

Int. No. 53

By Council Members Nelson, Brewer, Chin, Fidler, Gennaro, Gentile, James, Koppell, Lander, Palma, Recchia Jr., Sanders Jr. and Williams

A Local Law to amend the administrative code of the city of New York, in relation to creating a plan to combat illegal dumping into the waterways of New York City.

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-112.1 to read as follows:

§22-112.1 a. Definitions. For purposes of this section, the following terms shall have the following meanings: 1. “Illegal dumping” shall mean placing, discharging or depositing, by any process or in any manner, piles, lumber, timber, driftwood, dirt, ashes, cinders, mud, sand, dredging, sludge, acid, oil, cement, or any other refuse matters, floatable or otherwise, in the New York city waterways.

2. “New York city waterways” shall mean all areas mapped as waterways and included in the city map pursuant to section 198 of the New York city charter.

3. “Commissioner” shall mean the commissioner of small business services.

b. The commissioner, in conjunction with the commissioner of environmental protection, the commissioner of sanitation and the heads of such other agencies and offices as the commissioner deems appropriate, shall devise and prepare a plan to combat illegal dumping in the New York city waterways. The plan shall, at a minimum, include the following:

(i) promulgation of rules for the safe handling, loading and unloading of materials on waterfront properties in order to minimize spillage and environmental contamination;

(ii) creation of a waterfront task force to aid the commissioner in devising the

rules for the safe handling, loading and unloading of materials on waterfront properties and other common waterfront procedures the commissioner deems relevant, which shall include, but shall not be limited to, the mayor or his or her designee, the speaker of the city council or his or her designee, and five additional representatives who shall each reside in a different borough which shall represent property owners and/or tenant organizations, manufacturing and commercial advocacy groups, community-based organizations, environmental advocacy organizations and members of the general public;

(iii) creation of an accessible and centralized source of contact for the reporting of illegal dumping and providing information statutes, laws, rules and regulations relating to illegal dumping;

(iv) creation of a protocol for coordination with other governmental entities that have jurisdiction over illegal dumping;

(v) a coordinated enforcement plan of the department, the department of environmental protection and the department of sanitation, that would include, at a minimum, a waterfront survey to identify dumping sites, periodic inspections of waterfront properties to ensure compliance with all applicable rules, regulations and laws concerning the handling of materials, dumping and abandoning of property, and the posting of signs to discourage dumping and abandoning of property;

(vi) a coordinated plan of the department, the department of environmental protection and the department of sanitation to identify and remove derelict and abandoned vessels; and

(vii) a public education and outreach program to increase awareness about illegal dumping on the New York city waterways.

c. The commissioner shall implement all of the elements of the plan to combat illegal dumping on or before January 1, 2012.

d. The commissioner shall submit a report to the mayor and the speaker of the city council on or before April 1, 2013 and on or before April 1 of every other year thereafter. The report shall include, but shall not be limited to, the following information for the immediately preceding two calendar year period: the number of complaints of illegal dumping received by the city, the number of notices of violation issued for illegal dumping, the total amount of fines and civil penalties imposed for illegal dumping, and the total amount of fines and civil penalties collected by the city for illegal dumping into waterways. The report shall also include the commissioner's best efforts to obtain similar information regarding complaints, notices of violations issued and fines and civil penalties imposed and collected during the reporting period by all relevant federal, state, and bi-state agencies and authorities. The report shall also include any recommendations made by the waterfront task force to increase the fines and civil penalties imposed for illegal dumping as well as any revisions to the plan implemented since the prior plan's submission, including the reasons for the implementation of such revisions.

§2. This local law shall take effect immediately.

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