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Title: A Local Law to amend the administrative code of the city of New York, in relation to the reuse or recycling of discarded carpeting from commercial units or buildings.

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Int. No. 853

By Council Members Vallone, Comrie, Koo, Rose, Williams and Wills

A Local Law to amend the administrative code of the city of New York, in relation to the reuse or recycling of discarded carpeting from commercial units or buildings.

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-C to read as follows:

CHAPTER 4-C

16-470 Definitions

16-471 Disposal ban

16-472 Source separation

16-473 Collection

16-474 Delivery

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§16-470 Definitions. When used in this chapter the following terms shall have the following meanings:

a. “Conforming project” shall mean a construction, alteration, demolition or other such project within the city in which carpeting covering a floor space equal to ten thousand or more square feet within the same commercial building or unit is to be removed as part of the same project.

b. “Covered carpeting” shall mean carpeting that has been or will be removed from a commercial unit or building as part of a conforming project.

c. “Responsible party” shall mean the owner, tenant, carpet retailer, carpet installer, general contractor, subcontractor, or any other party who is responsible for ensuring the proper disposal of the refuse generated by a conforming project.

d. “Recycle” shall have the same meaning as in section 16-303 of this title.

e. “Reuse” shall mean use of carpeting in a manner that retains the original purpose and performance characteristics of the carpeting.

f. “Carpet recycling company” shall mean an individual, company or other entity that (i) refurbishes or otherwise processes carpeting for reuse or resale, or (ii) removes, separates, or otherwise extracts components or commodities from carpeting either by manual or mechanical separation or by changing the physical or chemical composition of such carpeting for the purpose of reusing or recycling such components or commodities.

g. “Licensed carter” shall mean the holder of a valid license issued pursuant to section 16-505 of this title.

h. “Source separation” shall have the same meaning as in section 16-303 of this title.

§ 16-471 Disposal ban. On and after January 1, 2013, no person shall dispose of covered carpeting within the city as solid waste.

§ 16-472 Source separation. On and after January 1, 2013, a responsible party shall ensure that all

covered carpeting is separated and kept separate from all solid waste produced as a result of a conforming project.

§ 16-473 Collection. a. On and after January 1, 2013, a responsible party shall arrange for the collection and transportation for reuse or recycling of all covered carpeting pursuant to the terms of this chapter through a licensed carter or a carpet recycling company.

b. No carpet recycling company may collect covered carpeting within the city unless it is licensed in accordance with section 16-505 of this chapter.

§ 16-474 Delivery. Any licensed carter that collects source separated covered carpeting shall deliver such carpeting to a carpet recycling company.

§ 16-475 List of carpet recycling companies. On and after December 1, 2012, the department shall maintain and regularly update a non-exclusive list of carpet recycling companies. Such list shall include the name, address and contact information for each carpet recycling company, shall be maintained on the department website and, upon request, a printed copy shall be distributed by mail to a responsible party.

§ 16-476 Certificate of recycling. a. On and after January 1, 2013, within thirty days of collection of the covered carpeting by a licensed carter or carpet recycling company, a responsible party shall submit to the commissioner a certificate for each conforming project for which it is responsible which shall include:

1. the location of the conforming project;
2. the amount of carpeting, calculated either by weight or area, collected at the conforming project;
3. the name of the licensed carter or carpet recycling company that collected and was to deliver the covered carpeting;
4. the name of the carpet recycling company to which the covered carpeting was delivered, if known;
5. any other information required by department rules; and
6. a sworn affidavit by a qualified representative of the responsible party attesting that:
 - i. the responsible party adhered to the source separation and collection requirements of this chapter; and

ii. the information provided by the responsible party is accurate.

b. On and after January 1, 2013, a licensed carter or carpet recycling company that collects covered carpeting from within the city pursuant to this chapter shall submit to the commissioner a certificate for each conforming project from which it collects covered carpeting which shall include:

1. the location of the conforming project from which the covered carpeting was collected;

2. the name of the responsible party;

3. the amount of carpeting, calculated either by weight or area, collected at the conforming project;

4. the name of the carpet recycling company where the covered carpeting was delivered, if different than the entity that collected the carpeting;

5. any other information required by department rules;

6. an affirmation by a qualified representative of the licensed carter or carpet recycling company averring that:

i. the licensed carter or carpet recycling company adhered to the collection and delivery requirements of this chapter; and

ii. the information provided by the licensed carter or carpet recycling company is an honest reporting.

§ 16-477 Carpet recycling company obligations. Any carpet recycling company receiving covered carpeting shall (1) recycle, reuse, or sell for reuse, or cause to be recycled, reused or sold for reuse all source separated covered carpeting received by such operators that have been separated as required by section 16-472 of this chapter; or (2) at a minimum, maintain the separation of such covered carpeting before their transfer to another location; and (3) not bring source separated covered carpeting for disposal, or cause such materials to be brought for disposal, to any solid waste disposal facility, whether or not such facility is operated by the department, in an amount that should have been detected through reasonable inspection efforts by such operators.

§ 16-478 Enforcement. a. Any notice of violation alleging a violation of any provision of this chapter

shall be returnable to the environmental control board, which shall have the power to impose civil penalties as provided herein.

b. On and after January 1, 2013, any person or entity who violates the provisions of sections 16-471, 16-472 or 16-473 of this chapter shall be liable for a civil penalty of five thousand dollars for each conforming project for which such person or entity improperly disposes of covered carpeting, fails to source separate such covered carpeting, or fails to observe the collection requirements of this chapter.

c. On and after January 1, 2013, any person or entity who violates the provisions of subdivision a of section 16-474 of this chapter shall be liable for a civil penalty of five thousand dollars for each conforming project for which such person or entity fails to properly deliver covered carpeting pursuant to the requirements of this chapter.

d. On and after January 1, 2013, any person or entity who violates the provisions of subdivision b of section 16-474 of this chapter shall be liable for a civil penalty of five hundred dollars for each conforming project for which such person or entity fails to properly mark, tag, segregate or otherwise identify covered carpeting as revised by such subdivision.

e. On and after January 1, 2013, any person or entity who fails to submit a certificate of recycling pursuant to section 16-476 of this chapter shall be liable for a civil penalty of ten thousand dollars for each conforming project for which the person or entity fails to submit a certificate.

f. On and after January 1, 2013, any person or entity who knowingly submits a certificate of recycling as required by section 16-476 of this chapter that contains a false or misleading statement as to a material fact or omits to state any material fact shall be liable for a civil penalty of five thousand dollars for each such statement or omission. It shall be an affirmative defense that a person or entity neither knew nor should have known that a statement of material fact was false or misleading, or that an omission of a material fact was inadvertent.

g. Any carpet recycling company which fails to comply with the provisions of section 16-477 shall be

liable for a civil penalty of twenty thousand dollars for each such violation.

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

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