

OFFICE OF ENVIRONMENTAL REMEDIATION

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE RELATING  
TO A FEE FOR REVIEW AND APPROVAL OF DEVELOPMENTS AND  
ALTERATIONS ON SITES WITH AN E-DESIGNATION

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Director of Environmental Remediation by subdivision e of section 15 of the New York City Charter that the Office of Environmental Remediation proposes to promulgate rules relating to a fee for the review and approval of developments and alterations on sites with an E-designation.

A public hearing on the proposed rules will be held on April 16, 2010 at 10 A.M. at 110 William Street, New York, N.Y. in Rm. 4 A/B. Written comments regarding the proposed rules may be sent to Dr. Daniel C. Walsh, Director of Environmental Remediation, 253 Broadway, 14<sup>th</sup> floor, New York, NY 10007 on or before April 19, 2010.

Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:30 AM and 4:30 PM at the Office of Environmental Remediation, 253 Broadway, 14<sup>th</sup> floor, New York, New York 10007.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Dr. Walsh at the foregoing address by April 5, 2010.

New text is underlined; deleted material is in [brackets].

Section 1. Section 24-01 of Chapter 24 of Title 15 of the Rules of the City of New York is amended to read as follows:

§ 24-01 Authority

These rules are promulgated pursuant to §§ 15(e), 1403 and 1404 of the Charter of the City of New York and in accordance with § 11-15(c)[,] of the Zoning Resolution of the City of New York.

§ 2. Section 24-09 of Chapter 24 of Title 15 of the Rules of the City of New York is amended to read as follows:

§24-09 Department Review and Approval Fee and Procedure

a. An applicant who seeks Department approval of a minor alteration(s) and/or other action on a tax lot subject to an (E) designation or a restrictive declaration that does not require a full technical review by the Department shall pay a fee of \$250.

b. An applicant for a new development or for alterations on a tax lot subject to an (E) designation or a restrictive declaration that requires a detailed review by the Department involving a phased approval and sign-off procedure (e.g., monitoring, modeling, testing, remediation) shall pay a fee of \$750.

c. The Department shall conduct an initial review of the application to determine the extent of review required for approval of the application. The Department shall inform the applicant of the fee amount.

d. Each payment shall be in the form of a certified check or money order made payable to the New York City Department of Environmental Protection/Office of Environmental Remediation (DEP/OER) and shall be sent to:

Office of Environmental Remediation  
Attn: Budget Manager  
253 Broadway, 14<sup>th</sup> floor  
New York, NY 10007

The applicant shall include the project name and/or address and the Office of Environmental Remediation project number on the certified check.

e. At the written request of the applicant, the Department will conduct a pre-submission conference with the applicant regarding the required contents of any submission required pursuant to §§ 24-06 and 24-07 of this rule and the schedule for proceeding with such submission.

[b.] f. Upon initial receipt of a submission required pursuant to this rule, the Department will review such submission and provide written comments within thirty (30) days of receipt of such initial submission.

[c.] g. If the Department requests additional information or a revised submission, the applicant shall resubmit the submission for review.

(1) Revised submissions will be reviewed by the Department as expeditiously as possible;

(2) Upon receipt of all information requested, the Department shall issue comments in writing with respect to the submission within thirty (30) days.

[d.] h. If the applicant disagrees with the Department's comments, the applicant shall have thirty (30) days, or such time as agreed upon by the Department and the applicant, to respond.

[e.] i. Upon receipt and review of all required submissions, the Department will issue its determination either approving or disapproving the submission within thirty (30) days.

[f.] j. If at any point in its review of a submission by the applicant, the Department requires more than the specified time period for the review, the Department will notify the applicant in writing of the necessity of such additional time.

[g.] k. If at any time the Department fails to provide written comments within a time period specified under this section, or such time as agreed upon by the Department and the applicant, and fails to provide written notice of the necessity of additional time, the applicant may submit a written notification to the Department requesting that any comments be provided within thirty (30) days.

## STATEMENT OF BASIS AND PURPOSE

Local Law No. 27 of 2009 amended the New York City Charter to create an Office of Environmental Remediation, led by a director. The office oversees all aspects of the city's brownfield policies and, pursuant to paragraphs 15 and 16 of subdivision e of section 15 of the New York City Charter and section 1404 of the Charter, administers the E-designation program, as defined in the zoning resolution, and ensures compliance with hazardous waste restrictive declarations arising from the environmental review of land use actions.

Paragraph 17 of subdivision e of section 15 of the Charter, authorizes the office to establish fees for programs it administers, and paragraph 18 authorizes the office to promulgate rules. This rule would establish fees for the office's review and approval of building projects proposed for tax lots subject to an E-designation or a hazardous materials restrictive declaration. Applicants who seek office approval of minor alterations on E-designation sites or sites subject to hazardous materials restrictive declarations would pay a fee of \$250. Applicants who seek office approval of developments on E-designation sites or sites subject to hazardous materials restrictive declaration sites that require a phased approval and sign-off procedure would pay a fee of \$750.