

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2011**

No. 69

Introduced by Council Members Levin, Ignizio, Arroyo, Brewer, Dickens, Dromm, Ferreras, Fidler, Lander, Mendez, Palma, Rose, Seabrook, Van Bramer, Vann, Williams, Vallone, Vacca, Wills, Chin, Nelson, Garodnick, Jackson, Rodriguez, Eugene, Lappin, Halloran, Koo, Ulrich, Weprin, Barron, Crowley, Gennaro, Greenfield and Oddo. Passed under a Message of Necessity from the Mayor.

A LOCAL LAW

To amend the New York city charter, in relation to requiring the reporting of information related to polychlorinated biphenyls (PCBs).

Be it enacted by the Council as follows:

Section 1. Chapter 20 of the New York city charter is amended by adding a new section 530-e to read as follows:

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

- 1. "Department" shall mean the New York city department of education.*
- 2. "PCBs" shall mean polychlorinated biphenyls.*
- 3. "PCB light ballast" shall mean a device that electrically controls fluorescent light fixtures and that includes a PCB small capacitor containing dielectric.*
- 4. "PCB lighting removal plan" shall mean the department's comprehensive plan to remove, replace or remediate light fixtures that have used or are using PCB light ballasts or are presumed to have used or to be using PCB light ballasts.*
- 5. "Reportable PCB levels" shall mean written test results of light fixtures*

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 exceed the amount allowable pursuant to the applicable regulations promulgated by the United States environmental protection agency, and shall also mean the inspection results of light fixtures that are leaking and presumed to have used or to be using PCB light ballasts.

6. "Public school" shall mean 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.

b. Not later than the fifteenth day of April of the year 2012 the department shall submit to the council a preliminary report, and annually thereafter not later than the fifteenth day of November the department shall submit to the council a report, regarding the progress of the department's PCB lighting removal plan and the department's efforts to address caulk 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 and floor tiles were removed, replaced or remediated, 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 at such schools, including the number of light fixtures and floor tiles that were removed, replaced or remediated 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 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 including, 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, 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 pursuant to the department's PCB lighting removal plan has been completed.

§ 2. This local law shall take effect sixty days after its enactment into law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council onDecember 19, 2011..... and approved by the Mayor onDecember 27, 2011.....

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 69 of 2011, Council Int. No. 566-A) contains the correct text and was passed by the New York City Council on December 19, 2011 approved by the Mayor on December 27, 2011 and returned to the City Clerk on December 27, 2011.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.