



**THE CITY OF NEW YORK
DEPARTMENT OF SANITATION**



GENERAL ORDER 2012-25

EFFECTIVE DATE: July 7, 2012

SUBJECT: Trade Waste

REFERENCED DIRECTIVES: Executive Order No. 16 dated July 26, 1978 as amended by Executive Order No. 105 dated December 26, 1986, Operations Order 2012-25 (Anti-Corruption Procedures), the Annual General Order Regarding Gratuities and the Department of Sanitation Collection Rules

AFFECTED DIRECTIVE: General Order 2001-19, dated December 12, 2001 is hereby rescinded

I. Introduction

An employee of the Department of Sanitation ("Department") is a public servant of the City of New York. As a public servant an employee may not solicit, request nor accept any payment of money, a gift or any other thing of value for providing refuse or recycling collection service. It is the employee's duty to collect refuse and recyclable materials placed at the curb by residents of the City of New York. However, an employee may not collect waste containing asbestos, hazardous or toxic waste, industrial waste, medical waste or trade waste, except as set forth in Department Orders. An employee, who violates this directive, will be subject to disciplinary action. Such disciplinary action may include termination of the individual's employment by the Department.

II. Definitions

- A. As used in this General Order, the term "Trade Waste" shall mean:
1. Any material originating from any building, premises, property or site other than a residential building, a building occupied by a New York State ("State") or New York City ("City") government agency or department ("Agency"), or a building which is exempt from New York City Real Estate Taxes for which service has been approved by the Department's Deputy Commissioner for Legal Affairs (i.e., a "Special Use" building),

2. Any material originating from a commercial tenant of:
 - a. A residential building
 - b. A building occupied by a State or City agency
 - c. A Special Use building, except where such commercial tenant is a participant in the Department's Pro-Fee Program
 3. Any material originating from the alteration, construction, repair or maintenance of a residential building ("Work"), which was performed for a fee, by a contractor or any person engaged in the home improvement business ("Contractor"). Such material may include, but is not limited to cement, concrete, lumber, plasterboard, plaster, rock, or timber ("Construction Debris").
 4. Any grass clippings and tree limbs or branches ("Grass Clippings") originating from work performed by a commercial landscaper or gardener ("Landscaper") on a residential property.
- B. As used in this General Order, the term "**Gratuities**" shall mean any benefit, money, or anything of value given to an employee by a member of the public on the individual's behalf, or on behalf of a third party in connection with the employee's actions or duties as an employee, or in connection with any Department operation, service or activity.

III. Trade Waste Procedure

- A. A Collection Crew **may** service a stop which contains up to a total of six (6) bags, boxes, bundles and cans of Construction Debris that may be considered Trade Waste which is placed out for collection at the curb adjoining a residential building on their route **if** the Work is not being performed by a Contractor. **For example**, if there is a sign containing the name of a Contractor on the building or the adjoining property, the Collection Crew **must not** service the stop. The Collection Crew must immediately report the stop to the Supervisor.
- B. A Collection Crew **must not** service a stop **if** there are in excess of six (6) bags, boxes, bundles and cans of Construction Debris that may be considered Trade Waste placed out for collection at the curb adjoining a residential building on the route. The Collection Crew must immediately report the stop to the Supervisor.

- C. The Supervisor shall investigate the stop to ascertain the source of the Construction Debris. The investigation shall include interviewing the homeowner to determine the origin of the Construction Debris. The Supervisor shall take appropriate action following the completion of their investigation. Such action may include:
 - 1. Instructing the Collection Crew to pick up to a total of six (6) bags, boxes, bundles and cans of Construction Debris from the curb, if it is determined that the homeowner performed the Work and advising the homeowner how they may dispose of the remainder of the Construction Debris.
 - 2. Instructing the homeowner to remove the excess Construction Debris from the curb, if it is determined that the homeowner performed the Work, and to place out no more than a total of six (6) bags, boxes, bundles and cans of Construction Debris at the curb for collection on the homeowner's regularly scheduled refuse collection day.
 - 3. Instructing the homeowner to remove the Construction Debris from the curb, if it is determined that a Contractor performed the Work, and arrange for its proper collection and disposal.
 - 4. Issuance of a summons to the homeowner for improper disposal of the Construction Debris if the homeowner fails to comply with the Supervisor's instructions.
 - 5. Instructing the Collection Crew **not** to service the stop because a determination has been made that the Construction Debris at the curb is Trade Waste.
- D. The Supervisor shall document the investigation on the "BCC-WD Daily Performance Record (DS 350)". The report shall include the Supervisor's findings and the action taken.
- E. If a Supervisor orders a Collection Crew to service a stop containing suspected Trade Waste, the Supervisor shall issue written orders to the Sanitation Workers on the "BCC-WD Daily Performance Record (DS 350)" directing the Collection Crew to collect the Construction Debris, which may include bulk material.

IV. Grass Clippings Procedure

- A. A Collection Crew will service up to a total of six (6) bags, boxes, bundles and cans of Grass Clippings placed out for collection at the curb adjoining a residential building on their route if the work is not being performed by a Landscaper.

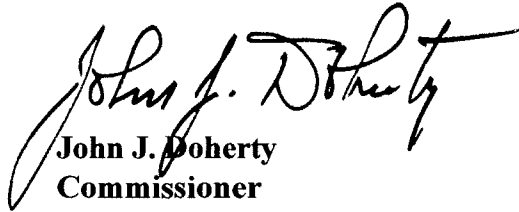
- B. If there are in excess of six (6) bags, boxes, bundles and cans of Grass Clippings placed out for collection, the Collection Crew **must not** service the stop. The Collection Crew must immediately notify the Supervisor. The Supervisor shall investigate the stop. The investigation will include interviewing the homeowner to determine the origin of the material. The Supervisor shall take appropriate action following the completion of their investigation. Such action may include:
 - 1. Instructing the homeowner to remove the material from the curb if it is determined that the Grass Clippings were generated by a Landscaper, and have the Landscaper dispose of the material.
 - 2. Issuance of a summons for improper disposal of the material if the Grass Clippings are not removed from the curb.
 - 3. Instructing the Collection Crew to collect the material, if the Supervisor determines that it was generated by the homeowner.
- C. The Supervisor shall document the investigation on "BCC-WD Daily Performance Record (DS 350)". The report shall include the Supervisor's findings and the action taken.
- D. If a Supervisor orders a Collection Crew to service a stop containing Grass Clippings, the Supervisor shall issue written orders to the Sanitation Workers on "BCC-WD Daily Performance Record (DS 350)" directing the Collection Crew to collect the material.

V. Gratuities

- A. Any employee who solicits, requests, receives or accepts any gratuity in relation to Department activities, whether such gratuity is given to perform a service or not, shall be considered to have engaged in a corrupt activity.
- B. Any employee who has knowledge that another employee has solicited, requested, agreed to accept, received or accepted any gratuities in relation to Department activities, and who does not report such information immediately to the Inspector General or the Department of Investigation shall be considered to have engaged in a corrupt activity.
- C. Any employee who is offered any gratuities, but does not accept such gratuities, and fails to report such information immediately to the Inspector General or the Department of Investigation shall be considered to have engaged in a corrupt activity.
- D. Any employee who is determined to have engaged in a corrupt activity shall be subject to disciplinary action. Such disciplinary action may include termination of the individual's employment by the Department of Sanitation.

CANCELLATION: This Order shall remain in effect until rescinded

ISSUING AUTHORITY:



John J. Doherty
Commissioner

DISTRIBUTION: All Department of Sanitation Employees