

**TESTIMONY BY  
JOHN DOHERTY, COMMISSIONER  
NEW YORK CITY DEPARTMENT OF SANITATION**

**HEARING BEFORE THE NEW YORK CITY COUNCIL COMMITTEE  
ON SANITATION & SOLID WASTE MANAGEMENT  
WEDNESDAY, AUGUST 22, 2007  
10:00 A.M. – CITY HALL – COMMITTEE ROOM**

**RE: Intro. No. 110-A - A Local Law to amend the administrative code of the city of New York, in relation to increasing fines for dumping household and commercial refuse into public litter baskets**

Good morning Chairman McMahon and members of the Committee on Sanitation and Solid Waste Management. I am John Doherty, Commissioner of the City's Department of Sanitation. I am here with Michael Bimonte, First Deputy Commissioner, to testify in support of an important bill, Introductory Number 110-A, under consideration by the Committee this morning.

Intro 110-A addresses the issue of the unlawful deposit of household and commercial refuse into the City's street corner litter baskets -- a violation of Section 16-120(e) of the City's Administrative Code. Specifically, Intro 110-A enhances the Department's enforcement efforts by creating a rebuttable presumption that any person whose name or other identifying information appears on any written material, mail or correspondence in the refuse, is presumed to have deposited their household or commercial trash unlawfully into the corner public basket.

This bill also establishes second, third and repeater offender status of any individual or business that unlawfully uses the corner basket for depositing household or commercial refuse. Last, this bill raises the minimum civil penalties that increase incrementally with each subsequent offense in a 12-month period. A first violation will carry a civil penalty between \$100 to \$300; a second violation will carry a civil penalty between \$250 to \$300; and a third and subsequent offense will carry a civil penalty between \$350 to \$400.

In the Department's experience, one of the main causes for overflowing street corner litter baskets is due to individuals who place large, bulky items of household or commercial refuse, and boxes, into the corner baskets. Doing so leaves little space available to

sidewalk pedestrians who are forced to place disposable items on top of a bag or box, instead of inside the street basket. These items usually fall off and litter our streets and sidewalks.

In the City's residential neighborhoods, the Department services the public corner baskets at least two or three times per week, depending on the frequency of Department household collection and basket service in the area. When the corner baskets fill up quickly in less populated, residential areas, we know it is the result of individuals improperly using the public baskets to dispose of their household or commercial refuse. Adding the rebuttable presumption to the current law will serve as an important enforcement tool by allowing the Department to identify, through the bag's contents, the person or business responsible for illegally depositing whole bags of household or commercial refuse into public litter baskets.

To prevent individuals and businesses from violating this Administrative Code section, the Department believes that creating the rebuttable presumption and raising the minimum fines under Intro 110-A will deter persons from engaging in this unlawful conduct and will contribute to keeping street corners cleaner.

The Department supports this bill as a means to improve and maintain street cleanliness, and urges its favorable consideration by the members of the Sanitation and Solid Waste Committee.