

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1995**

No. 74

Introduced by Council Members Spigner, Dear, Pagan, Williams, Wooten, Marshall, Rosado and Ognibene .

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the installation of food waste disposals in residential dwellings.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. The council finds that lifting the ban on the installation of food waste disposals in residential dwellings served by combined storm and sanitary sewers could afford all city residents the potential convenience of using this household appliance. Moreover, the council finds that the installation of food waste disposals in residential dwellings could assist the city in its effort to manage solid waste by diverting putrescible solid waste from disposal in landfills.

However, the council finds that there are potential adverse impacts associated with lifting the ban on the installation of food waste disposals in residential dwellings served by combined storm and sanitary sewers. These adverse impacts could include a decrease in the quality of the city's receiving waters, obstruction of the city's sewer system, increased water consumption, impact on the city's ability to comply with applicable statutes, rules, regulations, permits, and orders, and increased operating costs for conveying and treating wastewater.

Accordingly, the council hereby authorizes the department of environmental protection to conduct a pilot program to determine the relative costs, benefits and problems associated with the installation of food waste disposals in residential dwellings served by combined storm and sanitary sewers. If at the conclusion of the pilot program it is determined that food waste disposals should be allowed on a more widespread basis in residential dwellings served by combined storm and sanitary sewers, the council may act to permit further installation by local law.

§2. Section 24-119 of the administrative code of the city of New York, paragraph 2 of subdivision b as amended by local law number 49 for the year 1991, is amended to read as follows:

§24-119 [Garbage grinders] *Refuse compacting systems*; multiple dwellings after May twentieth, nineteen hundred sixty-eight. [(a)] All multiple dwellings erected after May twentieth, nineteen hundred sixty-eight which are four or more stories in height and occupied by more than twelve families, or which are "class B" multiple dwellings as

defined by the multiple dwelling law shall be provided with a refuse compacting system constructed, maintained and operated in conformity with all applicable laws and [regulations] rules.

[(b) Mechanically operated garbage grinders for the discharge of solid kitchen waste materials from dwelling units may be installed in all dwellings or multiple dwellings, to be served by separate sanitary sewers tributary to a sewage treatment plant, provided:

(1) That any such grinder shall discharge wastes at a reasonably uniform rate, in fluid form which shall flow readily and in a manner which will prevent clogging or stoppage of the drain line or sanitary sewer; and

(2) That any such grinder shall be designed and installed in accordance with such design or manner of installation as may be approved by the commissioner of environmental protection or as may have been previously approved by the board of standards and appeals, unless such approval is amended or repealed by the commissioner; and

(3) That installation of any grinder shall comply with all applicable provisions of the building code and electrical code.]

§3. The administrative code of the city of New York is amended by adding a new section 24-518.1 to read as follows:

§24-518.1 Food waste disposals. a. The following terms, as used in this section, shall have the following meanings:

1. A "dwelling" is any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of one or more human beings.

2. A "private dwelling" is any building or structure designed and occupied for residential purposes by not more than two families. Private dwellings shall also be deemed to include a series of one-family or two-family dwelling units each of which faces or is accessible to a legal street or public thoroughfare, if each such dwelling unit is equipped as a separate dwelling unit with all essential services, and if each such unit is arranged so that it may be approved as a legal one-family or two-family dwelling.

3. A "multiple dwelling" is a dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied, as the residence or home of three or more families living independently of each other. A multiple dwelling shall also include residential quarters for members of personnel of any hospital staff which are not located in any building used primarily for hospital use, but any building which was erected, altered or converted prior to July first, nineteen hundred fifty-five, to be occupied by such members or personnel or is so occupied on such date shall not be subject to the requirements of the housing maintenance code only so long as it continues to be so occupied if there are local laws applicable to such building and such building is in compliance with such local laws. A multiple dwelling does not include (i) a hospital, convent, monastery, asylum or public institution; or (ii) a fireproof building used wholly for commercial purposes except for not more than one janitor's apartment and not more than one penthouse occupied by not more than two families.

4. The term "putrescible solid waste" shall mean solid waste containing organic matter having the tendency to decompose with the formation of malodorous by-products.

b. Food waste disposals for the discharge of putrescible food wastes from dwelling units may be installed in private dwellings and multiple dwellings served by separate storm and sanitary sewer systems, provided that:

1. all putrescible food wastes discharged to a sanitary sewer are discharged in fluid form and at a reasonably uniform rate so as to prevent clogging or stoppage of the drain line or sanitary sewer;

2. the installation of such food waste disposals is approved by the department of buildings and is in compliance with applicable provisions of the administrative code.

c. 1. The department shall conduct a pilot study of the use of food waste disposals in private dwellings and multiple dwellings served by combined storm and sanitary sewer systems. The study shall include, but need not be limited to, an analysis of the following:

- i. the impact of grease and food solids on combined sewers;
- ii. the impact on water consumption;
- iii. the impact on the nutrient content of raw and treated effluent;
- iv. the impact of increased pollutant loadings to receiving waters, including increases in biological oxygen demand and suspended solids;
- v. the impacts on wastewater treatment processes;
- vi. the impact on sludge treatment processes and management;
- vii. the impact on the city's ability to comply with applicable statutes, rules, regulations, permits and orders;
- viii. the impact on solid waste management as determined by the department of sanitation; and
- ix. any other impacts on the environment, public health and safety, and the cost of operating the water and sewer system.

2. The department may select an appropriate number of private dwellings or multiple dwellings within the city served by combined storm and sanitary sewer systems to participate in the pilot study. The number of food waste disposals that will be installed as part of the pilot study shall be no fewer than one hundred and shall not exceed one thousand. The study shall be deemed to have commenced when food waste disposals are installed in at least fifty percent of the dwelling units in the dwellings selected for the study and the commissioner has authorized the operation of these disposals; provided, however, that the department may deem the study to have commenced upon the installation of food waste disposals in less than fifty percent of the dwelling units within the dwellings selected for the study if the department finds that a valid study may be conducted with such lesser percentage of installations. In combined storm and sanitary sewer areas, food waste disposals may be installed only in those dwellings selected by the department to participate in the study.

3. The department shall within fifteen months of the commencement of the pilot study, but not later than twenty-one months from the effective date of this local law submit a report to the mayor and the council which shall include a detailed analysis of the findings of such study and conclusions and recommendations based on such analysis with respect to the installation of food waste disposals in private dwellings and multiple dwellings served by combined storm and sanitary sewer systems.

§4. Section P104.10 of reference standard RS-16 of the appendix to chapter 1 of title 27 of the administrative code of the city of New York is amended by adding a new subdivision (b) to read as follows:

(b) Food waste disposals. -- Sinks equipped with food waste disposals shall have waste outlets at least equal to the opening in the disposals.

§5. This local law shall take effect immediately.

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

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on September 6, 1995, and approved by the Mayor on September 22, 1995.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 74 of 1995, Council Int. No. 539-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on September 6, 1995: 44 for, 3 against.

Was approved by the Mayor on September 21, 1995.

Was returned to the City Clerk on September 21, 1995.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel