

**TRANSCRIPT OF THE NEW YORK CITY
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
PUBLIC HEARING**



DATE OF PUBLIC HEARING: March 20, 2025

TIME: 11:00 AM – 12:00 PM

Microsoft Teams Video Conference

1. ***Leon Dawson: Good morning, Mark. Hello, Mark.***
2. ***Mark Nitis: Good morning***
3. ***Leon Dawson: Hi, how are you?***
4. ***Mark Nitis: I'm doing well. How's it going?***
5. ***Leon Dawson: I'm doing well as well. My name is Leon Dawson. I'm***
6. ***one of the Assistant General Counsels at OATH. What organization***
7. ***are you with?***
8. ***Mark Nitis: I'm with the Council Member Marmorato.***
9. ***Leon Dawson: Okay, all right and you've come to make a comment.***
10. ***Mark Nitis: No, no just to listen to public info.***
11. ***Leon Dawson: Okay, alright. And you're with what city? You're with***
12. ***the City Council or you with.***
13. ***Mark Nitis: Yes***
14. ***Leon Dawson: Okay, alright. Alright, let's see. Okay, perfect.***
15. ***Well, it's about 11:00 so let's begin. This is a public hearing on***
16. ***OATH's proposed rule regarding amendments of RCNY***
17. ***Section 3 -126, the Water Penalty Schedule.***
18. ***My name is Leon Dawson, and I am an Assistant General Counsel at***
19. ***the New York City Office of Administrative Trials and Hearings also***
20. ***known as OATH. Thank you for attending today's hearing.***
21. ***OATH is conducting this hearing in accordance with the***
22. ***requirements of the City Administrative Procedure Act also known as***
23. ***CAPA. The purpose of this hearing is to receive comments from the***

24. public on OATH's Proposed Rule to Amend 48 RCNY Section
25. 3-126, the Water Penalty Schedule.
26. The Office of Administrative Trials and Hearings Environmental
27. Control Board proposes to amend 48 RCNY Section 3-126,
28. the Water Penalty Schedule, to delegate to the Commissioner
29. of the Department of Environmental Protection its authority to
30. establish a schedule of civil penalties in accordance with
31. Section 24-346 (b) of the Administrative Code of the City of New
32. York. Pursuant to this amendment, OATH ECB will repeal its Water
33. Penalty Schedule, currently found at 48 RCNY Section 3-126. At the
34. same time, DEP will enact a penalty schedule within its own rules at
35. Title 15 of the Rules of the City of New York, so that the penalty
36. schedule is relocated to the rules of the agency with primary
37. rulemaking and policymaking jurisdiction over the laws underlying
38. the violations. The proposed amendment of 48 RCNY Section 3-126
39. continues the effort to repeal penalty schedules from the rules of
40. OATH ECB. Although OATH ECB is empowered to impose penalties
41. under Section 1049-a of the New York City Charter and Section
42. 24-346 of the Administrative Code, the regulatory and enforcement
43. agencies have the expertise to determine appropriate penalties
44. based on the severity of each violation and its effect on city
45. residents. Moving the Water Penalty Schedule will also make it easier
46. for the public to find the penalties, which will be located within the

47. same title of the RCNY. As the rules establishing the violations
48. alleged in the summonses. Finally, the amendment will speed up the
49. rulemaking process by eliminating the need for approval by OATH
50. ECB of proposed or amended penalties for the violations of agency
51. rules that have already gone through the City Administrative
52. Procedure Act rulemaking process. The delegation of authority will
53. not affect the right of the public to comment during the rulemaking
54. process. Please note that deleted material is in brackets. Please also
55. note that the new material is underlined in the written notice for this
56. public hearing. Shall and must denote mandatory requirements and
57. may be used interchangeably in the rules of this department, unless
58. otherwise specified or unless the context clearly indicates otherwise.
59. The proposed rule was published in The City Record on
60. February 12, 2025. OATH e-mailed the rule to the Speaker of
61. the City Council; every member of the City Council; all community
62. board members; the news media; as well as civic organizations.
63. In addition, OATH posted the proposed rule on OATH's website; the
64. New York City Rules website, and The City Record online website.
65. OATH has been accepting written comments on the proposed rule
66. since the date it was published in The City Record and will
67. continue to accept written comments through the close of business
68. today.
69. At this hearing, you may present an oral statement concerning

70. the proposed rule. Before you begin:

71. Please state your name and affiliation whether you are with an

72. agency, the media, etc.

73. Please speak slowly and clearly, so that your statement can be

74. accurately recorded. Please limit your statement to no more than

75. three minutes.

76. Shortly after today's hearing, copies of all written comments

77. received by OATH, concerning the proposed rule, and a

78. summary of the statements given today, will be made

79. available to the public on OATH's website. I am going to paste the

80. website into the chat so that you can link to it, just a moment please.

81. <https://www1.nyc.gov/site/oath/about/legal-resources-and-rule-making.page>

82. Before issuing its Final Rule, OATH will carefully consider the

83. statements presented at today's hearing, as well as all written

84. comments received by the close of business today.

85. Now, the floor is open for comments. Again, before you begin

86. speaking: Please state your name and affiliation. Please speak

87. slowly and clearly, so that our statement can be accurately recorded

88. and please limit your statement to no more than three minutes.

89. Are there any comments?

90. I will keep this meeting open for another 5 minutes in case anyone

91. wants to make any comment or anyone arrives late.

92. Okay, it has been 5 minutes as there are no comments on OATH's

93. Proposed Rule to amend 48 RCNY Section 3-126, the Water Penalty

94. Schedule. This meeting is now adjourned. Thank you for attending.

CERTIFICATION

This is to certify that I have typed the above record by listening to the Microsoft Teams video conference in the State of New York and that to the best of my knowledge and belief the above record that is typed by me is a true and accurate record of the Microsoft Teams video conference.


Elizabeth Nolan

Date Transcribed: March 25, 2025