

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Environmental Protection is considering changing its rules. The change would amend DEP's Rules to establish registration requirements and fees for the voluntary master environmental hazard remediation technician program.

When and where is the hearing? The department will hold a public hearing on the proposed rule. The public hearing will take place from 10 a.m. until 12 p.m. on July 23, 2014. The hearing will be held in the 8th floor conference room at 59-17 Junction Boulevard, Flushing, New York.

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

- **Website.** You can submit comments to the Department of Environmental Protection through the NYC rules web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to nycrules@dep.nyc.gov.
- **Mail.** You can mail written comments to the Department of Environmental Protection, Bureau of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to the Department of Environmental Protection, Bureau of Legal Affairs, at 718-595-6543.
- **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 the hearing by calling 718-595-6531. You can also sign up in the hearing room before the hearing begins on July 23, 2014. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by July 23, 2014.

Do you need assistance to participate in the hearing? You must tell the Bureau of Legal Affairs 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 718-595-6531. You must tell us by July 16, 2014.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Bureau of Legal Affairs.

What authorizes the department to make this rule? Section 1043 of the City Charter and sections 24-1000 *et seq.* of the City Administrative Code authorize the department to make this

proposed rule. This proposed rule was not included in the department's regulatory agenda for this fiscal year.

Where can I find the department's rules? The department's rules are in title 15 of the Rules of the City of New York.

What rules govern the rulemaking process? The department 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 of Proposed Rule

Local Law Number 3 for the year 2014 amends Title 24 of the Administrative Code of the City of New York by adding a new Chapter 10 in relation to the creation of a voluntary master environmental hazard remediation technician registration program. The law requires the Department of Environmental Protection (DEP) to establish a program that provides for the voluntary registration of persons as master environmental hazard remediation technicians.

This rulemaking sets forth the determination by the Commissioner of the DEP as to the fee for registration and renewal of registration, as provided for in section 24-1002(f) of the new law, as well as the forms needed to register for the program, as provided for in section 24-1002(d) of the new law.

Consistent with the above, DEP promulgates the following new Rule, to be found at 15 RCNY Chapter 35.

The Rule is authorized by Section 1043 of the Charter of the City of New York and section 24-1000 *et seq.* of the Administrative Code.

The text of the Rule follows.

Section 1. Title 15 of the Rules of the City of New York is amended by adding a new Chapter 35, to read as follows:

Chapter 35
Voluntary Master Environmental Hazard Remediation Technician Registration Program.

§35-01 Definitions.

“Certificate of completion” means any license, certificate, diploma or other NYC Department of Environmental Protection approved documentation indicating that the

applicant has satisfactorily completed department approved training programs or courses by a department approved training provider or providers.

"Master environmental hazard remediation technician" means a person registered with the NYC Department of Environmental Protection after successfully presenting to the commissioner current documentation of having completed required environmental remediation training programs or courses from a department approved training provider as demonstrated by a certificate of completion.

"Training provider" means training programs or courses approved by the department covering topics identified in section 24-1002 of the administrative code conducted by any entity approved by the NYC Department of Environmental Protection, including but not limited to: a registered New York State Department of Labor apprenticeship program, an educational institution or school chartered, licensed, or registered by the New York state education department, or the institute of inspection, cleaning, and restoration certification. Each program or course must be offered by an instructor or institution authorized by the appropriate governing authority to conduct such training.

§35-02 Requirements for Registration.

(a) For an applicant to be eligible to become a master environmental hazard remediation technician, he/she must meet all of the qualifications set forth in section 24-1002(a) of the administrative code.

(b) All licenses or certifications held by a master environmental hazard remediation technician associated with asbestos handling and lead training must remain current for the applicant to be eligible for registration. The master environmental hazard remediation technician's registration will not be considered valid if the applicant does not possess a valid certificate from the New York State Department of Labor for asbestos handling, and a United States Environmental Protection Agency certification in lead.

(c) The applicant must complete a registration form that will be available on the NYC Department of Environmental Protection website that contains the following information at a minimum:

- (1) Names of Training Providers.
- (2) Names of Training Programs or Courses Completed.
- (3) Number of Hours Attended Programs or Courses.
- (4) Certificates of Completion.

§35-03 Expiration Date

A master environmental hazard remediation technician registration shall expire four years from the applicant's most recent birthday at the time the application is submitted.

§35-04 Fees for Registration

(a) The fee to register with the department as a master environmental hazard remediation technician shall be \$375.

(b) The fee to renew the master environmental hazard remediation technician registration shall be \$375.

§35-05 Effect of Certification

The program covered by these rules is a voluntary registration program. Registration as a Master Environmental Remediation Technician does not replace any license, permit or certification required by any federal, state or local law or rules for the work referenced by such registration and a person who is not registered as a Master Environmental Remediation technician may perform any work otherwise authorized by law as if this program were not in effect. Registration pursuant to this program is based on documentation provided by the applicant. The department does not independently verify such documentation or the qualifications of registrants to perform the work referenced by such registration.

**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: Master Environmental Remediation Technicians

REFERENCE NUMBER:

RULEMAKING AGENCY: Department of Environmental Protection

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/ Lincoln Restler
Mayor's Office of Operations

06/09/2014
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET**

**NEW YORK, NY 10007
212-356-4028**

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

RULE TITLE: Master Environmental Remediation Technicians

REFERENCE NUMBER: 2014 RG 024

RULEMAKING AGENCY: Department of Environmental Protection

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: June 3, 2014