

On-site commercial recycling the law

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recycling glass and metal containers, #1 and #2 plastic containers, aluminum foil products and corrugated cardboard.

All other businesses must separate out high-grade office paper, newspapers, magazines, catalogs, telephone books, corrugated cardboard, and textiles.

The recyclables generated by food establishments can be put into the same bag and be picked up by the same truck that collects the other trash but they must be in a clear plastic bag and the carter must later separate them at his transfer station.

Paper recyclables may be kept separate or together, but they must be picked up separate from the trash. Buildings may mix other items in with your recyclables only if you have a written agreement with your carter that these will be separated out and recycled as well.

Certain construction and bulk waste must also be recycled, but that will be the responsibility of the carters.

According to Elmer, the burden of compliance will be on both landlords and tenants. Owners will be responsible for notification, signage and providing the containers for public areas where re-

cyclables are to be source separated and generated. They will also have to enter into an agreement with their carter or another carter for the removal and recycling of the materials.

Tenants will be responsible for notifying employees and clients of the recycling program and for placing containers in the appropriate place.

"If [owners] have set up the program, we don't then expect them to go through garbage and pick out other people's mistakes," said Elmer. "We try to have everyone have some responsibility. In theory, we could ticket tenants."

While the emphasis is going to be on "voluntary compliance and cooperation", there will be fines of \$25 for the first offense, \$50 for the second and \$100 for the third. Offenders will also be liable for civil penalties.

A lot of building owners, Elmer said, have already gotten involved in recycling.

A New Local Law

As part of its Solid Waste Management Program, New York City promulgated laws requiring recycling back in 1991. While it had always been state law that

all general solid waste had to be "source separated" for recyclables for which there was an economic market, the city responded to the requests of private carters and building owners who claimed New York's unique space constraints would make this difficult and they permitted the option of post separation. Last year, the Department of Environmental Conservation in its response to the city's overall solid waste plan, ruled that having the carters do the separating was not in compliance with the law.

Thus, in the fall of last year the City Council passed Local Law 87, which would authorize Sanitation and the Department of Consumer Affairs, which governs the private carters, to rewrite regulations to require source separation.

Product of Consensus

The rules were created by the Sanitation Department with input from the Real Estate Board of New York, the Building Owners and Managers Association, the Trade Waste Association (representing the private garbage carters of New York) and other environmental groups.

"Each of them has different concerns in all this," said Richard Fuller, the

chairman of the Solid Waste Committee of the Building Owners and Managers Association and its representative in the planning of the regulations.

While the real estate industry wanted to avoid another onerous regulation, the carters did not want to see a change in their fee structure. Meanwhile, the Department of Sanitation had a mandate of true on-site recycling.

"These regulations make a significant contribution to an aggressive recycling that is essential to the city's solid waste management proposal," said John Doyle, senior vice president, Real Estate Board of New York.

According to Fuller, the element of shared responsibility between building owner and tenant helps prevent the regulations from imposing excessive cost on the owners.

"The landlord doesn't have to hire people to go through the trash," he said. "That's critical."

A spokesperson for the Trade Waste Association said they did not want to comment until they have received and reviewed guidelines from the Department of Consumer Affairs that will instruct them on how to implement these rules.