

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2010**

No. 32

Introduced by Council Members Eugene and The Speaker (Council Member Quinn) and Council Members Brewer, Comrie, Crowley, Dickens, Dromm, Ferreras, Fidler, Gonzalez, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Palma, Recchia, Rodriguez, Seabrook, Vann, Williams, Rose, Nelson, Gennaro, Van Bramer, Levin, White, Chin, Jackson, Garodnick, Mealy, Reyna and Barron

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to commercial recycling.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 16-306 of the administrative code of the city of New York, as amended by local law number 42 for the year 1996, is amended to read as follows:

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

[trade waste] *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 [trade waste] *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.

§2. Section 16-306 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

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.

§3. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council onJuly 29, 2010..... and approved by the Mayor onAugust 16, 2010.....

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 32 of 2010, Council Int. No. 141-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel