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Int. No. 1107

By Council Member Gerson, Barron, Gentile, James, Lappin, Liu and Nelson

A Local Law to amend the administrative code of the city of New York, in relation to the acceptance of residential fat, oil and grease by commercial establishments for collection and reuse as biodiesel fuel.

Be it enacted by the Council as follows:

Section 1. Title 24 of the administrative code of the city of New York is amended by adding a new section 528 to read as follows:

§24-528 a. Definitions. When used in this section the following terms shall have the following meanings:

1. “Biodiesel fuel” shall mean a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant oils or animal fats and that meets American Society for Testing and Materials specification D6751-08 for Biodiesel Fuel Blend Stock for Distillate Fuels.

2. “Residential fat, oil and grease” shall mean a material in either liquid or solid form composed

primarily of fat, oil or grease from animal or vegetable sources generated by the occupants of a dwelling unit.

3. “Commercial establishment” shall mean any commercial establishment that utilizes a grease interceptor on its premises pursuant to title 15 of the rules of the city of New York.

b. Department establishment and administration of program. 1. The department shall establish a program for the acceptance by commercial establishments of residential fat, oil and grease at no fee to residents, and shall establish registration requirements and enforcement consistent with the requirements of this section.

2. Within six months of the effective date of this section, the department shall, in conjunction with the department of health and mental hygiene, conduct outreach to food service establishments and other commercial establishments that are required to or actually utilize a grease interceptor to apprise them of the existence of the residential fat, oil and grease collection program established by this section.

3. Within twelve months of the effective date of this section, the department shall make available on its website a list of all registered commercial establishments. Any such list shall include the address of each registered commercial establishment, and the time of day and day of the week when each registered commercial establishment will accept residential fat, oil and grease for collection. The department shall update such list every thirty days.

c. Registration of commercial establishments. 1. Within six months of the effective date of this section, the department shall begin accepting applications for registration for participation in the residential fat, oil and grease collection program established by this section.

2. A registered commercial establishment shall accept for collection residential fat, oil and grease delivered to its premises, at no fee, during such days and hours as is determined by such registered commercial establishment.

3. In addition to any information or material required by the department, a commercial establishment applying to register for the residential fat, oil and grease collection program, shall provide to the department

valid proof, as shall be determined by the department by rule, that the materials captured by such commercial establishment's grease interceptor are collected by, or delivered to, a company or other entity that uses such contents to produce biodiesel fuel.

4. A registration issued pursuant to this section shall expire one year from the date on which it is issued. A registered commercial establishment may renew its registration by submitting valid proof consistent with the provisions of paragraphs two and three of this subdivision, in addition to any other information or material required by the department.

d. Enforcement. 1. Any registered commercial establishment that violates any provision of paragraph two of subdivision c of this section shall be liable for a civil penalty in the amount of five hundred dollars. Any registered commercial establishment that commits a second or subsequent violation of the provisions of paragraph two of subdivision c of this section shall be liable for a civil penalty in the amount of one thousand dollars and shall have its registration revoked.

2. Any person or entity who knowingly submits an application for registration on behalf of a commercial establishment pursuant to paragraph three of subdivision c of this section which 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 hundred dollars. Any such application filed on behalf of a commercial establishment shall be denied and any registration issued to such a commercial establishment pursuant to this section shall be revoked where the false or misleading nature of a material statement was discovered after the issuance of such registration. 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 a material fact was omitted.

§ 2. This local law shall take effect ninety days from enactment except that the commissioner shall take such steps as are necessary for the implementation of this local law including the promulgation of rules, prior to such effective date.

JJH 12/16/09