



Legislation Details (With Text)

**File #:** Int 0733-2015 **Version:** \* **Name:** Use of recycled aggregate in concrete.  
**Type:** Introduction **Status:** Filed (End of Session)  
**In control:** Committee on Housing and Buildings  
**On agenda:** 3/31/2015  
**Enactment date:** **Enactment #:**  
**Title:** A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the use of recycled aggregate in concrete.  
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**Indexes:**  
**Attachments:** 1. March 31, 2015 - Stated Meeting Agenda with Links to Files

Date	Ver.	Action By	Action	Result
3/31/2015	*	City Council	Introduced by Council	
3/31/2015	*	City Council	Referred to Comm by Council	
12/31/2017	*	City Council	Filed (End of Session)	

Int. No. 733

By Council Members Kallos, Eugene and King

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the use of recycled aggregate in concrete.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The use of recycled materials in construction is a well-established and environmentally responsible option for the sub-base courses and foundation layers of concrete construction. In addition to reducing the need to dispose of discarded concrete, utilizing recycled content reduces the quarrying and transportation of virgin materials. There is a plentiful supply of waste material in New York city available to be used as recycled content in supporting layers of concrete. Although concrete with recycled content has been demonstrated to meet or exceed all applicable state and federal specifications, this legislation only impacts the composition of materials used in embankments, sub-base courses below concrete pavement or concrete slabs. This legislation does not impact concrete mixes themselves.

§2. Sections two and three of local law number 71 of the year 2011 are REPEALED.

§3. Section 19-101 of the administrative code of the city of New York is amended by adding new subdivisions e, f, g, h, i, j, k, l and m to read as follows:

e. “Aggregate” shall have the same meaning as such term is defined in chapter nineteen of the New York city building code.

f. Reserved.

g. Reserved.

h. “Concrete” shall have the same meaning as such term is defined in chapter nineteen of the New York city building code.

i. Reserved.

j. Reserved.

k. Reserved.

l. “Recycled concrete” shall mean hardened concrete that has been processed for reuse, usually as aggregate.

m. “Sub-base course” shall mean a layer of material of specified thickness constructed between the base layer of a pavement or slab and the underlying supporting soils to serve one or more functions such as distributing loads, providing drainage or minimizing frost action.

§4. Section 19-113 of the administrative code of the city of New York is amended to read as follows:

§19-113 Construction generally. a. Streets of twenty-two feet in width and upward shall have sidewalks on each side thereof.

b. The materials and construction of streets, including the width of the sidewalks thereon, shall fully conform to department specifications for such work, all of which shall be prescribed by the commissioner and kept on file in his or her office.

c. Reserved.

d. 1. Department specifications for streets shall include a requirement that sub-base courses shall be

composed of not less than twenty-five percent recycled concrete, glass or other recycled aggregate material approved by the commissioner, as measured by weight.

2. The commissioner may waive compliance with this subdivision if the commissioner, after consulting with the owners or operators of transfer stations for clean fill located within the city, finds that a sufficient supply of suitable recycled material is not available.

3. This subdivision shall not apply to sub-base course materials used in a project where the content of sub-base course materials is governed by a federal or state law, rule, regulation, guideline or specification that requires a different composition.

4. This subdivision shall not apply to bridges, tunnels and overpasses or structures appurtenant thereto under the jurisdiction of the department.

§ 5. Section BC 1902 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding, in alphabetical order, definitions of “RECYCLED CONCRETE” and “SUB-BASE COURSE” to read as follows:

**RECYCLED CONCRETE.** Hardened concrete that has been processed for reuse, usually as aggregate.

**SUB-BASE COURSE.** A layer of material of specified thickness constructed between the base layer of a pavement or slab and the underlying supporting soils to serve one or more functions such as distributing loads, providing drainage or minimizing frost.

§ 6. Chapter 19 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding a new section 1910.2 to read as follows:

**1910.2 Minimum recycled content in sub-base course.** Sub-base course shall consist of not less than twenty five percent recycled concrete, glass, or other recycled aggregate material approved by the commissioner, as measured by weight.

**Exceptions:**

1. The commissioner may waive compliance with this section if the commissioner finds that a sufficient

supply of suitable recycled material is not available after consultation with the commissioner of transportation and with the owners or operators of transfer stations for clean fill located within the city.

2. This section shall not apply to sub-base course materials used in a project where the content of sub-base course materials is governed by a federal or state law, rule, regulation, guideline or specification that requires a different composition.

3. This section shall not apply to sub-base course materials used as part of a sub-slab depressurization system.

**1910.2.1 Specifications for recycled content in sub-base course.** Recycled concrete and other recycled aggregate in sub-base course shall comply with items 1 through 4 of this section.

1. The diameter of recycled concrete, or other recycled aggregate material shall not exceed 0.75 inches.

2. Recycled aggregate materials shall not contain more than five percent by weight of deleterious material such as silt, clay, mud, organic material or any other material that may adversely affect the performance of the sub-base during handling, during construction, or in its final application.

3. The diameter of any glass contained in recycled aggregate materials shall not exceed 0.20 inches.

4. Reclaimed asphalt pavement shall not exceed five percent of the total weight of sub-base course materials.

§ 7. Subdivisions e and f of section 19-101 of the administrative code of the city of New York, as added by section 3 of this local law, are amended to read as follows:

e. [Reserved.] "Asphalt" shall mean a dark brown to black bitumen pitch that melts readily and which appears in nature in asphalt beds or is produced as a by-product of the petroleum industry.

f. [Reserved.] "Asphaltic concrete" or "asphalt paving" shall mean a mixture of liquid asphalt and graded aggregate used as paving material.

§ 8. Subdivision i of section 19-101 of the administrative code of the city of New York, as added by section 3 of this local law, is amended to read as follows:

i. [Reserved.] "I-4 mix" shall mean a type of heavy duty asphaltic concrete mix containing 0.75 inch (19 mm) nominal maximum size aggregate with 25% to 50% of the aggregate capable of passing through a No. 8 sieve and in which all sand contained in the mix is crushed.

§ 9. Subdivision k of section 19-101 of the administrative code of the city of New York, as added by section 3 of this local law, is amended to read as follows:

k. [Reserved.] "Reclaimed asphalt pavement" shall mean asphalt pavement that has been processed for reuse in asphaltic concrete.

§ 10. Subdivision c of section 19-113 of the administrative code of the city of New York, as added by section 4 of this local law, is amended to read as follows:

c. [Reserved.] Department specifications for streets shall include a requirement that asphaltic concrete, other than I-4 mix or other heavy duty asphaltic concrete mix approved by the commissioner, shall contain not less than thirty percent reclaimed asphalt pavement, as measured by weight, and I-4 mix or other approved heavy duty asphaltic concrete mix shall contain not less than ten percent reclaimed asphalt pavement, as measured by weight. In setting forth such specifications, the department shall make best efforts to encourage the greatest use of reclaimed asphalt pavement possible. This subdivision shall not apply to asphaltic concrete used in a project where the content of asphaltic concrete is governed by a federal or state law, rule, regulation, guideline or specification that requires a different composition. The commissioner may waive compliance with this subdivision if the commissioner, after consulting with the commissioner of buildings and the owners or persons in charge of all asphalt plants located within the city, finds that a sufficient supply of reclaimed asphalt pavement is not available.

§ 11. This local law shall take effect on July 1, 2016, except that sections 3 and 4 of this local law shall take effect on January 1, 2017, and sections 8, 9, 10 and 11 shall take effect on January 1, 2018, and the commissioner of transportation and the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

JCH

LS# 1597  
6/26/14  
Int. 603/2011