

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 69

Introduced by Council Members Recchia, Brewer, Gentile, Koo, Koppell, Rose, Lappin, Levin, Gennaro, Dromm, Palma, Van Bramer, Jackson, Williams, Ulrich and Halloran.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the recovery of refrigerants from appliances.

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-E to read as follows:

*CHAPTER 4-E
RECOVERY OF REFRIGERANTS*

§ 16-480 Definitions.

§ 16-481 Original equipment manufacturer responsibility for recovery.

§ 16-482 Department refrigerant recovery program.

§ 16-483 Improper disposal of appliances.

§ 16-484 Enforcement.

§ 16-485 Rulemaking authority.

§ 16-486 Severability.

§16-480 Definitions. As used in this chapter:

“Appliance” means any device that contains refrigerants and can be used for household purposes including, but not limited to, room air conditioners, refrigerators, water coolers, or freezers.

“Original equipment manufacturer” means (1) a person or entity whose brand name appears on an appliance sold, offered for sale or distributed in the city or (2) a person or entity

who manufacturers or has manufactured an appliance sold, offered for sale or distributed in the city.

“Recover” or “recovery” means to remove refrigerants from an appliance in such a way that the refrigerants are not released into the atmosphere pursuant to subpart F of part 82 of title 40 of the code of federal regulations.

“Refrigerants” means any substances consisting in whole or in part of a class I or class II ozone-depleting substance, which are used for heat transfer purposes and provide a cooling effect, including, but not limited, to chlorofluorocarbons, hydro-chlorofluorocarbons, or any other substitute substance as may be defined by the United States environmental protection agency. A class I or class II ozone-depleting substance shall be those substances as defined by the United States environmental protection agency in section 602 of the United States clean air act. A “substitute substance” shall be any environmental protection agency approved replacement for a class I or II ozone-depleting substance in a refrigeration or air-conditioning end-use.

“Residential generator” means any person, entity, agency, or institution in the city of New York that receives solid waste or recycling collection service from the department.

“Room air conditioner” means any electrical appliance that has a compressor, a condenser, an evaporator and a fan to cool and dehumidify the surrounding air and that is capable in ordinary usage of being mounted in a window or through a wall.

“Serviced by the department” means the recovery of refrigerants by the department from appliances that are set out for department collection in the city of New York.

§16-481 Original equipment manufacturer responsibility for recovery. a. On and after July first, two thousand fourteen, original equipment manufacturers shall be responsible for the lawful recovery of refrigerants from their appliances that are disposed of by residential generators.

b. An original equipment manufacturer may elect to (i) establish its own refrigerant recovery program, (ii) participate with other original equipment manufacturers in a refrigerant recovery program, or (iii) have its appliances serviced by the department in the refrigerant recovery program provided pursuant to section 16-482 of this chapter. No program established pursuant to paragraph one or two of this subdivision may include curbside collection of appliances.

§16-482 Department refrigerant recovery program. a. The department shall provide a program for the recovery of refrigerants from appliances that are set out for department collection in the city of New York.

b. The department shall establish, by rule, a fee for the recovery of refrigerants from appliances that are set out for department collection in the city of New York.

c. An original equipment manufacturer whose appliance is serviced by the department shall be billed by the department and shall be responsible for the payment of the fee established by the department for the recovery of refrigerants.

§16-483 Improper disposal of appliances. No original equipment manufacturer or its agent shall dispose of an appliance as solid waste in the city unless arrangements have been made for the lawful recovery of refrigerants.

§16-484 Enforcement. a. The department shall have the authority to enforce the provisions of this chapter.

b. Any original equipment manufacturer or agent of such manufacturer who violates section 16-483 of this chapter shall be liable for a civil penalty of five hundred dollars for each violation.

§16-485 Rulemaking authority. The department shall be authorized to promulgate such

rules as are necessary to implement the provisions of this chapter, including but not limited to rules relating to reporting by original equipment manufacturers and registration with the department by such manufacturers, which registration may require the submission of information related to such manufacturers' refrigerant recovery programs, if any, and establishing penalties for violations of such rules.

§16-486 Severability. If any provision of this local law shall be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision directly involved in the controversy in which such judgment shall have been rendered.

§ 2. This local law shall take effect one hundred eighty days after enactment, except that the commissioner of sanitation shall take such actions as are necessary for its implementation, including promulgation of rules, prior to such effective date.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on July 24, 2013 and approved by the Mayor on August 19, 2013.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 69 of 2013, Council Int. No. 894-A of 2012) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.