

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 12

Introduced by Council Members Cabrera, Barron, Chin, Cohen, Constantinides, Eugene, Ferreras, Koo, Lancman, Palma, Reynoso, Richards, Rose, Torres, Williams, Rosenthal, Levin, Cumbo, Wills, Gentile, Maisel, Miller, Kallos, Dromm, Deutsch, Garodnick and Lander.

A LOCAL LAW

To amend the administrative code of New York, in relation to requiring the reporting of environmental data regarding schools.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new Chapter 4 to title 21-A to read as follows:

Chapter 4. Environmental Data Reporting

§ 21-954 Environmental data reporting. a. For the purposes of this section:

“Contaminant” shall mean any element, substance, compound or mixture that, after release into the environment, upon exposure, ingestion, inhalation, or assimilation into any organism will or may reasonably be anticipated to cause illness, death or deformation in any organism; “contaminant” shall also include any physical, chemical, biological, or radiological substance or matter in water.

“Environmental report” shall mean any final, written report concerning the environmental assessment, investigation or remediation of any public school or any proposed public school prepared by or at the request of the department or the New York city school construction authority, including but not limited to any report on the quality of the air, soil, water,

or indoor environment conducted pursuant to a consent order or agreement with the United States environmental protection agency, the United States department of labor, the New York state department of environmental conservation, the New York state department of health, or the New York state department of labor that is submitted by the department or the New York city school construction authority to such federal or state agency.

“Hazardous substances” shall mean listed hazardous substances as set forth in part 302.4 of title 40 of the code of federal regulations or any successor regulations.

“Maximum level” shall mean the maximum level set forth in applicable regulatory guidelines established by the United States environmental protection agency, the United States department of labor, the New York state department of health, the New York state department of environmental conservation, the New York state department of labor or the department of environmental protection or, if no such applicable regulatory guidelines have been established, the acceptable level for a substance as determined by the department or the New York city school construction authority, based on current industry standards and relevant published scientific data and guidance. For the purposes of this section, maximum levels shall include but shall not be limited to indoor air contamination which equals the maximum allowed by air guidance values set forth by the New York state department of health, soil gas under or within one hundred feet of a public school which equals the maximum allowed by guidance levels set forth by the New York state department of health, soil contamination which equals the maximum allowed by guidance levels set forth by the New York state department of environmental conservation in subpart 375.6 of title 6 of the official compilation of codes, rules and regulations of the state of New York or successor regulations, and the maximum allowed contaminant level of a contaminant in water delivered to any user of a public water system, including groundwater at or within one hundred

feet of a public school, as set forth in subpart 5-1 of part 5 of title 10 of the official compilation of codes, rules and regulations of the state of New York or successor regulations.

“Pollutant” shall mean any substance the emissions of which cause or contribute to air pollution, as set forth in part 50 of title 40 of the code of federal regulations or any successor regulations.

“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 pre-kindergarten through grade twelve and any grounds adjacent to a building owned or leased by the department in which a school is located.

“Proposed public school” shall mean property for which the department or the New York city school construction authority has executed a lease agreement for the siting of a public school.

“Reportable environmental inspection” shall mean any environmental inspection conducted in or adjacent to an occupied or unoccupied public school or proposed public school by or under the direction of the department or the New York city school construction authority, including any inspection conducted at the request of the United States environmental protection agency, the United States department of labor, the New York state department of environmental conservation, the New York state department of health, or the New York state department of labor or pursuant to a consent order or agreement by or with a regulatory agency, to determine the quality of the air, soil, water, or indoor environment, and that yields results that exceed maximum levels based on industry standards and current scientific data. Such inspections shall include, but not be limited to, any visual inspection or sampling test conducted to assess the presence of contaminants, hazardous substances, or pollutants. Such inspections shall not include testing or inspections for asbestos, lead or polychlorinated biphenyls. Such inspections shall also not

include environmental inspections that yield results that exceed maximum levels when the department, the New York city school construction authority or their consultants reasonably expect such levels to return to at or below maximum levels through ventilation or cleaning within twenty-four hours, provided that the results that exceed maximum levels have returned to at or below maximum levels within such twenty-hour period and have not occurred in substantially the same space within the previous year.

b. The department shall notify the parents of current students and the current employees of any public school that has been the subject of a reportable environmental inspection or environmental report. Notwithstanding the above, such notification shall not include the results of any environmental inspection or environmental report for polychlorinated biphenyls, asbestos or lead, except to the extent such notification is otherwise required by federal, state or local law; provided that, the department shall notify such parents and employees when an inspection for asbestos, lead or polychlorinated biphenyls has shown the presence of contaminants, hazardous substances or pollutants other than asbestos, lead or polychlorinated biphenyls that exceeds the maximum levels for such contaminants, hazardous substances or pollutants. The department shall also make reasonable efforts to notify the parents of former students and former employees of any school for which notification is required pursuant to this subdivision.

c. The department shall notify the directors of all afterschool programs under the jurisdiction of the department, including but not limited to, any athletic programs, known to utilize any school building or other school property for which notification is required pursuant to subdivision b of this section.

d. The department shall notify all local elected officials, community education councils and local community boards representing the district of any school for which notification is required

pursuant to subdivision b of this section.

e. Any notification required pursuant to subdivisions b, c or d of this section shall occur within ten days of receipt of the results that trigger such notification requirement; provided that if such results are received during a scheduled school vacation period exceeding five days, such notification shall occur no later than ten days following the end of such period. Such notification shall include, but not be limited to, written notification by electronic mail for all parents, elected officials, employees, after school program directors, and other individuals who opt to receive notification in such manner.

f. The department shall conspicuously post a link to any environmental report or reportable environmental inspection on the department's website within ten days of receipt of such report or inspection. Such reports or reportable inspections shall be searchable by school, community school district, council district and borough.

g. Not later than November first, two thousand fifteen and annually thereafter, the department shall submit to the council and conspicuously post to its website a report regarding the results of any reportable environmental inspection and environmental report concerning any public school including any report required pursuant to federal or state law or by any regulatory agency. The report shall include, but need not be limited to:

1. A summary of any reportable environmental inspections or environmental reports for the prior school year, including, but not limited to, information regarding any inspection and sampling of groundwater, ambient air, gas, soil, soil gas, and dust, unless such reporting is already required by local law.

2. Information regarding any investigative or remedial work conducted by the department, in response to any reportable environmental inspection, to mitigate the effects of any air, soil,

water, or indoor environment condition including, but not limited to, measures taken to address the presence of hazardous substances, contaminants and pollutants that exceed maximum levels, the timeframe within which such action was taken, the timeframe within which employees and parents of students were notified of such action, and information regarding whether such air, soil, water, or indoor environment condition was resolved as a result of such action.

3. Information regarding any reportable environmental inspection or any environmental report related to the overall progress of the department's efforts to improve air quality in public schools, including any reportable environmental inspection for air quality related to school renovations, including, but not limited to, the replacement of ceilings.

4. The current status of any site subject to a consent order or agreement with the United States environmental protection agency, the New York state department of environmental conservation or the New York state department of health.

5. All information required by this subdivision shall be aggregated citywide, as well as disaggregated by school, community school district, council district and borough.

§ 2. This local law shall take effect 90 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 on January 22, 2015 and approved by the Mayor on February 5, 2015.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 12 of 2015, Council Int. No. 126-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.