



Legislation Text

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Int. No. 99

By Council Member Koo

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-H to read as follows:

CHAPTER 4-H

16-490 Definitions

16-491 Disposal ban

16-492 Source separation

16-493 Collection

16-494 Delivery

16-495 List of carpet recycling companies

16-496 Certificate of recycling

16-497 Carpet recycling company obligations

16-498 Enforcement

§16-490 Definitions. When used in this chapter the following terms shall have the following meanings:

a. “Conforming project” means 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” means carpeting that has been or will be removed from a commercial unit or building as part of a conforming project.

c. “Responsible party” means 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” has the same meaning as in section 16-303 of this title.

e. “Reuse” means the 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” means the holder of a valid license issued pursuant to section 16-505 of this title.

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

§ 16-491 Disposal ban. On and after January first, two thousand nineteen, no person shall dispose of covered carpeting within the city as solid waste.

§ 16-492 Source separation. On and after January first, two thousand nineteen, 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.

§ 16-493 Collection. a. On and after January first, two thousand nineteen, 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.

§ 16-494 Delivery. Any licensed carter that collects source separated covered carpeting shall deliver such carpeting to a carpet recycling company.

§ 16-495 List of carpet recycling companies. On and after December first, two thousand fourteen, the department shall maintain and regularly update a list of carpet recycling companies. Such list shall include the name, address and contact information for each carpet recycling company, and shall be maintained on the department website. Upon request, the department shall distribute a printed copy of such list by mail.

§ 16-496 Certificate of recycling. a. On and after January first, two thousand nineteen, 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 first, two thousand nineteen, 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; and

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.

§ 16-497 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 16-492 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.

§ 16-498 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 first, two thousand nineteen, any person or entity who violates the provisions of sections 16-491, 16-492 or 16-493 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 first, two thousand nineteen, any person or entity who violates the provisions of subdivision a of section 16-494 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 first, two thousand nineteen, any person or entity who violates the provisions of subdivision b of section 16-494 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 first, two thousand nineteen, any person or entity who fails to submit a certificate of recycling pursuant to section 16-496 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 first, two thousand nineteen, any person or entity who knowingly submits a certificate of recycling as required by section 16-496 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.

g. Any carpet recycling company which fails to comply with the provisions of section 16-497 shall be liable for a civil penalty of twenty thousand dollars for each such violation.

§2. This local law shall take effect immediately upon its enactment.

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Int. 853/2012
LS 474/Int. 201/2014
LS 616
12/19/2017