

OFFICE OF ENVIRONMENTAL REMEDIATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Mayor's Office of Environmental Remediation ("OER") is considering amending the New York City Brownfield Incentive Grant Program rules. The change would enable the City to pay directly those contractors who have hired workforce trainees under the new Brownfield Green Job Training Grant program.

When and where is the Hearing? OER will hold a public hearing, at which the public and interested parties are invited to submit comments and testimony on the proposed rule, at 11 AM on October 20, 2014. This hearing will be held in the Central Park Room at 100 Gold Street, 2nd floor, New York, NY 10038.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to OER, 100 Gold Street, 2nd floor, New York, NY 10007.
- **Email.** You can email written comments to OER at brownfields@cityhall.nyc.gov
- **Fax.** You can fax written comments to OER at 212-788-2941.
- **Website.** You can submit comments to OER through the NYC rules Website at www.nyc.gov/nycrules.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before either hearing by calling (212) 788-3015. You can also sign up in the hearing room before the session begins on October 20, 2014. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by October 13, 2014.

Do you need assistance to participate in the Hearing? You must tell OER if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 788-3015. You must tell us by October 13, 2014.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the Hearing and copies of the written comments will be available to the public at OER.

What authorizes OER to make this rule? Sections 15(e)(5) and (8), and Section 1043 of the City Charter authorize OER to make this proposed rule. This proposed rule was not included in OER’s regulatory agenda for this Fiscal Year because the need for it was not contemplated when OER published the agenda.

Where can I find OER’s rules? OER’s rules are in Title 43 of the Rules of the City of New York.

What rules govern the rulemaking process? OER must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

STATEMENT OF BASIS AND PURPOSE

The Office of Environmental Remediation (“Office” or “OER”) oversees and administers the New York City Brownfield Incentive Grant (“BIG”) Program. Through the BIG program, OER awards several grants, including the BrownfieldWorks! Job Training Bonus Cleanup Grant, which was created to encourage environmental businesses and contractors to hire graduates of local workforce development programs.

OER was established by Local Law No. 27 of 2009, and Charter § 15(e)(5) authorizes its Director to administer financial incentive programs to promote the identification, investigation, remediation, and redevelopment of brownfields. Section 15(e)(6) authorizes the Director to promote community participation in these activities. Section 15(e)(18) authorizes the Director to promulgate rules in connection with such programs.

OER designed the BrownfieldWorks! Program to provide workforce development graduates with work experience on brownfield projects by funding trainee salaries for a three-month period. In addition to providing valuable job experience and an opportunity to secure a full- time job, this program improves the quality of brownfield cleanups by bringing additional staff to oversee projects and providing developers with substantial savings on the cost of cleanup by providing cost effective environmental oversight during periods when remedial work is not active.

OER is currently authorized to make these grant funds payable to the workforce development organizations, developers or their environmental consultants. The current rule does not expressly authorize OER to pay grant funds to contractors who often hire trainees at brownfield projects. This rule change would permit the BrownfieldWorks! Job Training Bonus Cleanup Grants to be paid directly to contractors, making it easier for additional developers to provide work experience to trainees.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this office, unless otherwise specified or unless the context clearly indicates otherwise.

New text is underlined; deleted material is in [brackets].

Section 1. Paragraph 1 of subdivision b of section 43-1423 of Subchapter 2 of Chapter 14 of Title 43 of the Rules of the City of New York is amended to read as follows:

§ 43-1423 Grant Disbursements and Administration.

* * *

b. *Disbursement of grants.*

1. Grants are payable to the grantee or the qualified vendor, except that a green property certification bonus cleanup grant is payable to the vendor who produced the certification plaque, and a green job training bonus cleanup grant may be paid to a workforce development organization or to a contractor associated with a project at a remedial action site that employs a participant from a workforce development organization for full-time work.

**NEW YORK CITY LAW DEPARTMENT
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100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment to the NYC Brownfield Incentive Grant Program

REFERENCE NUMBER: 2014 RG 67

RULEMAKING AGENCY: Office of Environmental Remediation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: September 9, 2014

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment to the New York City Brownfield Incentive Grant Program

REFERENCE NUMBER: OER-8

RULEMAKING AGENCY: Office of Environmental Remediation

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ [Morgan Monaco]

Mayor's Office of Operations

[9/9/14]

Date