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**The New York City Council**

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**Committee Report of the Infrastructure Division**

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**Committee on Environmental Protection**

Hon. Costa Constantinides, Chair

**August 14, 2020**

**Int. No. 142:** By Council Members Levin, Constantinides, Ayala, and Lander

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to preventing certain types of dust from construction from becoming airborne

**Administrative Code:** Amends section 24-146

**Int. No. 143:** By Council Members Levin, Brannan, Koo, Ayala, Yeger, and Lander

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to the creation of an emergency ambient air quality monitoring program

**Administrative Code:** Amends title 15 by adding a new section 15-132

**Int. No. 1851:** By Council Members Constantinides, Lander, Levin, Reynoso, and Ayala (by request of the Mayor)

**Title:** A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, and the New York city building code in relation to city-wide stormwater management controls

**Administrative Code:** Amends section 24-540

**Int. No. 1946:** By Council Members Constantinides, Kallos, Moya, Brannan, Levin, Gibson, Rivera, Ayala, Yeger, and Lander,

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to assistance for replacing gas infrastructure

**Administrative Code:** Amends title 28 by adding a new section 28-318.6

**Int. No. 1982:** By Council Members Constantinides, Kallos, Ayala, and Lander

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to marginal emissions

**Administrative Code:** Amends section 28-320

1. **Introduction**

On August 14, 2020, the Committee on Environmental Protection, will hold a hearing on the following legislation: Int. No. 142, in relation to the monitoring and mitigation of airborne construction dust; Int. No. 143, in relation to the development of a program for monitoring air quality during and after major commercial and industrial fires; Int. No. 1851, in relation to amending the New York city administrative and plumbing codes in relation to citywide stormwater management controls; Int. No. 1946, in relation to requiring the Department of Buildings to provide energy efficiency and renewable energy improvements to building owners requesting gas piping system inspections; and Int. No. 1982 in relation to marginal emissions rates. The Committee expects to hear testimony from representatives from the New York City Department of Environmental Protection (DEP), and the New York City Department of Buildings (DOB), environmental advocates, and other interested parties.

1. **Background**

A study published in Environmental Health Perspectives in 2017, estimated that over 3,000 people a year could die of heat-related illness in New York City by 2080 due to climate change, compared to an average of 638 heat-related deaths between 2000 and 2006, if no action is taken to address human activities that impact climate change.[[1]](#footnote-1) Additionally, the correlation between climate and environmental disruptions and the spread of disease-spreading vectors is under examination,[[2]](#footnote-2) with studies suggesting that environmental degradation facilitated the entry of novel coronaviruses into the human population.[[3]](#footnote-3) The effects of climate change may be inequitably distributed, with low income communities, communities of color, children, and senior citizens more likely to experience the deleterious effects,[[4]](#footnote-4) as evidenced by the distribution of COVID-19 deaths in New York City, with poorer communities suffering higher rates of fatality than their wealthier neighbors.[[5]](#footnote-5)

Stormwater Management

In 1948, the United States federal government enacted the Clean Water Act (CWA or the Act), with the objective of restoring and maintaining the chemical, physical, and biological integrity of the country’s water. The Act was significantly amended in 1972, with the expectation that the nation’s waters would be “fishable” and “swimmable” by the mid 1980s.[[6]](#footnote-6) Environmental activists argue that discharges from the City’s sewer network makes it impossible to meet the expectation of fishable and swimmable waters envisioned in the CWA.[[7]](#footnote-7)

Approximately 60% of the City is served by a combined sewer system, which routes wastewater and stormwater runoff to treatment plants for processing prior to discharge into local waterways.[[8]](#footnote-8) Approximately 40% is served by municipal separate storm sewer systems (MS4), comprised of separate lines that route wastewater to treatment plants, and discharge stormwater runoff directly into local waterways.[[9]](#footnote-9) In the combined sewer system, it can take as little as one-tenth of an inch of precipitation per hour to overwhelm wastewater treatment plants and trigger a mixture of raw sewage and storm-water from the system to overflow into local waterways.[[10]](#footnote-10)  Untreated sewage can contain a variety of dangerous pathogens such as those that cause cholera, dysentery, typhoid, hepatitis, cryptosporidiosis, and giardiasis, in addition to other pathogens like roundworms, tapeworms, hookworms and whipworms.[[11]](#footnote-11) In MS4s, stormwater is not treated prior to discharge, meaning that pollutants such as oils, chemicals, pathogens, sediments, and litter that accumulate as water drains into the system are also flushed into local waterways during rain events.[[12]](#footnote-12) The outflow from New York City’s combined and separate sewer systems into local waterways presents serious health risks to city residents who fish, boat, or use local waterways for recreation.

A close up of a map

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Air Quality Impacts

According to the United States Environmental Protection Agency, exposure to airborne pollutants has been linked to a variety of negative health outcomes, both physical and psychological.[[13]](#footnote-13) Children can be particularly vulnerable to the effects of exposure to airborne pollutants, because they consume more air and water per unit of body size compared to adults, are more likely to be active outdoors during peak traffic hours, tend to play closer to the ground where particulate matter concentrations are highest, and because their membranes are not fully developed.[[14]](#footnote-14)

Cardiovascular events and rates of hospitalization for cardiovascular issues are positively correlated with increases in ambient particulate matter, with a 10 microgram per square meter increase in black smoke averaging a 4.8% increase in hospitalizations for populations 65 and over.[[15]](#footnote-15) A 10 microgram per square meter increase in PM2.5 levels was associated with a 24% increase in the risk of a heart attack or stroke, and a 76% increase in the risk of death from cardiovascular disease in postmenopausal women.[[16]](#footnote-16) Exposures to PM2.5, PM10, and nitrous oxide are strongly associated with increases in blood pressure,[[17]](#footnote-17) while long term exposure to PM2.5 and nitrous oxide has been linked to heightened levels of inflammation biomarkers in the bloodstream.[[18]](#footnote-18)

A growing body of research also establishes a positive correlation between exposure to airborne pollutants and increased mortality due to COVID-19.[[19]](#footnote-19) A recent Harvard study found that an increase of only 1 microgram per square meter in PM2.5 is associated with an 8% increase in the COVID-19 death rate.[[20]](#footnote-20) Another study of mortality data from 66 administrative regions in Italy, Spain, France and Germany found that 78% of recorded deaths occurred in five regions in northern Italy and central Spain that also showed the highest levels of nitrogen dioxide (NO2) pollution, exacerbated by local weather conditions that prevented its normal dispersal and dilution.[[21]](#footnote-21) The study suggested that long term exposure to NO2 was potentially one of the most important contributors to COVID-19 fatalities in the region.[[22]](#footnote-22)

A report of the United States National Institutes of Health identified construction sites and fires as significant sources of PM2.5 pollution,[[23]](#footnote-23) while smoke formed from the combustion of wood and other organic materials can also contribute black carbon,[[24]](#footnote-24) hydrocarbons, and other organic compounds to local air pollution.[[25]](#footnote-25) Mitigation strategies aimed at reducing airborne pollutants from construction sites, coupled with a warning system alerting New York City residents of spikes in airborne pollutants linked to commercial and industrial fire emergencies would likely have positive effects on public health by reducing overall levels of particulate pollution from construction sites, and enabling residents to make better health decisions based on air pollution data that takes into account local spikes in concentration like those that result from fire emergencies.

Alternative Heating Technologies

Widespread adoption of heating technologies that utilize renewable energy rather than the combustion of fossil fuels, and energy efficiency upgrades are required to reduce citywide GHG emissions at a sufficient rate to meet local and state climate goals.[[26]](#footnote-26) Studies have shown that buildings where hot water production is decoupled from space heating boilers had substantially lower rates of fuel consumption than buildings where these two functions were serviced by the same equipment.[[27]](#footnote-27) Solar water heaters present a potential option for hot water production for city buildings with significantly lower dependence on heating fuel for its production, with solar water heaters capable of cutting water heating bills by 50% to 80% in residential applications.[[28]](#footnote-28) Additionally, the EPA identifies geothermal heat pumps as the most energy efficient, environmentally clean, and cost effective space-conditioning systems available, with the lowest carbon dioxide emissions,[[29]](#footnote-29) with systems capable of reducing the energy required for indoor thermal regulation by 25 to 50% compared to conventional heating or cooling systems.[[30]](#footnote-30) The point where building owners contact the Department of Buildings for an inspection of their natural gas piping systems provides an ideal opportunity to provide information pertaining to efficiency upgrades and climate control options that are not reliant on fossil fuel combustion.

1. **Legislation**

Int. No. 142 would require air monitoring for construction dust and clarify the types of construction materials that must be accounted for in dust mitigation plans, in addition to increasing the minimum civil penalty for corporations that fail to prevent particulate matter from becoming airborne. This local law would take effect 90 days after it becomes law.

Int. No. 143 would require the Commissioner of Environmental Protection, in consultation with the Commissioner of Health and Mental Hygiene, to develop a program for monitoring air quality during and after major commercial and industrial fires, and require the deployment of air contamination recorders to the vicinity of major commercial and industrial fires. This local law would take effect 180 days after it becomes law.

Int. No. 1851 would ensure that the rules for municipal separate storm sewer systems, or MS4 projects are not less stringent than the pertinent NYC MS4 permit dictates. The legislation would help improve water quality throughout our region and move us towards the goal of “fishable and swimmable” waters. This local law would take effect 180 days after it becomes law.

Int. No. 1946 would require that the Department of Buildings provide building owners who have or request inspections of their natural gas pipe systems with information about programs that provide advisory services to building owners to help facilitate energy efficiency and renewable energy improvements. This local law would take effect immediately.

Int. No. 1982 would require that natural gas powered fuel cell emissions be compared to electricity grid marginal emissions instead of average emissions in addition to requiring the Commissioner of Buildings to consider the New York State Energy Research and Development Authority and the State Energy Plan marginal forecasts for Zone J when developing greenhouse gas coefficients of energy consumption for calendar years 2030-2034. This local law would take effect immediately.

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| Int. No. 142    By Council Members Levin, Constantinides, Ayala and Lander    A Local Law to amend the administrative code of the city of New York, in relation to preventing certain types of dust from construction from becoming airborne    Be it enacted by the Council as follows:                       Section 1. Subdivision c of section 24-146 of the administrative code of the city of New York is amended to read as follows:                       (c) No person shall cause or permit a building or its appurtenances or a road to be constructed, altered or repaired without taking such precautions as may be ordered by the commissioner or as established by the rules of the department to prevent dust, including dust from any material, regardless of composition, designed and customarily used in construction, including, but not limited to, any rails, pillars, columns, beams, bricks, flooring, wall, ceiling, roofing material, insulation material, gravel, sand, cement or asphalt, from becoming air-borne.                       § 2. Subdivision b of section 24-190 of the administrative code of the city of New York is amended to read as follows:                       (b) Any person, other than a corporation, who violates any order of the commissioner or the board or any provision of section 24-120, 24-122 or 24-146 of this code or who illegally breaks a seal on equipment, upon conviction shall be punished for each offense by a fine of not less than [fifty dollars] $50 nor more than [five hundred dollars] $500 or by imprisonment for not more than [thirty] 30 days or by both.                       Any corporation which violates any order of the commissioner or the board or any provision of section 24-120[,] or 24-122 [or 24-146] of this code, or which illegally causes a seal to be broken, upon conviction shall be punished for each offense by a fine of not less than [one hundred dollars] $100 nor more than [two thousand dollars] $2,000.                       Any corporation which violates any provision of section 24-146 of this code shall be punished for each offense by a fine of not less than $500 nor more than $2,000 or by imprisonment for not more than 30 days or by both.                       Every day during which such violation occurs constitutes a separate offense.                       § 3. This local law takes effect 90 days after it becomes law, except that the commissioner of environmental protection may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.    GP (2017)/MMB (2017)  LS # 9518/Int 1600-2017  NEW LS # 762  12/21/17; 11:31 a.m. |

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| Int. No. 143    By Council Members Levin, Brannan, Koo, Ayala, Yeger and Lander    A Local Law to amend the administrative code of the city of New York, in relation to the creation of an emergency ambient air quality monitoring program    Be it enacted by the Council as follows:    Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:  § 15-131 Interagency notification requirement for certain fires. The department shall notify the department of environmental protection immediately whenever units are dispatched to (i) any fire in the city that the department designates as a third-alarm or higher fire or (ii) any fire in the city that affects a group H high hazard occupancy as defined in the New York city building code and that the department designates as a second-alarm or higher fire.  § 2. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-145.1 to read as follows:  § 24-145.1 Emergency ambient air quality monitoring program. a. The commissioner, in consultation with the commissioner of health and mental hygiene, shall develop an emergency ambient air quality monitoring program pursuant to which the department shall deploy air contaminant recorders in the vicinity of major commercial and industrial fires as required by this section.  b. Immediately upon being notified of (i) any fire in the city that the fire department designates as a third-alarm or higher fire or (ii) any fire in the city that affects a group H high hazard occupancy as defined in the New York city building code and that the fire department designates as a second-alarm or higher fire, the commissioner shall deploy an air contaminant recorder to a sampling location as close to the fire as is safe and practicable and shall deploy air contaminant recorders to three or more sampling locations downwind from the fire. The fire commissioner, the police commissioner or any other city agency, after consultation with the commissioner, may deploy such recorders in lieu of the department where deployment by such other agency would be more efficient than deployment by the department.  c. The air contaminant recorders deployed pursuant to subdivision b of this section shall measure and record the levels of air pollutants that are hazardous to human health, including, but not limited to, particulate matter, volatile organic compounds, ozone, lead, carbon monoxide, carbon dioxide, nitrogen dioxide, sulfur dioxide and asbestos. Where, due to the nature of a material known to have been burned in the fire, the commissioner believes that other hazardous air pollutants may have been released into the air, the commissioner shall also monitor the air for such other pollutants.  d. The commissioner shall continue to monitor air quality near the fire and at downwind locations until the fire has been extinguished and, in the judgment of the commissioner, the site of the fire no longer emits significant levels of air pollutants attributable to the fire.  e. The commissioner shall make available on the department’s website all data obtained pursuant to subdivision c of this section. Such data shall be in a non-proprietary format that permits automated processing.  f. The commissioner, in consultation with the fire commissioner and the commissioner of health and mental hygiene, shall promulgate rules necessary for the implementation of this section.  § 3. This local law takes effect 180 days after it becomes law; provided, however, that the commissioner of environmental protection, in consultation with the fire commissioner and the commissioner of health and mental hygiene, shall take all actions necessary for its implementation, including the promulgation of rules, before such date.    WCJ (2015)/MMB (2017)  LS #4039, 4040/Int. 933-2015  NEW LS # 753  12/21/17; 11:07 a.m. |

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| Int. No. 1851    By Council Members Constantinides, Lander, Levin, Reynoso and Ayala (by request of the Mayor)    A Local Law to amend the administrative code of the city of New York, the New York city plumbing code and the New York city building code in relation to city-wide stormwater management controls    Be it enacted by the Council as follows:  Section 1.  Section 24-540 of the administrative code of the city of New York, as added by local law number 97 for the year 2017, is amended to read as follows:  §24-540 Policy. Land development and associated increases in site impervious cover increase stormwater runoff causing flooding, soil erosion, and sediment transport and deposition in waterways. A high percentage of impervious area correlates with a higher rate of stormwater runoff, which generates greater pollutant loadings to the city's separate stormwater and combined sewer systems. Pollutants found in urban runoff include, but are not limited to, nitrogen, phosphorus, silt and sediment, pathogens, floatables, petroleum hydrocarbons, heavy metals, and polycyclic aromatic hydrocarbons (PAHs).  Clearing and grading during construction may increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitats. Improperly designed and constructed stormwater management practices increase the velocity of stormwater runoff thereby increasing erosion and sedimentation. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities. Regulation of land development activities by means of performance standards governing long-term stormwater management and site design produces development compatible with the natural functions of a particular site and thereby mitigates the adverse effects of erosion and sedimentation from development.  Material handling and storage, equipment maintenance and cleaning, and other activities at industrial facilities are often exposed to stormwater, which can pick up pollutants and transport them to surface waters directly or via a storm sewer. Appropriate stormwater management at industrial facilities can reduce these impacts.  This chapter establishes stormwater management controls [meeting the requirements of state and federal law in areas of the city where stormwater] for construction projects to reduce the flow of stormwater runoff and water borne pollutants into sewers that empty directly into the waters of the state or that overflow into such waters because of rain or snowmelt events that exceed the design capacity of wastewater treatment plants.  [In these areas water borne pollutants in stormwater runoff are more likely to enter and have an adverse impact on the waters of the state].  The purpose and intent of this chapter is to (i) reduce pollutants discharged in stormwater runoff from construction activities [in such areas] to the maximum extent practicable through appropriate erosion and sediment controls; (ii) minimize, to the maximum extent practicable, increases in stormwater runoff volume and velocity, and pollutant loading in stormwater runoff, from development sites [in such areas] ; (iii) ensure the proper maintenance of post-construction stormwater management practices; and (iv) ensure compliance by certain industrial facilities [in such areas] served by the city separate storm sewer system with applicable requirements to manage stormwater runoff in order to reduce pollutants in stormwater from industrial activities to the maximum extent practicable.  §2.  The definitions of “covered development project”, “MS4 SWPPP acceptance form”, “MS4 area”, “notice of intent” or “NOI”, “notice of termination” or “NOT” and “separate stormwater outfall” in section 24-541 of the administrative code of the city of New York, as added by local law number 97 for the year 2017, are amended to read as follows:  Covered development project. The term “covered development project” means development activity that involves or results in an amount of soil disturbance [within the MS4 area] greater than or equal to one acre or as established pursuant to rules of the department in accordance with subdivision d of section 24-553.  Such term includes development activity that is part of a larger common plan of development or sale involving or resulting in soil disturbance [within the MS4 area] greater than or equal to one acre or as established pursuant to rules of the department in accordance with subdivision d of section 24-553.  [Such term shall include all development activity within the MS4 area that requires a stormwater pollution prevention plan pursuant to the NYSDEC construction general permit.]  [MS4 area.  The term “MS4 area” means those portions of the city of New York served by separate storm sewers and separate stormwater outfalls owned or operated by the city of New York and areas in which municipal operations and facilities drain by overland flow to waters of the state, as determined by the department and described on maps of the MS4 area set forth in the rules of the department. ]  Notice of intent or NOI.  The term “notice of intent” or “NOI” means for MS 4 projects the document submitted to NYSDEC to obtain coverage under the NYSDEC construction general permit.  Notice of termination or NOT.  The term “notice of termination” or “NOT” means for MS 4 projects the document submitted to NYSDEC to terminate coverage under the NYSDEC construction general permit.  MS4 SWPPP acceptance form.  The term “MS4 SWPPP acceptance form” means for MS 4 projects the form developed by NYSDEC to be used to indicate acceptance of a SWPPP by a municipality.  [Separate stormwater outfall.  The term “separate stormwater outfall” means a point where stormwater from a storm sewer or other source of concentrated stormwater flow, owned or operated by the city of New York, is discharged into a water of the state or to a separate storm sewer system that requires coverage under the NYSDEC MS4 general permit.]  §3.  Section 24-521 of the administrative code of the city of New York is amended by adding new definitions of “MS4” and “MS4 covered development project” or “MS 4 project” in alphabetical order to read as follows:  MS4.  The term “MS4” means the city municipal separate storm sewer system.  MS4 covered development project or MS 4 project.  The term “ MS4 covered development project” or “MS 4 project” means a covered development project that is subject to the NYSDEC construction general permit.  §4. Sections 24-550, 24-552, 24-553, 24-554, 24-557, 24-559, 24-560 and 24-570 of the administrative code of the city of New York, as added by local law number 97 for the year 2017, are amended to read as follows:  §24-550 General.  This subchapter [governs certain] regulates land development activities [within the MS4 area] of covered development projects.                       §24-552 Review of stormwater pollution prevention plan or SWPPP.  Before the commencement of development activity on the site of a covered development project the developer must submit [a copy of the notice of intent and] a stormwater pollution prevention plan, certified by a qualified professional, to the department for review in accordance with the rules of the department and for MS 4 projects a copy of the notice of intent.  The department or a qualified professional designated by the department shall review the SWPPP within time periods to be specified in the rules of the department.  If the department accepts the SWPPP and all other requested documentation, the department shall issue a stormwater construction permit to the developer and, for MS 4 projects subject to the NYSDEC construction general permit, shall issue an MS4 SWPPP acceptance form for filing with NYSDEC.  If the department rejects the SWPPP the department shall send notice of such rejection to the developer indicating the specific deficiencies that caused the department to reject the SWPPP.  The department may require that the SWPPP [or] and other documents be submitted electronically.  §24-553 Rules.  The department shall promulgate rules to carry out the provisions of this subchapter [in accordance with the NYC MS4 permit and the NYSDEC construction general permit ], including but not limited to rules that:  a.  Set forth the content of SWPPPs, [consistent with the NYSDEC construction general permit ], including identifying those development projects requiring only erosion and sediment controls during construction and those development projects requiring erosion and sediment controls and post-construction stormwater management facilities.  b.  Establish design standards for erosion and sediment controls and post-construction stormwater management facilities [, which shall not be less stringent than the standards set forth or incorporated by reference in the NYSDEC construction general permit].  c.  Establish exemptions from permit requirements, [consistent with the NYC MS4 permit and the NYSDEC construction general permit ].  d.  [After completion of the lot size soil disturbance study required by the NYC MS4 permit, provide] Provide for the regulation of development activity of less than one acre, based either on total disturbance of soil or on amount of impervious surface created or replaced, where the department determines an appropriate reduction in the threshold is necessary [in accordance with the NYC MS4 permit] to carry out the purposes of this chapter. In making such determination, the department shall evaluate the potential costs and the anticipated water quality benefits of lowering the threshold.                       e.  Establish procedures and fees for the review of SWPPPs and the issuance and renewal of permits required by this subchapter.                       f. Establish training, experience and/or education requirements for qualified professionals and qualified inspectors [, which shall not be less stringent than those required by the NYSDEC construction general permit].                       g. Establish record keeping, inspection and reporting requirements for applicants and permittees to monitor compliance with this subchapter and approved SWPPPs.                       h. Establish requirements for compliance certifications by contractors to be included with SWPPPs.  i. Establish standards for the maintenance, inspection, repair and replacement of required erosion and sediment controls and post-construction stormwater management facilities.  j. For MS 4 projects, ensure that such rules are not less stringent than the NYC MS4 permit and the NYSDEC construction general permit.  §24-554 SWPPP to be retained on site.   A copy of the SWPPP shall be retained at the site of the project from the date of initiation of development activities  to the date [notice] of termination [is submitted to NYSDEC ] of the project as determined in accordance with the rules of the department and shall be made available to officers and employees of the department and/or qualified inspectors authorized by the department in accordance with the rules of the department.  §24-557 Suspension or revocation of permit.  The department may suspend or revoke a stormwater construction permit, after notice and the opportunity for a hearing in accordance with the rules of the department, when the department or, in the case of an MS 4 project, NYSDEC finds that there is substantial non-compliance with this subchapter, the rules of the department, the NYSDEC construction general permit or the SWPPP,  including any major change to erosion or sediment controls or any change in a post-construction stormwater management facility during construction that has or could have an effect on the discharge of pollutants, or when a permit was issued in error and conditions are such that a permit should not have been issued.  When a permit is revoked or suspended all development activity at the project site shall cease and shall not be resumed until the issuance of a new permit or until such suspension is terminated except that the department may allow performance of work that is necessary to ensure public safety or to stabilize the construction site.  §24-559 Post-construction stormwater management facilities.  Where post-construction stormwater management facilities are required by the department, the department shall not [accept the SWPPP or] issue a stormwater construction permit for the project until the execution and recording of a maintenance easement, which shall be binding on all subsequent owners of the real property served by such post-construction stormwater management facility, except where the corporation counsel has determined that such a maintenance easement is not necessary due to the property’s ownership or use by a public agency or instrumentality.  For post-construction stormwater management facilities subject to such an exception, when there is a subsequent conveyance or cessation of public use, the corporation counsel may require the execution and recording of a maintenance easement at that time.  The easement shall provide for access to post-construction stormwater management facilities at reasonable times in accordance with law for periodic inspection by the department or qualified professionals authorized by the department to ensure that such facilities are maintained in good working condition to meet the applicable design standards.  The easement shall be recorded by the grantor in the office of the city register or, if applicable, the county clerk after approval by the corporation counsel.  § 24-560 Stormwater maintenance permit.  It is the duty of all owners of real property, jointly and severally, served by a post-construction stormwater management facility required by a SWPPP accepted by the department pursuant to this subchapter to provide for the inspection and maintenance of such facility in accordance with this section and the rules of the department. The department shall maintain a record of all such post-construction stormwater management facilities and the property served by each such facility.  As soon as practicable after final stabilization of a site, the owner of property served by a post-construction stormwater management facility shall submit to the department [a copy of the notice of termination  and] an application for a stormwater maintenance permit for such facility.  Such owner shall provide for the renewal of such permit every 5 years in accordance with the rules of the department.  The department shall issue or renew such permit upon receipt of a satisfactory inspection report certified by a qualified professional retained by the owner indicating that the facility has been installed and/or is operated and maintained in good working condition to meet applicable design standards and the rules of the department.  A facility shall be maintained in good working condition throughout its useful life and replaced in accordance with the rules of the department.  § 24-570 Applicability. This subchapter applies [only to portions of the city within the MS4 area] to sites served by the city municipal separate storm sewer system.  § 5. Section 28-104.11 of the administrative code of the city of New York, as added by local law number 97 for the year 2017, is amended to read as follows:  **§28-104.11 Construction documents for sites [within the MS4 area] that are covered development projects as defined in section 24-541 of the administrative code.**  Construction documents for sites that are covered development projects as defined in section 24-541 of the administrative code shall comply with section 28-104.11.1 through 28-104.11.4 [relating to the MS4 area].  **§28-104.11.1 Definitions.**  As used in this code in connection with provisions relating to the jurisdiction of the department of environmental protection, the terms covered development project, development activity, [MS4 area,] post-construction stormwater management facility, stormwater construction permit, stormwater maintenance permit, and stormwater pollution prevention plan or SWPPP shall have the same definitions as such terms are defined in subchapter 1 of chapter 5-A of title 24 of the administrative code.  **§28-104.11.2 Disclosure required.**  It shall be the duty of an applicant for construction document approval to determine whether the site of the proposed work is part of a covered development project [located within the MS4 area] and to disclose such information on construction documents.  Failure to disclose such information on construction documents shall be a violation of this code.  **§28-104.11.3  Required documentation.**  Applications for construction document approval shall include copies of any required stormwater construction permit issued by the department of environmental protection and the stormwater pollution prevention plan for the covered development project.  **§28-104.11.4  Revocation of approval of construction documents.**  Where the department finds after the approval of construction documents that the applicant failed to disclose the information required by this section, the department may revoke such approval and any associated work permits in accordance with the provisions of sections 28-104.2.10 and 28-104.2.10.1.  § 6. Section 101.6.3 of the New York city plumbing code, as added by local law number 97 for the year 2017, is amended to read as follows:  **106.6.3 Post-construction stormwater management facilities.** A post-construction stormwater management facility that is constructed as a part of a covered development project [located within the MS4 area,] shall comply with the rules of the Department of Environmental Protection and with this code.  § 7.  The definition of “MS 4 AREA” in section PC 202 of chapter 2 of the New York city plumbing code is REPEALED.  § 8.  Section 107.11.3 of the New York city building code, as added by local law number 97 for the year 2017, is amended to read as follows:  **107.11.3 Post-construction stormwater management facilities.**  A post-construction stormwater management facility that is constructed as a part of a covered development project [located within the MS4 area] shall comply with the rules of the Department of Environmental Protection and with this code.  § 9.  The definition of “MS 4 AREA” in section BC 202 of the New York city building code is REPEALED.  § 10. This local law takes effect 180 days after it becomes law and applies to development activity on the site of a covered development project on and after such date except that this local law shall not apply to development activity on the site of a covered development project, other than an MS4 project, where an application for construction document approval for such project is filed with the department of buildings or with the department of small business services prior to such effective date. For the purposes of this section, the terms development activity, covered development project and MS4 project shall be as defined in section 24-541 of the administrative code of the city of New York, as amended by this local law. |

Int. No. 1946

By Council Members Constantinides, Kallos, Lander, Brannan, Levin, Gibson, Rivera, Ayala, Yeger and Lander

A Local Law to amend the administrative code of the city of New York, in relation to assistance for replacing gas infrastructure

Be it enacted by the Council as follows:

Section 1. Article 318 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-318.6 to read as follows:

§ 28-318.6 Assistance. At the conclusion of an inspection pursuant to this article or upon a building owner’s request, the department shall provide the building owner with information about programs and education efforts established pursuant to sections 28-320.4 and 28-320.5 and about programs that provide advisory services to building owners to make energy efficiency and renewable energy improvements.

§ 2. This local law takes effect immediately.

JSA

LS #13573

3/17/2020

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| Int. No. 1982    By Council Members Constantinides, Kallos, Ayala and Lander    A Local Law to amend the administrative code of the city of New York, in relation to marginal emissions    Be it enacted by the Council as follows:  Section 1. Section 28-320.1.1 of the administrative code of the city of New York, as amended by local law number 147 for the year 2019, is amended to read as follows:  6. The amount of greenhouse gas emissions attributable to natural gas powered fuel cells shall be credited compared to [a] the electricity grid marginal emissions factor [that will be determined by the commissioner and promulgated into rules of the department.] published in the most recent New York state energy research and development authority renewable energy standard program impact evaluation and clean energy standard triennial review, or a successor to such report issued by the New York state energy research and development authority.    § 2.  Section 28-320.3.2.1 of the administrative code of the city of New York, as amended by local law number 147 for the year 2019, is amended to read as follows:  § 28-320.3.2.1 Greenhouse gas coefficients of energy consumption for calendar years 2030 through 2034. For the purposes of calculating the annual building emissions of a covered building in accordance with this section, the amount of greenhouse gas emissions attributed to particular energy sources shall be determined by the commissioner and promulgated into rules of the department by no later than January 1, 2023. The commissioner shall consult with the advisory board required by this article to develop such greenhouse gas coefficients for utility electricity consumption. When developing such coefficients, the commissioner shall consider factors, including but not limited to the best available New York state energy research and development authority and State Energy Plan marginal forecasts for Zone J for the end of the compliance period and beneficial electrification.    § 3 This local law takes effect immediately.  NKA  6/22/20  LS 15593 |

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