



Legislation Text

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Int. No. 138

By Council Members Levin, Brannan, Maisel, Grodenchik and Holden

A Local Law to amend the New York city charter, in relation to mandated reporting of PCB remediation in city public schools

Be it enacted by the Council as follows:

Section 1. Section 530-d of the New York city charter, as added by local law number 68 for the year 2011, is amended to read as follows:

[§ 530-d] § 530-d. Notification requirements, PCBs. a. For the purposes of this section, the following terms [shall] have the following meanings:

Building materials. The term “building materials” means applied dried paints, varnishes, waxes or other similar coatings, sealants and caulking.

[1. “Department” shall mean] Department. The term “department” means the New York city department of education.

HVAC system. The term “HVAC system” means heating, air conditioning, ventilating and similar equipment, including but not limited to individual unit ventilators for classrooms.

[2. “PCBs” shall mean] PCBs. The term “PCBs” means polychlorinated biphenyls.

[3. “PCB light ballast” shall mean] PCB light ballast. The term “PCB light ballast” means a device that electrically controls fluorescent light fixtures and that includes a PCB small capacitor containing dielectric.

[4. “PCB lighting removal plan” shall mean] PCB management plan. The term “PCB management plan” means the department's comprehensive plan to remove, replace, remediate or manage in place light fixtures that have used or are using PCB light ballasts or are presumed to have used or to be using PCB light ballasts,

building materials that contain or are presumed to contain PCBs, soil that contains or is presumed to contain PCBs, and HVAC systems that contain or are presumed to contain components with PCBs.

[6. “Public school” shall mean] Public school. The term “public school” means any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through grade [twelve] 12.

[5. “Reportable PCB levels” shall mean] Reportable PCB levels. The term “reportable PCB levels” means written test results of light fixtures, building materials, soil, and HVAC systems including, but not limited to, air, wipe or bulk sample analysis, performed by or at the request of the department, the New York city school construction authority or the United States environmental protection agency that show concentrations of PCBs [which]that exceed the amount allowable pursuant to the applicable regulations and guidance promulgated by the United States environmental protection agency, including, but not limited to, written test results that show concentrations of PCBs that exceed recommendations regarding exposure levels for evaluation of PCBs in indoor school air, and [shall also mean]also means the inspection results of light fixtures that are leaking and presumed to have used or to be using PCB light ballasts, building materials that contain or are presumed to contain PCBs, soil that contains or is presumed to contain PCBs, and HVAC systems that contain or are presumed to contain components with PCBs.

b. The department shall notify the parents of students and the employees in any public school that has been inspected or tested for reportable PCB levels of the results of such inspection or testing, and whether the results of such inspection or testing were negative or positive, within seven days of receiving such results; provided that if such results are received during a scheduled school vacation period exceeding five days and the area where such inspection or testing occurred is not being used by students during such period, such notification shall occur no later than seven days following the end of such period. The department shall also post such results on the department's website within seven days of receiving such results.

c. The notification required pursuant to subdivision b of this section shall include information setting

forth the steps the department has taken and will take to address such reportable PCB levels, including the timeframe during which such reportable PCB levels were or will be addressed. If such steps are not completed within such timeframe then the department shall notify such parents and employees of the new timeframe for such steps. The department shall also notify such parents and employees within seven days of the date such steps to address reportable PCB levels are completed.

d. Not later than the [fifteenth] 15th day of April of the year [2012] 2018 and annually thereafter not later than the [fifteenth] 15th day of November, the department shall notify the parents of students and the employees in any public school identified as part of the department's PCB [lighting] management plan that such school has been identified as part of such plan and shall provide in such annual notice an explanation regarding the department's PCB [lighting] management plan including, but not limited to, the reasons for removal, replacement, or remediation, the fact that [certain] some light fixtures, building materials, soil, and HVAC systems are presumed to contain PCBs, and the schedule for such removal, replacement or remediation.

§ 2. Section 530-e of the New York city charter, as added by local law number 69 for the year 2011, is amended to read as follows:

[§ 530-e] § 530-e. PCB reporting data. a. For the purposes of this section, the following terms [shall] have the following meanings:

Building materials. The term “building materials” means applied dried paints, varnishes, waxes or other similar coatings, sealants and caulking.

[1. “Department” shall mean] Department. The term “department” means the New York city department of education.

HVAC system. The term “HVAC system” means heating, air conditioning, ventilating and similar equipment, including but not limited to individual unit ventilators for classrooms.

[2. “PCBs” shall mean] PCBs. The term “PCBs” means polychlorinated biphenyls.

[3. “PCB light ballast” shall mean] PCB light ballast. The term “PCB light ballast” means a device that

electrically controls fluorescent light fixtures and that includes a PCB small capacitor containing dielectric.

[4. “PCB lighting removal plan” shall mean] PCB management plan. The term “PCB management plan” means the department's comprehensive plan to remove, replace, remediate or manage in place light fixtures that have used or are using PCB light ballasts or are presumed to have used or to be using PCB light ballasts, building materials that contain or are presumed to contain PCBs, soil that contains or is presumed to contain PCBs, and HVAC systems that contain or are presumed to contain components with PCBs.

[6. “Public school” shall mean] Public school. The term “public school” means any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through grade [twelve] 12.

[5. “Reportable PCB levels” shall mean] Reportable PCB levels. The term “reportable PCB levels” means written test results of light fixtures, building materials, soil samples, and HVAC systems, including, but not limited to, air, wipe or bulk sample analysis, performed by or at the request of the department, the New York city school construction authority or the United States environmental protection agency that show concentrations of PCBs [which] that exceed the amount allowable pursuant to the applicable regulations and guidance promulgated by the United States environmental protection agency, including, but not limited to, written test results that show concentrations of PCBs that exceed recommendations regarding exposure levels for evaluation of PCBs in indoor school air, and [shall also mean] also means the inspection results of light fixtures that are leaking and presumed to have used or to be using PCB light ballasts, building materials that contain or are presumed to contain PCBs, soil that contains or is presumed to contain PCBs, and HVAC systems that contain or are presumed to contain components with PCBs.

b. Not later than the [fifteenth] 15th day of April of the year [2012] 2018 the department shall submit to the council a preliminary report, and annually thereafter not later than the [fifteenth] 15th day of November the department shall submit to the council a report, regarding the progress of the department's PCB [lighting] management plan and the department's efforts to address [caulk] PCB light ballasts, building materials that

contain or are presumed to contain PCBs, soil that contains or is presumed to contain PCBs, and HVAC systems that contain or are presumed to contain components with PCBs in public schools and shall post such report on the department's website. The report shall include, but not be limited to: information regarding the overall progress on such plan including, but not limited to, an updated list of public schools identified as part of such plan, the steps that will be taken to address reportable PCB levels at such schools, and the schedule for addressing such reportable PCB levels at such schools; a list of schools where reportable PCB levels have been addressed, the steps taken to address such reportable PCB levels including, but not limited to, information regarding whether light fixtures, building materials, HVAC systems, window frames, door frames, soil and floor tiles were removed, replaced, remediated or are managed in place and the timeframe during which such reportable PCB levels were addressed; a list of schools for which notification was sent to parents and employees pursuant to subdivision b of section 530-d of this chapter, the steps taken to address the presence and removal, replacement or remediation of PCB light ballasts, building materials that contain or are presumed to contain PCBs, soil that contains or is presumed to contain PCBs, and HVAC systems that contain or are presumed to contain components with PCBs at such schools, including the number of light fixtures, HVAC systems, window frames, door frames, floor tiles and locations in individual schools where soil and building materials [that] were removed, replaced, remediated or are managed in place and the reasons for which inspection or testing for reportable PCB levels occurred including, but not limited to, routine inspection and discovery [of a leaking ballast] or pursuant to a consent order or any existing agreement with the United States environmental protection agency; a summary of the test results for any routine testing for PCBs in [caulk] light ballasts, building materials, soil, and HVAC systems performed by or at the direction of the department or the New York city school construction authority including, but not limited to, which schools were tested and for what reason, and information pertaining to the steps the department has taken and will take to address the presence and removal of PCBs in [caulking] light ballasts, building materials, soil and HVAC systems, but not limited to, the test results of any pilot study conducted pursuant to a consent order or any existing agreement

with the United States environmental protection agency, an update on the status of such pilot study, and in the event that the department and New York City school construction authority reach agreement with the United States environmental protection agency at some future date on a final citywide PCB management plan, as described in and pursuant to all terms and conditions of the existing agreement with EPA, a description and update on PCB management activities, including the management of PCBs in [caulking] light ballasts, building materials, soil and HVAC systems implemented under such a final plan. All information required by this subdivision shall be aggregated citywide, as well as disaggregated by community school district, council district and borough.

c. The report shall include a link to information posted on the website of the department of health and mental hygiene that provides answers to frequently asked questions regarding PCBs.

d. The requirements of this section shall no longer be in effect following the department's submission to the council of a report documenting that the removal of all light fixtures, building materials, soil, and HVAC systems pursuant to the department's PCB [lighting] management plan has been completed.

§ 3. This local law takes effect 120 days after it becomes law.

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