste prevention, reuse and recycling plan. Each such plan shall be implemented by January first, two thousand eleven. Such plan shall include, at a minimum, a requirement that each classroom maintain a separate receptacle, container or bin for the collection of designated recyclable paper, and that such receptacle, container or bin be appropriately labeled or decorated with recycling information. Such plan shall also provide that separate receptacles, containers or bins for the collection of designated metal, glass and plastic be appropriately labeled or decorated with recycling information and be placed as close as practicable to school

entrances, unless the placement of such bins would be in violation of any other provision of law, and in locations within schools where food and beverages are routinely consumed.

c. The principal of each school under the jurisdiction of the department of education shall designate a sustainability coordinator for his or her school who shall be responsible for implementing his or her school's waste prevention, reuse and recycling plan. The principal or the sustainability coordinator shall complete, and submit to the department of education sustainability director and to the chancellor, an annual survey regarding such school's compliance with its waste prevention, reuse and recycling plan.

d. On or before January first, two thousand twelve, the chancellor shall submit a report to the commissioner regarding compliance with the requirements of this section for the period of January first, two thousand eleven through June thirtieth, two thousand eleven, and shall submit an annual compliance report by January first of each year thereafter for the preceding July first through June thirtieth. The department shall include the chancellor's report as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

e. The department shall distribute a model school waste prevention, reuse and recycling plan to all primary and secondary schools not under the jurisdiction of the department of education that receive department collection service. All such primary and secondary schools shall designate a sustainability coordinator for each such school, and develop a site-specific waste prevention, reuse and recycling plan. Each such plan shall be implemented by January first, two thousand eleven. Such plan shall include, at a minimum, a requirement that each room used primarily as a classroom for students between kindergarten and the twelfth grade maintain a separate receptacle, container or bin for the collection of designated recyclable paper, and that such receptacle, container or bin be appropriately labeled or decorated with recycling information. Such plan shall also provide that separate receptacles, containers or bins for the collection of designated metal, glass and plastic be appropriately labeled or decorated with recycling information and be placed as close as practicable to school entrances, unless the placement of such bins would be in violation of any other provision of law. Such bins shall also be placed in centralized locations within such schools where food and beverages are routinely consumed, other than classrooms, such as cafeterias and lunchrooms, or, if such school lacks a cafeteria or lunchroom, in a location readily accessible to all students in such school.

#### § 16-308 **Organic waste.**

- a. 1. No later than October first, two thousand thirteen, the commissioner shall establish a voluntary residential organic waste curbside collection pilot program for the diversion of organic waste from households in one designated collection area. Such pilot program shall end no earlier than July first, two thousand fifteen. For purposes of this subdivision, a household shall mean a single dwelling or a residential unit within a dwelling that contains two or more residential units and a designated collection area shall mean a contiguous area within a borough comprised of no fewer than one thousand households.
2. No later than January first, two thousand fourteen, the commissioner shall establish a school organic waste collection pilot program for the diversion of organic waste from no fewer than three hundred schools located in no fewer than three boroughs. Provided there is sufficient capacity in trucks on collection routes for such pilot program, the department shall provide organic waste collection service to residential buildings with nine or more units that are located on such collection routes and that volunteer for such collection. Such pilot program shall end no earlier than July first, two thousand fifteen.
3. No later than January first, two thousand fourteen, the commissioner shall expand the voluntary residential organic waste curbside collection pilot program established pursuant to paragraph one of this subdivision to no fewer than a total of three designated collection areas, each of which shall be in a different borough. No later than June first, two thousand fourteen, the commissioner shall expand the

voluntary residential organic waste curbside collection pilot program established pursuant to paragraph one of this subdivision to no fewer than a total of four designated collection areas, each of which shall be in a different borough, with a goal of expanding such pilot program to no fewer than one hundred thousand households by such date.

4. No later than January first, two thousand fifteen, the commissioner shall expand the school organic waste collection pilot program established pursuant to paragraph two of this subdivision to no fewer than a total of four hundred schools located in no fewer than five boroughs. Provided there is sufficient capacity in trucks conducting collection on collection routes for such pilot program, the department shall provide organic waste collection service to residential buildings with nine or more units that are located on such collection routes and that volunteer for such collection.

5. The commissioner shall have the authority, during the duration of the pilot program established pursuant to paragraph one of this subdivision, to discontinue voluntary residential organic waste curbside collection service to a designated collection area, provided, however, that the commissioner shall select a replacement designated collection area within sixty days of any such discontinuation.

6. The department or its designee shall conduct outreach and education to residents for the duration of the pilot programs established pursuant to this subdivision. Such outreach and education shall include, but need not be limited to, the environmental benefits of source separating organic waste for composting, instructions for how to properly source separate organic waste and the benefits of reducing organic waste.

7. On June first, two thousand fourteen and every six months thereafter for the duration of the pilot programs established pursuant to this subdivision, the department shall report to the mayor and the council the total amount of organic waste diverted during the previous six-month period from households and schools that participated in such pilot programs during the entirety of such six-month period. The department shall include such diversion information in the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

8. No later than January first, two thousand fifteen, the commissioner shall conduct a study on improving community composting and submit the findings of such study to the mayor and the council. The study shall include, but need not be limited to: (i) recommendations for how the city can optimize the use of existing community composting locations and resources; (ii) an assessment of markets for finished compost within the city, including use by city agencies and potential retail sales; and (iii) strategies to expand community composting locations in each of the five boroughs.

9. No later than October first, two thousand fifteen, the commissioner shall issue a report to the mayor and the council on the pilot programs established pursuant to this subdivision, which shall include, but need not be limited to information on: (i) the number of households, residential buildings, and schools participating; (ii) the total amount of organic waste diverted; (iii) the costs associated with the programs; (iv) the availability of organic material processing capacity in and around the city; and (v) resident feedback concerning such pilot programs, including the adequacy of the receptacles used for such pilot programs and any other issues of concern. Such report shall include recommendations as to whether the voluntary residential organic waste curbside collection pilot program and the school organic waste collection pilot program should be expanded and, if so, a schedule for expanding such pilot program to additional designated collection areas in the city.

b. On and after July first, two thousand sixteen, the commissioner shall provide for the source separation, collection and composting of department-managed yard waste generated within designated areas of the city in which a substantial amount of yard waste is generated from March first to July thirty-first and September first to November thirtieth of each year, unless the generator otherwise provides for recycling or storage for composting or mulching. In addition, the commissioner shall provide for the collection and composting of yard waste generated and source separated at residential properties owned or operated by the New York city

housing authority. There shall be operated by or on behalf of the department one or more yard waste composting facilities through which the department shall compost yard waste collected by or delivered to the department pursuant to this section. In order to comply with this provision, the department may utilize the services of privately-owned or operated facilities. The department shall also work in consultation with the composting facility siting task force established by the two thousand and six solid waste management plan to identify additional locations to site yard waste composting facilities with the goal of establishing at least one such composting facility in each borough where the department conducts yard waste composting collection.

c. Any city agency, or person under contract with a city agency, that generates a substantial amount of yard waste shall, in coordination with the department, provide for the source separation, collection and composting of such yard waste. Unless otherwise provided by law, the department shall accept for composting any city agency yard waste source separated for department collection pursuant to this subdivision.

d. Within twenty-four months of the effective date of the local law that amended this section, no landfill, waste transfer station, intermodal facility, incinerator or resource recovery facility owned, operated or used by the department shall accept truckloads of department-managed waste primarily composed of yard waste for final disposal from March 1 to July 31 and September 1 to November 30 of each year, except that composted yard waste may be used as part of the final vegetative cover for a department landfill.

e. All city agencies responsible for the maintenance of public lands shall to the maximum extent practicable and feasible give preference to the use of compost materials derived from the city's yard waste in all land maintenance activities.

f. Generators of yard waste, except those identified in subdivision g of this section, shall separate, tie, bundle, or place into paper bags or unlined rigid containers, in accordance with rules promulgated by the commissioner, any yard waste set out for collection by the department pursuant to subdivision b of this section. The commissioner shall notify all residents in districts that receive yard waste collection by the department of such pre-collection procedures, and undertake any other action necessary to effectuate the purposes of this subdivision.

g. No person engaged in a business that generates yard waste shall leave such yard waste for collection by the department, or disperse such yard waste in or about the curb or street. Any person engaged in a business that generates yard waste shall be required to collect and dispose of such yard waste at a permitted composting facility; provided, however, that if the department, by written order of the commissioner, determines that there is insufficient capacity at permitted composting facilities within the city of New York or within ten miles of the borough in which any such person generates yard waste, then such yard waste may be disposed of at any appropriately permitted solid waste management facility.

h. Each permitted composting facility within the city, including those operated by city agencies, shall annually report to the commissioner the amount of yard waste and any other organic waste collected and disposed of by weight at such composting facility. All such reports shall be submitted prior to February first of each calendar year and shall contain the amount collected and disposed of for the previous calendar year. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

i. No person residing in a district where the department provides residential yard waste composting collection pursuant to subdivision b of this section shall dispose of grass clippings as regular waste for collection by the department during the period of time when the department conducts such composting collection. The department shall conduct outreach and education to inform residents within such districts of the dates when it will conduct yard waste composting collection. No person residing in a district where the department provides residential yard waste composting collection shall be held liable for a violation of this subdivision during the first year the department provides such residential yard waste composting collection.

**§ 16–309 Christmas trees.**

The commissioner shall establish and implement a curbside collection system for Christmas trees during a minimum of two weeks in January of each year and provide for the composting or recycling of the Christmas trees the department collects or receives for disposal.

**§ 16–310 Public space recycling.**

a. The department shall expand its public space recycling program by increasing the number of public space recycling receptacles for the collection of recyclable materials including, but not limited to, metal, glass, plastic and paper designated as recyclable materials by the commissioner, to a cumulative total of at least five hundred public space recycling receptacles within three years of the effective date of this section, and to a cumulative total of at least one thousand public space recycling receptacles within ten years of the effective date of this section, at public locations in the city, which shall be in or near public parks, transit hubs, or commercial locations with high-pedestrian traffic. As part of such expansion, the department shall place public space recycling receptacles in all business improvement districts that provide public litter basket maintenance. Wherever practicable, public space recycling receptacles placed pursuant to this section shall be placed adjacent to public litter baskets.

b. Notwithstanding the provisions of subdivision a of this section, the department shall not be required to expand the public space recycling program beyond existing or newly-established collection routes that can be efficiently serviced by the department. The commissioner shall have the authority to remove any public space recycling receptacle placed pursuant to this section, provided that the department replaces any such public space recycling receptacle, within thirty days of removal, with additional public space recycling receptacles at the same or in a different location on a one-to-one basis.

c. No person responsible for removing or transporting recyclable materials placed in public space recycling receptacles shall commingle such recyclable materials with non-recyclable materials or otherwise improperly dispose of such recyclable materials.

d. The department shall report the total number of public space recycling receptacles added during the relevant reporting year, and the locations in which they were placed. Such report shall be included as part of the department's annual recycling report required pursuant to subdivision k of section 16–305 of this chapter.

e. The department may enter into sponsorship or partnership agreements with entities such as for-profit and not-for-profit corporations and district management associations established in accordance with section 25–414 of the code to further the goals of this chapter.

**§ 16–310.1 Textile reuse and recycling program.**

a. On or before January first, two thousand eleven, the department shall establish a citywide textile reuse and recycling program that shall, at a minimum, provide for the recovery of textiles by placing department-approved publicly accessible textile drop-off bins at appropriate locations on city property or property maintained by the city and organizing public textile reuse and recycling sites throughout the city that provide convenient drop-off locations for all city residents. In addition, the commissioner shall explore opportunities to work cooperatively with private entities, including, but not limited to, not-for-profit corporations and religious institutions, to promote expanded siting of publicly accessible textile drop-off bins on private property throughout the city. The department shall consider using department personnel and/or facilities in order to implement the provisions of this section.

b. No publicly accessible textile drop-off bin placed pursuant to this section shall be placed on city property or property maintained by the city, or on a public sidewalk or roadway, unless otherwise authorized by the city. No publicly accessible textile drop-off bin shall be placed on private property without the written permission of the property owner or the property owner's authorized agent. The owner or other person responsible for each such bin shall report at least every three months to the department the amount of textiles collected in such bin by weight. Each publicly accessible textile drop-off bin shall prominently display on the front and on at least one other side of the bin, the name, address and telephone number of the owner or other person responsible for the bin. This information shall be printed in characters that are plainly visible. In no event shall a post office box be considered an acceptable address for purposes of this subdivision.

c. The department shall report by weight the amount of textiles collected in publicly accessible textile drop-off bins located on city property or property maintained by the city, through public textile reuse and recycling sites pursuant to subdivision a of this section and in publicly accessible textile drop-off bins maintained on private property. Such report shall be included as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

#### **§ 16-310.2 Paint stewardship program.**

a. Within one year of the effective date of this section, the commissioner shall establish a voluntary paint stewardship program under which manufacturers of architectural paint, in cooperation with distributors of architectural paint and retail establishments that sell, or offer for sale, architectural paint in the city of New York, may establish a collection or other reclamation system to collect architectural paint from consumers for reuse, recycling or environmentally sound disposal.

b. The commissioner shall provide assistance or guidance to participating architectural paint manufacturers, distributors and retail establishments in developing and implementing strategies to reduce the quantity of architectural paint in the waste stream, promote the reuse of architectural paint that would otherwise be discarded and disseminate information regarding options to recycle architectural paint including, but not limited to, posting information regarding the voluntary paint stewardship program on the department's website.

#### **§ 16-311 Recycling outreach and education.**

a. The department shall provide instruction and materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, in order to improve compliance with the provisions of this chapter.

b. The commissioner shall establish a recycling education program that shall include recycling instructional workshops, training curricula and other relevant materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, including an internet-based recycling tutorial. Such program shall also provide instructional workshops, training curricula, and other relevant material to employees of city agencies, including a leaf and yard waste training program for employees of any such agencies that generate significant leaf and yard waste. The commissioner may utilize a private entity or not-for-profit corporation to assist with the establishment or performance of such program.

#### **16-312 Processing recyclable materials.**

The commissioner shall establish procedures and standards for processing recyclable materials designated pursuant to section 16-305 of this chapter in city owned or operated recycling centers, city owned or operated transfer stations or any city owned or operated facility that renders recyclable materials suitable for reuse or

marketing and sale. The commissioner shall annually review such procedures and standards and make any changes necessary to conform to the requirements of the marketplace.

§ 16–313 **Marketing recyclable materials.**

The department shall establish procedures, standards and strategies to market the recyclable materials designated pursuant to section 16–305 of this chapter, including, but not limited to, maintaining a list of prospective buyers, establishing contact with prospective buyers, entering into contracts with buyers, and reviewing and making any necessary changes in collecting or processing the materials to improve their marketability.

§ 16–314 **Recycling program revisions.**

The commissioner shall annually review the recycling program and all rules promulgated thereunder, and shall make the necessary revisions to improve the efficiency of collecting, processing, marketing and selling the materials recycled pursuant to this chapter. These revisions may include designating additional recyclable materials. The commissioner shall not delete designated materials without designating additional materials so that the total quantity, by weight, of all designated recyclable materials collected, processed, marketed and sold does not decrease. Where the commissioner determines that it is appropriate to delete a designated material, the department shall provide notice of such deletion to the mayor and the council, including the reason for such deletion, and shall provide any relevant data supporting such decision.

§ 16–315 **Notice, education and research programs.**

a. In addition to the notice requirements of section one thousand forty-three of chapter forty-five of the charter, within thirty days of the effective date of any rules promulgated pursuant to this chapter, and as frequently thereafter as the commissioner deems necessary, the department shall notify all community boards and persons occupying residential, commercial and industrial premises affected by the rules, of the requirements of the rules, by posting notices containing recycling information in public places where such notices are customarily placed and, in the commissioner's discretion, employing any other means of notification deemed necessary and appropriate.

b. The commissioner shall compile relevant recycling, reuse and composting information, including material available on the department's website, to create and make available a guide to the city's residential recycling program. Such guide shall, at a minimum, summarize and explain the laws and rules governing curbside recycling, list the collection locations and collection dates for non-curbside collected recyclable materials such as household hazardous waste and textiles, and provide detailed information and instructions on how to recycle any materials not collected by the department for which non-city or non-department recycling programs exist. Such guide shall be made available to residential building owners, or the net lessees or persons in charge of such buildings, community boards, not-for-profit organizations, public schools, and other relevant agencies and entities, and shall also be made available on the department website. The commissioner shall update the recycling guide biennially, or as necessary, based on changes to recycling laws, rules or other relevant information to be included therein.

c. The department shall develop and implement an educational program, in conjunction with the department of education, private schools, labor organizations, businesses, neighborhood organizations, community boards, and other interested and affected parties, and using flyers, print and electronic advertising, public events, promotional activities, public service announcements, and such other techniques as the commissioner

determines to be useful, to assure the greatest possible level of compliance with the provisions of this chapter. The educational program shall encourage waste reduction, the reuse of materials, the purchase of recyclable products, and participation in city and private recycling activities.

d. The department shall perform such research and development activities, in cooperation with other city agencies, and public and private institutions, as the commissioner determines to be helpful in implementing the city's recycling program. Such research shall include, but not be limited to, investigation into the use of cooperative marketing programs, material recovery facilities, recycling as an economic development tool, export promotion, tax credits and exemptions for market promotion.

### **§ 16–316 Recycling and composting economic development study.**

Within two years of the effective date of this section, the department, in conjunction with the mayor's office of long-term planning and sustainability and the New York city economic development corporation, shall perform a study on the economics of recycling and composting and the development of recycling and composting-related industries in the city of New York. Such study shall: (i) assess the New York city recycling market including but not limited to a growth forecast for recycling markets and related industries for the next five years; (ii) describe those industries or businesses that would address shortcomings in the city's recycling and composting infrastructure and areas where opportunities for recycling and composting-related job growth in the city appear practical, describing barriers to recycling and composting businesses, and outlining financial and other incentives that might be successful in attracting new recycling and composting-related businesses or encouraging the expansion of existing recycling and composting-related businesses; (iii) examine existing markets for processing and purchasing recyclable materials and the potential and steps necessary to expand these markets; and (iv) look at the city's taxation and finance authority to stimulate recycling and the demand for recycled materials. Sections of such study may be shared with or derived from the composting report required pursuant to section 16–316.2 of this subchapter.

#### **§ 16–316.1 Waste characterization study.**

a. The commissioner shall complete follow-up studies to the studies performed in two thousand five regarding the characteristics of the city's residential and institutional waste streams for department-managed solid waste on or before January thirty-first, two thousand twelve, and on or before January thirty-first, two thousand eighteen. The results of each such study and an analysis of those results shall be submitted to the council and the mayor within sixty days of their completion.

b. On or before January thirty-first, two thousand twenty-four, the commissioner shall complete a detailed, comprehensive citywide multi-season study of the city's residential and institutional waste streams for the purpose of determining the composition of the waste stream characterized by type of material. The results of such study and an analysis of those results shall be submitted to the council and the mayor within sixty days of its completion.

#### **§ 16–316.2 Food waste composting study.**

The department, in conjunction with the mayor's office of long-term planning and sustainability, shall issue a report by July first, two thousand twelve recommending methods to expand the diversion of compostable waste from the city's waste stream. In preparing such report, the department or the office of long-term planning and sustainability shall (1) study the viability of a curbside collection program for household and institutional compostable waste including, but not limited to, cost considerations and any concerns regarding siting

composting facilities to conduct such a curbside collection program; (2) identify existing private and public facilities within three hundred miles of the city that accept compostable waste for composting and determine the available capacity at and cost to deliver compostable waste to such facilities and any siting considerations concerning such facilities; (3) review capacity at putrescible solid waste transfer stations permitted by the city, and putrescible solid waste transfer stations within sixty miles of the city, and determine whether any such transfer stations are capable of accepting source-separated compostable waste for consolidation and transportation, the cost to deliver source-separated compostable waste to such facilities and any siting considerations concerning such facilities; (4) explore opportunities to expand the currently available capacity to compost compostable waste at existing sites within the city or, in conjunction with the study required by section 16–316 of this chapter, explore opportunities to develop one or more new facilities within the city or within sixty miles of the city for the composting of compostable waste, including, but not limited to, opportunities to work with one or more entities to develop such facilities and any siting considerations concerning such a facility; (5) compile a comprehensive list of sites around the city including, but not limited to, city botanical gardens and greenmarkets, that accept household and institutional compostable waste on a voluntary basis, and recommend methods to encourage and expand options for voluntary composting; and (6) provide a plan to study the viability of instituting a food waste composting program for the residential or commercial waste stream, to be completed within two years of the issuance of such report.

#### **§ 16–316.3 Household hazardous waste collection.**

a. No later than July first, two thousand eleven, the commissioner shall establish a citywide program for the diversion of household hazardous waste from department-managed solid waste which shall include, but need not be limited to, at least one annual drop-off collection event at one or more designated sites in each borough.

b. The department shall report annually the total amount of household hazardous waste diverted by the program established pursuant to subdivision a of this section. Such report shall specify each category of material and the amount of such material collected at each collection event or site established pursuant to subdivision a of this section. Such report shall be included as part of the department's annual recycling report required pursuant to subdivision k of section 16–305 of this chapter.

c. The commissioner shall study opportunities to establish additional household hazardous waste collection events and sites, as well as opportunities to provide for the collection of household hazardous waste at designated sites on a regular basis. The commissioner shall report on such opportunities to the mayor and the council within two years of the effective date of this section, and annually thereafter, and such report shall be included as part of the department's annual recycling report required pursuant to subdivision k of section 16–305 of this chapter.

#### **§ 16–317 Citizens' solid waste advisory boards; membership.**

Within six months of the effective date of this chapter, each borough shall establish a citizens' solid waste advisory board (the "citizens' board"), consisting of no fewer than twenty members who for the first term shall be comprised of the members of the borough's citizens' advisory committee on resource recovery and other persons appointed jointly by the borough president and the council members elected from the council districts included in any part of the borough. For each subsequent term, all members shall be appointed jointly by the borough president and the council members elected from the council districts included in any part of the borough. The membership of each citizens' board shall represent community boards, recycling industries, carting industries, environmental organizations, government agencies, labor organizations, business organizations, property owners, tenant organizations and members of the general public. Members shall serve

for a term of two years without compensation and shall designate one member to serve as chairperson and one as vice-chairperson.

**§ 16–318 Functions of the citizens' board.**

a. The department shall submit to each borough president the portion of the biennial report addressing the city's recycling program that is prepared pursuant to the city's two thousand six solid waste management plan, simultaneous with the submission of such report to the mayor and the council. Each borough president shall distribute copies of such portion to each member of the citizens' board in his or her borough. Within ninety days thereafter, each citizens' board shall review such portion, conduct a public hearing on such portion and make written recommendations to its borough president, the department and the council with respect to the recycling program within its borough. Each citizens' board shall also annually advise its borough president and the department with respect to the development, promotion and operation of the recycling program in its borough and pursuant to this function shall formulate and recommend:

1. annual recycling goals equal to or greater than those set forth in section 16–305 of this chapter and the methods proposed to achieve such goals;

2. means to encourage community participation in the recycling program; and

3. means to promote the recycling program and educate the public with regard to the program.

b. In each borough, the citizens' board shall assume all the responsibilities and functions of the borough's citizens' advisory committee on resource recovery.

**§ 16–319 Citywide recycling advisory board; membership.**

There shall be a citywide recycling advisory board (the "citywide board") consisting of at least one representative from each citizens' board, five members appointed by the council, and five members appointed by the mayor. The membership of the citywide board shall represent community boards, recycling industries, carting industries, environmental organizations, government agencies, labor organizations, business organizations, real property owners, tenant organizations and members of the general public. Members shall serve for a term of one year without compensation and shall designate one member to serve as chairperson and one as vice-chairperson.

**§ 16–320 Functions of the citywide board.**

The citywide board shall meet at least four times a year to discuss citywide recycling issues, including but not limited to budgetary issues. The citywide board shall annually review the department's recycling program and make recommendations to the mayor and the council concerning improvements to and changes in the program.

**§ 16–321 Disclosure requirements.**

a. Whenever a person, other than a public servant, appointed to any advisory board created pursuant to this subchapter, engages in any business dealings with the department, or engages in business dealings with any other agency that relate to processing or disposal of solid waste or of waste described in paragraph three of the definition of solid waste in section 16–303 of this chapter or to recycling, or has an interest in a firm that is engaged in such business dealings with the department or with such other agency, such person shall, prior to appointment, disclose the nature of such business dealings to the commissioner and to the body or officer appointing such person, and, after appointment, disclose the nature of such business dealings to the

commissioner and to all other members of such board; provided that such person need not disclose the amount of such business dealings.

b. When used in this section:

1. "Advisory committee" means a committee, council, board or similar entity that is constituted to provide advice or recommendations to the city and which has no authority to take a final action on behalf of the city, to take any action that would have the effect of conditioning, limiting or requiring any final action by any other agency, or to take any action that is authorized by law.

2. "Agency" means a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation, advisory committee or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include but not be limited to, the council, the offices of each elected official, the department of education, community school boards, community boards, the financial services corporation, the health and hospitals corporation, the public development corporation and the New York city housing authority, but shall not include any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.

3. "Blind trust" means a trust in which a candidate for any advisory board created pursuant to this subchapter or a member of such board, or the spouse or unemancipated child of such candidate or member, has a beneficial interest, the holdings and sources of income of which such candidate or member and such spouse and unemancipated child have no knowledge, and the trustee of which shall have independent authority and discretion.

4. "Business dealings" means any transaction involving the sale, purchase, rental, disposition or exchange of any goods, services or property, and any performance of or litigation with respect to any of the foregoing, but shall not include any transaction involving the residence of any candidate for any advisory board created pursuant to this subchapter or of any member of such board, or any ministerial matter.

5. "City" means the city of New York and includes an agency of the city.

6. "Elected official" means a person holding office as mayor, comptroller, public advocate, borough president or member of the council.

7. "Firm" means a sole proprietorship, joint venture, partnership, corporation or any other form of enterprise, but shall not include a public benefit corporation or local development corporation.

8. "Interest" means an ownership interest in a firm or a position with a firm.

9. "Ministerial matter" means an administrative act that is carried out in a prescribed manner and which does not involve substantial personal discretion.

(10)\* "Ownership interest" means an interest in a firm that is held by a candidate for any advisory board created pursuant to this subchapter, or by a member of such board, or by the spouse, domestic partner, or unemancipated child of such candidate or member, which exceeds five percent of the firm or an investment of twenty-five thousand dollars in cash or other form of commitment, whichever is less, or five percent or twenty-five thousand dollars of the firm's indebtedness, whichever is less, and any lesser interest in a firm when such candidate or member, or such spouse, domestic partner, or unemancipated child, exercises managerial control or responsibility regarding any such firm, but shall not include interests held in any pension plan, deferred compensation plan or mutual fund, the investments of which are not controlled by such candidate or member, or by such spouse, domestic partner, or unemancipated child, or in any blind trust that holds or acquires an ownership interest.

11. "Position" means a position in a firm, such as an officer, director, trustee, employee or any management position, or as an attorney, agent, broker or consultant to the firm, which does not constitute an ownership interest in the firm.

12. "Public servant" means all officials, officers and employees of the city, including members of community boards and members of advisory committees, except unpaid members of advisory committees shall not be public servants.

13. "Spouse" means a husband or wife of a candidate for any advisory board created pursuant to this subchapter or of a member of such board who is not legally separated from such candidate or member.

14. "Unemancipated child" means any son, daughter, step-son or step-daughter who is under the age of eighteen, unmarried and living in the household of a candidate for any advisory board created pursuant to this subchapter or of the member of such board.

§ 16–322 **City purchase of products made from secondary materials. [Repealed]**

§ 16–323 **Rules submitted to council.**

Rules adopted by the commissioner pursuant to this chapter shall become effective only after filing and publication as prescribed by chapter forty-five of the charter. In addition, notwithstanding the provisions of chapter forty-five of the charter, prior to adoption by the commissioner of a final rule pursuant to subdivision e of section one thousand forty-three of the charter, and after consideration of relevant comments presented pursuant to subdivision d of such section, the commissioner shall submit to the council the text of the final rule proposed to be published in the city record. The council shall have thirty days from the date of such submission to comment upon such text. The final rule may include revisions in response to comments from the council and shall not be published in the city record before the thirty-first day after such submission, unless the speaker of the council authorizes earlier publication.

§ 16–324 **Enforcement.**

a. Subject to the provisions of subdivision b of this section, any person who violates this chapter, except subdivision g of section 16–308 of this chapter or section 16–310.1 of this chapter, or any rule promulgated pursuant thereto, shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board, as follows:

1. For residential buildings containing fewer than nine dwelling units, the civil penalty shall be in an amount of twenty-five dollars for the first violation, fifty dollars for the second violation committed on a different day within a period of twelve months, and one hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause.

2. For residential buildings containing nine or more dwelling units and commercial, manufacturing or industrial buildings, the civil penalty shall be in an amount of one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause. The owner, net lessee or person in charge of any residential building of nine or more dwelling units or a commercial, manufacturing or industrial building with respect to which four or more violations were committed on different days within a period of six months shall be classified as a persistent violator.

3. For persistent violators only, each container or bag containing solid waste that has not been source separated or placed out for collection in accordance with the rules promulgated by the commissioner pursuant to this chapter shall constitute a separate violation, provided that no more than twenty separate

violations are issued on a per bag or per container basis during any twenty-four hour period. Before issuing any such notices of violation to a persistent violator on a per bag or per container basis, the commissioner shall give such violator a reasonable opportunity to correct the condition constituting the violation.

4. There shall be a rebuttable presumption that the number of dwelling units designated on a notice of violation issued pursuant to this section reflects the number of dwelling units in the residential building for which the notice of violation was issued. Where such presumption is rebutted, the number of dwelling units on such notice of violation shall be deemed modified accordingly, and in no event shall such notice of violation be dismissed solely on the ground that the number of dwelling units on the original notice of violation was incorrectly stated.

5. The commissioner or the commissioner's designee shall establish a recycling training program for owners or employees of residential buildings of nine or more dwelling units for which at least three notices of violation for failing to properly source separate designated recyclable material have been issued within a twelve-month period and which the commissioner determines to be in need of recycling training. Such training program shall require the building owner, or an employee who is primarily responsible for waste disposal and/or janitorial services for any such building, to attend a training program established by the commissioner or the commissioner's designee designed to improve recycling practices at such building and a fee may be imposed on any owner or employee who participates in such training program. Such training program may be held in any location designated by the commissioner or the commissioner's designee, including, in order to facilitate tenant participation, at such building.

b. Any person who violates subdivision g of section 16–308 of this chapter shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, one thousand dollars for the second violation committed within a twelve-month period, and two thousand five hundred dollars for the third and each subsequent violation committed within a twelve-month period.

c. Any owner or other person responsible for a publicly accessible textile drop-off bin who violates subdivision b of section 16–310.1 of this chapter shall be liable as follows:

1. In the event that a publicly accessible textile drop-off bin is impermissibly placed on city property, or property maintained by the city, or on any public sidewalk or roadway, the owner of the publicly accessible textile drop-off bin, if the address of such owner is ascertainable, shall be notified by the department by certified mail, return receipt requested, that such publicly accessible textile drop-off bin must be removed within thirty days from the mailing of such notice. A copy of such notice, regardless of whether the address of such owner or other responsible person is ascertainable, shall also be affixed to the publicly accessible textile drop-off bin. This notice shall state that if the address of the owner or other responsible person is not ascertainable and notice is not mailed by the department, such publicly accessible textile drop-off bin shall be removed within thirty days from the affixing of such notice. This notice shall also state that the failure to remove the publicly accessible textile drop-off bin within the designated time period will result in the removal and disposal of the publicly accessible textile drop-off bin by the department. This notice shall also state that if the owner or other responsible person objects to removal on the grounds that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway, such owner or other responsible person may send written objection to the department at the address indicated on the notice within twenty days from the mailing of such notice or, if the address of such owner or other responsible person is not ascertainable and notice is not mailed by the department, within twenty days from the affixing of such notice, with proof that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway. Proof that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway shall include, but not be limited to, a survey of the property prepared by a licensed surveyor that is certified by the record owner of such property.

2. Any owner or other person responsible for an impermissibly placed publicly accessible textile drop-off bin that fails to respond within twenty days of receipt of such notice under paragraph one of this subdivision or otherwise fails to establish that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway pursuant to paragraph one of this subdivision, shall be liable for a civil penalty in the amount of one hundred dollars, recoverable in a proceeding returnable before the environmental control board.

d. Any notice of violation or notice of hearing for a violation issued to the owner, net lessee or person in charge of a premises at which a violation of this chapter or any rule promulgated pursuant thereto is alleged to have occurred shall be served by delivering a copy of the notice thereof at the address maintained in the records of the department of housing preservation and development or the department of finance. The notice of violation or notice of hearing may be served by regular mail or in accordance with section one thousand forty-nine-a of the charter.

### § 16–325 **Temporary emergency recycling requirements.**

a. Notwithstanding any inconsistent provision of this chapter, the department shall be authorized, by written order of the commissioner, to suspend the collection of glass, plastic and beverage cartons as designated recyclable materials. Any such suspension with regard to glass shall take effect no earlier than July first, two thousand two and shall expire no later than March thirty-first, two thousand four. Any such suspension with regard to plastic and beverage cartons shall take effect no earlier than July first, two thousand two and shall expire no later than June thirtieth, two thousand three. During any period in which the collection of glass, plastic or beverage cartons as designated recyclable materials, is suspended pursuant to this subdivision, the department shall be authorized to collect the suspended recyclable materials with other non-recyclable solid waste.

b. Notwithstanding any inconsistent provision of this chapter, the department shall be authorized, by written order of the commissioner, to suspend the provisions of section 16–308 of this chapter. Any such suspension shall take effect no earlier than July first, two thousand three and shall expire no later than June thirtieth, two thousand four. During any period in which the provisions of section 16–308 of this chapter are suspended pursuant to this subdivision, the department shall be authorized to collect yard waste with other non-recyclable solid waste.

c. Notwithstanding any inconsistent provision of this chapter, during a period of suspension, the department shall only be required to maintain fiscal year two thousand two tonnage amounts for those recyclable materials whose collection has not been suspended. Upon expiration of any period of suspension, the department shall resume collection of recyclable materials whose suspension has ended and shall be required to maintain fiscal year two thousand two tonnage amounts for those materials, unless other standards are agreed upon by the council and the mayor.

d. Notwithstanding any inconsistent provision of this chapter, the department shall not be required to designate additional recyclable materials during any period in which the collection of glass, plastic or beverage cartons as designated recyclable materials, or material designated pursuant to section 16–308 of this chapter, is suspended pursuant to subdivision a or b of this section.

e. The mayor and council shall create a temporary task force in order to develop a long term recycling plan in compliance with the provisions of this chapter. The task force shall be comprised of six mutually agreed upon appointees, three proposed by the mayor and three proposed by the speaker of the council. The task force shall meet on or before July fifteenth, two thousand two and monthly thereafter and issue a report to the mayor and speaker on February twenty-first, two thousand three. The task force shall examine and make recommendations that include steps necessary to improve the efficiency of source separation and collection of recyclable materials; appropriate recycling standards; the identification and development of markets for

recyclable materials; the expansion of the New York State Returnable Container Act; and the development and implementation of strategies to educate residents on compliance with the recycling laws.

#### § 16–326 **Definitions.**

For purposes of this subchapter, the following terms shall have the following meanings:

a. "Producer/Event Manager" means any person or entity hired by a sponsor to organize or manage a street event.

b. "Recyclable Materials" means metal cans, glass bottles and jars, plastic bottles and jugs, lightly-soiled aluminum foil and aluminum foil products, and any other material designated by the department for recycling at street events.

c. "Sponsor" means any person or entity that is required to apply for and obtain a street activity permit and that either organizes or manages a street event or hires a producer/event manager to organize or manage a street event.

d. "Street Event" means any street fair or festival on a public street where such activity may interfere with or obstruct the normal use by vehicular traffic of such street, but does not include street activities that occupy no more than one block for no more than one day where no licensed vendor participates.

#### § 16–327 **Sponsor and producer/event manager responsibilities at street events.**

a. Every producer/event manager shall ensure that solid waste and recyclable materials generated at a street event are properly disposed of or recycled.

b. 1. Every producer/event manager shall provide a sufficient number of public solid waste receptacles and public recycling receptacles for street events as determined by the department, provided that the producer/event manager shall place at least two receptacles within or near each intersection within the street event area, one for solid waste and one for recyclable materials.

2. Every producer/event manager shall regularly monitor all solid waste and recycling receptacles throughout the street event area in order to prevent spillage of solid waste and recyclable materials into the street and shall remove any solid waste that has been deposited into receptacles designated for recyclable materials and remove any recyclable materials that have been deposited into receptacles designated for solid waste.

3. Every producer/event manager shall bag and bundle separately and tie securely all accumulated solid waste and recyclable materials at the end of each day of the street event.

4. Every producer/event manager shall ensure that all bagged and bundled solid waste and recyclable materials are placed at a predetermined location designated by the department for collection.

c. Every sponsor and producer/event manager shall comply with all applicable rules governing street events, including, but not limited to, rules set forth in chapter fourteen of title sixteen of the rules of the city of New York, to the extent such rules are not inconsistent with the provisions of this subchapter.

d. The provisions of subdivisions a and b of this section shall apply to the sponsor when there is no producer/event manager.

#### § 16–328 **Penalties.**

In addition to any other applicable penalties, any producer/event manager, or any sponsor when there is no producer/event manager, who violates subdivision a or b of section 16–327 of this subchapter shall be liable for a civil penalty of one hundred dollars for each such violation, except that a sponsor or producer/event manager shall not be liable for more than five hundred dollars per day or more than two thousand dollars per street

event. Such civil penalties shall be recoverable in a proceeding returnable before the environmental control board.