

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

No. 73

Introduced by Council Members Gennaro, Levin, Eugene, Fidler, Mark-Viverito, Mendez, Palma, Richards, Chin, Gentile, Vallone and Brewer.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reducing the emissions of pollutants from vehicles used by or on behalf of the city of New York.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 24-163.4 of the administrative code of the city of New York is amended by adding a new paragraph 8 to read as follows:

(8) "Biodiesel" means a fuel, designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of the American society of testing and materials designation D 6751-12.

§ 2. Paragraph 1 of subdivision b of section 24-163.4 of the administrative code of the city of New York, as added by local law number 39 for the year 2005, is amended to read as follows:

b. (1) Each diesel fuel-powered motor vehicle owned or operated by a city agency shall be powered by *an ultra low sulfur diesel fuel blend containing biodiesel as follows:*

i. for the fiscal years beginning July 1, 2014, and July 1, 2015, an ultra low sulfur diesel fuel blend containing at least five percent biodiesel (B5) by volume; and

ii. for the fiscal year beginning July 1, 2016, and thereafter, between the months of April to November, inclusive, an ultra low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by volume, and between the months of December to March, inclusive, an ultra low

sulfur diesel fuel blend containing at least five percent biodiesel (B5) by volume.

§ 3. Subdivision b of section 24-163.4 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) Notwithstanding any provision of subdivision c of this section, diesel fuel-powered motor vehicles having a gross vehicle weight rating of more than 8,500 pounds that are owned or operated by city agencies shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d of this section, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, pursuant to the following schedule:

- i. 50% of all such motor vehicles by January 1, 2014;*
- ii. 70% of all such motor vehicles by January 1, 2015;*
- iii. 80 % of all such motor vehicles by January 1, 2016; and*
- iv. 90 % of all such motor vehicles by January 1, 2017.*

§ 4. Subdivision f of section 24-163.4 of the administrative code of the city of New York, as added by local law number 39 for the year 2005, is amended to read as follows:

f. (1) The commissioner may issue a waiver for the use of ultra low sulfur diesel fuel where a city agency makes a written finding, which is approved, in writing, by the commissioner, that a sufficient quantity of ultra low sulfur diesel fuel, or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in effect pursuant to subdivision e of this section, is not available to meet the requirements of this section, provided that such agency, to the extent practicable, shall use whatever quantity of ultra low sulfur diesel fuel or diesel fuel that has

a sulfur content of no more than thirty parts per million is available for its diesel fuel-powered motor vehicles. Any waiver issued pursuant to this [subdivision] *paragraph* shall expire after two months, unless the city agency renews the finding, in writing, and the commissioner approves such renewal, in writing.

(2) The commissioner may issue a waiver for the use of an ultra low sulfur diesel fuel blend that contains the amount of biodiesel required pursuant to subdivision b of this section where a city agency makes a written finding, which is approved, in writing, by the commissioner, that a sufficient quantity of such ultra low sulfur diesel fuel blend containing biodiesel is not available to meet the requirements of this section. Any waiver issued pursuant to this paragraph shall expire after two months, unless the city agency renews the finding, in writing, and the commissioner approves such renewal, in writing.

(3) The commissioner may issue a waiver for the use of an ultra low sulfur diesel fuel blend that contains the amount of biodiesel required pursuant to subdivision b of this section where a city agency makes a written finding, which is approved, in writing, by the commissioner, that the use of biodiesel in a particular type of motor vehicle would void the manufacturer's warranty for such vehicle.

§ 5. Section 24-163.4 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

i. B20 winter pilot program. Not later than December 1, 2016, the commissioner of citywide administrative services shall establish a pilot program to determine the feasibility of utilizing an ultra low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by volume in city-owned diesel fuel-powered motor vehicles during the months of December to March, inclusive. The pilot program shall include not less than five percent of the city's total diesel

fuel-powered motor vehicle fleet, which shall be representative of the vehicle types and operating conditions of the fleet as a whole, and shall include vehicles from the department of citywide administrative services, department of environmental protection, department of parks and recreation, department of sanitation, and department of transportation and vehicles from other city agencies at the discretion of the commissioner of citywide administrative services. Such pilot program shall continue until March 31 of the second calendar year after such pilot program was initiated, and within four months of the conclusion of such pilot program, the commissioner of citywide administrative services shall issue a report to the mayor and the speaker of the council detailing the findings of such pilot program with recommendations for the use of an ultra low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by volume in city-owned diesel fuel-powered motor vehicles during the months of December to March, inclusive.

§ 6. Subdivision b of section 24-163.5 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) Notwithstanding any provision of subdivision c of this section, any solid waste contract or recyclable materials contract entered into pursuant to requests for bids and/or requests for proposals issued after the effective date of the local law that added this paragraph shall specify that, as of January 1, 2017, all diesel fuel-powered motor vehicles used in the performance of such contract that operate primarily within the city of New York shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d of this section, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, and all contractors in

the performance of such contract shall comply with such specification.

§ 7. Subdivision b of section 24-163.6 of the administrative code of the city of New York, as added by local law number 41 for the year 2005, is amended to read as follows:

b. (1) Beginning January 1, 2007, any diesel fuel-powered sight-seeing bus that is licensed pursuant to subchapter 21 of chapter 2 of title 20 of the administrative code and that is equipped with an engine that is over three years old shall utilize the best available retrofit technology.

(2) *Notwithstanding any provision of subdivision c of this section, any diesel fuel-powered sight-seeing bus that is licensed pursuant to subchapter 21 of chapter 2 of title 20 of the administrative code shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d of this section, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, by January 1, 2017.*

§ 8. 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 August 22, 2013 and approved by the Mayor on September 4, 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. 73 of 2013, Council Int. No. 1061-A of 2013) 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.