



The City of New York
BUSINESS INTEGRITY COMMISSION
100 Church Street · 20th Floor
New York · New York 10007
Tel. (212) 437-0500

Daniel D. Brownell
Commissioner and Chair

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

October 10, 2017

Amendment to subdivision a and the opening paragraph of subdivision b of section 2101 of the New York city charter, as amended by local law number 21 for the year 2002, and Title 20-A of the New York City Administrative Code

CEQR No. 16BIC001Y

This Negative Declaration for the proposed Local Law to amend the administrative code of the City of New York, has been prepared in accordance with the City Environmental Quality Review Act (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, and Article 8 of the Environmental Conservation Law establishing the State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6 NYCRR Part 617.

For local legislation actions, the City Council and the Office of the Mayor are co-lead agencies. On August 21, 2017, the City Council delegated its lead agency status to the Office of the Mayor. On August 22, 2017, the Office of the Mayor transferred its lead agency status to the New York City Business Integrity Commission ("BIC"). Therefore, BIC, asserting its lead agency status, conducted an environmental review of the proposed action. Based on a review of information about the project contained in the environmental assessment statement and any attachments hereto, which are incorporated by reference herein, BIC has determined that the proposed amendment would not have a significant adverse effect on the environment and is herein publishing a Negative Declaration.

PROJECT DESCRIPTION

The proposed action is the passage, implementation, and administration of legislation that provides for the comprehensive regulation of the heating oil supply industry in New York City. The proposed legislation will address chronic and widespread corruption problems throughout the heating oil supply industry by authorizing BIC to conduct thorough background investigations and, if applicable, issue licenses to heating oil dealers and deliverers. The legislation also sets forth standards of conduct for licensees in order to protect against overcharging, shorting, and other forms of fraud. The regulatory framework contained in the proposed legislation would give BIC the authority of in-depth oversight of the heating oil

supply industry in New York City. As a result the development of future fraud systems would be significantly diminished by the proposed regulatory framework. BIC developed this legislation because BIC has the expertise to investigate and regulate the heating oil supply industry. Many of the functions that BIC currently undertakes in relation to its role as the regulator of the trade waste removal and public wholesale food market industries are similar to its role as defined in the proposed legislation. The proposed legislation would go into effect in 2018.

PURPOSE AND NEED

In November 2015, nine companies and 44 individuals were indicted in connection with various schemes to defraud heating oil customers by “shorting” deliveries to residential, commercial, and municipal properties throughout New York City. The indicted individuals included owners of indicted companies, fuel depot dispatchers, and 29 truck drivers, all of whom took part in the theft, resale, and purchase of stolen heating oil.

Typically, customers place orders for heating oil directly with retailers, which engage the services of transport companies to deliver heating oil to the customers. Operating their own fleets, the transport companies are responsible for delivering heating oil to a specified list of locations supplied by the retailer or terminal and printing delivery tickets for customers as proof of delivery.

As charged in the indictments, between September 2006 and October 2015, the indicted companies and individuals were engaged in various schemes to defraud customers, fuel terminals, and oil retailers by shorting their customers’ deliveries, i.e., supplying less heating oil than the amount of a ticketed order, while charging the victims full price for what the deliveries should have been. Thus, the defendants were stealing the heating oil they did not deliver to the customers. In this manner, roughly \$34 million worth of heating oil was stolen during the period covered by the indictment. In order to short the customers and reserve heating oil for resale, the defendants used a variety of methods to rig the meters on tanker trucks, evade regulatory controls, and conceal the amount of heating oil actually delivered to customers.

The recent indictments, coupled with prior prosecutions of fraud in the heating oil supply industry, signal that there are systemic, chronic problems within the heating oil supply industry in New York City. Both the government and the general public have, for years, paid for more heating oil than they have received. The recent indictments have disclosed the pervasive nature of the problem and the corruption furthered through heating oil delivery companies, vehicle operators, and dispatchers. These law enforcement activities must be coupled with new and expanded regulatory efforts on the City’s part. The regulatory framework contained in the proposed legislation would give BIC the authority of in-depth oversight of the heating oil supply industry in New York City. As a result, the development of future fraud schemes would be significantly diminished by the proposed regulatory framework.

STATEMENT OF NO SIGNIFICANT EFFECT

BIC has determined that, as proposed, the amendment to the Administrative Code is not anticipated to have any potential significant adverse impacts on the environment. No significant adverse impacts are anticipated to occur to land use, zoning, neighborhood character, and public policy, and socioeconomic conditions. Fraud and abuse in the heating oil supply industry would decrease as a result of having the proposed amendment in place, and New York City and the public would benefit by having safeguards to ensure that they pay only for heating oil that is actually delivered to them.

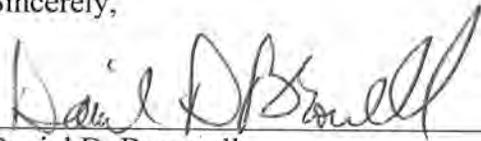
SUPPORTING STATEMENTS

The above determination is based on an environmental assessment which finds that the project, as proposed, would not result in significant effects on the environment that would require the preparation of an Environmental Impact Statement.

For further information, please contact:

Daniel D. Brownell
Commissioner & Chair
New York City Business Integrity Commission
100 Church Street, 20th Floor
New York, NY 10007
Phone: (212) 437-0510
Email: dbrownell@bic.nyc.gov

Sincerely,



Daniel D. Brownell
Commissioner & Chair

cc: Hon. Ruben Diaz, Jr. – Bronx Borough President
Hon. Eric Adams – Brooklyn Borough President
Hon. Gale Brewer – Manhattan Borough President
Hon. Melinda Katz – Queens Borough President
Hon. James Oddo – Staten Island Borough President
Hon. Melissa Mark-Viverito – Speaker, City Council
Hon. Antonio Reynoso – Chair, Sanitation and Solid Waste Management, City Council
City Council Members
Community Board Chairpersons
Community Board District Managers
Christine Billy – New York City Corporation Counsel



City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM
 FOR UNLISTED ACTIONS ONLY • Please fill out and submit to the appropriate agency (see instructions)

Part I: GENERAL INFORMATION

1. Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)? YES NO

If "yes," STOP and complete the **FULL EAS FORM**.

2. Project Name Legislation to Regulate the Heating Oil Supply Industry

3. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency) 16BIC001Y	BSA REFERENCE NUMBER (if applicable)
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA) Proposed Intro No 1268-A

4a. Lead Agency Information

NAME OF LEAD AGENCY
New York City Business Integrity Commission (BIC)
 NAME OF LEAD AGENCY CONTACT PERSON
Daniel D. Brownell

4b. Applicant Information

NAME OF APPLICANT
N/A
 NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

ADDRESS 100 Church Street, 20 th Floor			ADDRESS		
CITY New York	STATE NY	ZIP 10007	CITY	STATE	ZIP
TELEPHONE 212 437-0510	EMAIL dbrownell@bic.nyc.gov		TELEPHONE	EMAIL	

5. Project Description

The New York City Mayor's Office is proposing to enact a Local Law to amend the Administrative Code of the City of New York, in relation to the regulation of the heating oil supply industry in New York City. Refer to Attachment A, "Project Description" for more details.

Project Location

BOROUGH Citywide	COMMUNITY DISTRICT(S) N/A	STREET ADDRESS N/A
TAX BLOCK(S) AND LOT(S) N/A	ZIP CODE	
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS N/A		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY N/A	ZONING SECTIONAL MAP NUMBER N/A	

6. Required Actions or Approvals (check all that apply)

- City Planning Commission:** YES NO UNIFORM LAND USE REVIEW PROCEDURE (ULURP)
- CITY MAP AMENDMENT
 - ZONING MAP AMENDMENT
 - ZONING TEXT AMENDMENT
 - SITE SELECTION—PUBLIC FACILITY
 - HOUSING PLAN & PROJECT
 - SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:
 - ZONING CERTIFICATION
 - ZONING AUTHORIZATION
 - ACQUISITION—REAL PROPERTY
 - DISPOSITION—REAL PROPERTY
 - OTHER, explain:
 - CONCESSION
 - UDAAP
 - REVOCABLE CONSENT
 - FRANCHISE

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Board of Standards and Appeals: YES NO

- VARIANCE (use)
- VARIANCE (bulk)
- SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Department of Environmental Protection: YES NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

- LEGISLATION
- RULEMAKING
- CONSTRUCTION OF PUBLIC FACILITIES
- FUNDING OF CONSTRUCTION, specify:
- POLICY OR PLAN, specify:
- FUNDING OF PROGRAMS, specify:

384(b)(4) APPROVAL PERMITS, specify:
 OTHER, explain:

Other City Approvals Not Subject to CEQR (check all that apply)

PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) LANDMARKS PRESERVATION COMMISSION APPROVAL
 OTHER, explain:

State or Federal Actions/Approvals/Funding: YES NO If "yes," specify:

7. Site Description: The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.

Graphics: The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.

SITE LOCATION MAP ZONING MAP SANBORN OR OTHER LAND USE MAP
 TAX MAP FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
 PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): N/A Waterbody area (sq. ft) and type: N/A
 Roads, buildings, and other paved surfaces (sq. ft.): N/A Other, describe (sq. ft.): N/A

8. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): N/A
 NUMBER OF BUILDINGS: N/A GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): N/A
 HEIGHT OF EACH BUILDING (ft.): N/A NUMBER OF STORIES OF EACH BUILDING: N/A

Does the proposed project involve changes in zoning on one or more sites? YES NO

If "yes," specify: The total square feet owned or controlled by the applicant:
 The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? YES NO

If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
 AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)
 AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	Commercial	Community Facility	Industrial/Manufacturing
Size (in gross sq. ft.)	N/A	N/A	N/A	N/A
Type (e.g., retail, office, school)	N/A units	N/A	N/A	N/A

Does the proposed project increase the population of residents and/or on-site workers? YES NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NUMBER OF ADDITIONAL WORKERS:

Provide a brief explanation of how these numbers were determined:

Does the proposed project create new open space? YES NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? YES NO

If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly:

9. Analysis Year CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2018 (See Attachment A for details)

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: N/A

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: N/A

10. Predominant Land Use in the Vicinity of the Project (check all that apply)

RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, specify: N/A

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," complete the Consistency Assessment Form , attached-generic		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Generate a net increase of 200,000 or more square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 500 residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
o Child Care Centers: Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Libraries: Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Public Schools: Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Health Care Facilities and Fire/Police Protection: Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form , and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a separately sewered area , would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(f) Would the proposed project be located in an area that is partially sewerer or currently unsewered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): 0		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): 0		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalent (PCEs) per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed)	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality;	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
Hazardous Materials; Noise?		
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

20. APPLICANT'S CERTIFICATION

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME Daniel D. Brownell	DATE October 10, 2017
SIGNATURE 	

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

Potentially Significant Adverse Impact

YES NO

IMPACT CATEGORY

Land Use, Zoning, and Public Policy

Socioeconomic Conditions

Community Facilities and Services

Open Space

Shadows

Historic and Cultural Resources

Urban Design/Visual Resources

Natural Resources

Hazardous Materials

Water and Sewer Infrastructure

Solid Waste and Sanitation Services

Energy

Transportation

Air Quality

Greenhouse Gas Emissions

Noise

Public Health

Neighborhood Character

Construction

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

Positive Declaration: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

Conditional Negative Declaration: A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

Negative Declaration: If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

4. LEAD AGENCY'S CERTIFICATION

TITLE Commissioner & Chair	LEAD AGENCY New York City Business Integrity Commission
NAME Daniel D. Brownell	DATE October 10, 2017
SIGNATURE 	

ATTACHMENT A – PROJECT DESCRIPTION

INTRODUCTION

The New York City Council is proposing to enact a Local Law by request of the Mayor to amend the Administrative Code of the City of New York, in relation to the regulation of the heating oil supply industry (“the proposed legislation”). The proposed legislation sets forth standards of conduct for licensees in order to protect consumers against overcharging, shorting, and other forms of consumer fraud. As further described below, the proposed legislation would result in lower heating oil costs, as consumers would receive the actual amount of heating oil for which they pay. The New York City Business Integrity Commission (BIC) developed the proposed legislation because it is particularly well-suited to perform the regulatory functions of the heating oil supply industry, as BIC currently performs similar functions as the regulator of the trade waste removal and public wholesale food market industries. The proposed legislation would go into effect in 2018. For the purposes of this environmental review, 2018 is assumed to be the Build Year.

Pursuant to the City Environmental Quality Review (CEQR) process, this document analyses the potential environmental impacts of this proposed amendment to the Administrative Code.

BACKGROUND

For the purposes of the proposed legislation, the heating oil supply industry in New York City consists of dealers and deliverers, delivery vehicle operators, dispatchers, and terminals. Currently, the New York City Department of Consumer Affairs (“DCA”) conducts annual inspections of the meters on heating oil delivery trucks that are principally stored or kept in New York City. DCA does not inspect heating oil delivery vehicles that have passed inspection outside New York City and in jurisdictions within New York State but outside New York City. DCA inspections are conducted on each vehicle once per year and appointments for inspections are scheduled in advance of the inspection. Aside from the annual inspections for a portion of the vehicles that deliver heating oil to consumers, there are no current regulations that address chronic, systemic, and industry-wide fraud regarding heating oil dealers (those who sell or offer to sell heating oil to consumers) and deliverers (those who deliver or offer to deliver heating oil to consumers).

The current heating oil supply industry in New York City is comprised of approximately 120-to-140 heating oil dealers and deliverers. The proposed legislation is appended to this Environmental Assessment Statement as Attachment E.

PURPOSE AND NEED

In November 2015, nine companies and 44 individuals were indicted in connection with various schemes to defraud heating oil customers by “shorting” deliveries to residential, commercial, and municipal properties throughout New York City. The indicted individuals included owners of indicted companies, fuel depot dispatchers, and 29 truck drivers, all of whom took part in the theft, resale, and purchase of stolen heating oil.

Typically, customers place orders for heating oil directly with retailers, which engage the services of transport companies to deliver heating oil to the customers. Operating their own fleets, the transport companies are responsible for delivering heating oil to a specified list of locations supplied by the retailer or terminal and printing delivery tickets for customers as proof of delivery.

As charged in the indictments, between September 2006 and October 2015, the indicted companies and individuals were engaged in various schemes to defraud customers, fuel terminals, and oil retailers by shorting their customers’ deliveries, i.e., supplying less heating oil than the amount of a ticketed order, while charging the victims full price for what the deliveries should have been. Thus, the defendants were stealing the heating oil they did not deliver to the customers. In this manner, roughly \$34 million worth of heating oil was stolen during the period covered by the indictment. In order to short the customers and reserve heating oil for resale, the defendants used a variety of methods to rig the meters on tanker trucks, evade regulatory controls, and conceal the amount of heating oil actually delivered to customers.

The recent indictments, coupled with prior prosecutions of fraud in the heating oil supply industry, signal that there are systemic, chronic problems within the heating oil supply industry in New York City. Both the government and the general public have, for years, paid for more heating oil than they have received. The recent indictments have disclosed the pervasive nature of the problem and the corruption furthered through heating oil delivery companies, vehicle operators, and dispatchers. These law enforcement activities must be coupled with new and expanded regulatory efforts on the City’s part. The regulatory framework contained in the proposed legislation would give BIC the authority of in-depth oversight of the heating oil supply industry in New York City. As a result, the development of future fraud schemes would be significantly diminished by the proposed regulatory framework.

PROJECT DESCRIPTION

The New York City Council is proposing to enact a Local Law by request of the Mayor to amend Subdivision a and the opening paragraph of Subdivision b of Section 2101 of the New York City Charter, as amended by Local Law 21 for the year 2002 and to amend Title 20-A of the New York City Administrative Code.

The proposed legislation would make it unlawful to engage in a business as a heating oil dealer or heating oil deliverer without first having obtained a license from BIC. The legislation provides for the fingerprinting and investigation of the backgrounds of applicants for licenses, as well as

**Amendment to Title 20-A of the New York City Administrative Code
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individuals employed by the applicant who perform certain roles in the heating oil supply industry. BIC would be vested with the authority to deny licenses where applicants have been determined to lack good character, honesty and integrity, and to prohibit licensees from employing persons determined to be unfit. The proposed legislation further provides BIC with the discretion to require, as a condition for a license, that a business enter into a contract with an independent monitor selected or approved by BIC. Such condition might be imposed when a background investigation produces adverse information about such business.

The proposed legislation also sets forth standards of conduct and requirements for licensees in order to protect against overcharging, shorting, and other forms of consumer fraud. These requirements include: registering all heating oil delivery vehicles with BIC, making available all heating oil delivery vehicles for inspection, maintaining books and records, a prohibition against all forms of fraud, including, but not limited to heating oil shorting and the practice of blending heating oil with additives or other ingredients before delivery to a consumer without the consumer's knowledge, and a mandate that licensees and applicants must cooperate with BIC investigations.

Employees of BIC would be authorized to enforce the provisions of the proposed legislation through the issuance of summonses. Violations of the New York City Administrative Code or the implementing rules to be promulgated by BIC would be punishable by suspension or revocation of licenses and by both criminal and civil penalties. In addition, in the case of unlawful practices, BIC may impound a vehicle used to engage in such unlawful practices.

REQUIRED ACTIONS AND APPROVALS

The proposed action is the passage of a proposed local law (Int. 1268-A) to amend the Administrative Code of the City of New York. The proposed action subject to CEQR includes the passage of a local law, all components included in Int. 1268-A; implementing regulations promulgated by BIC or any City agency related to the proposed legislation; and any amendments to Int. 1268-A.

ATTACHMENT B – SUPPLEMENTAL SCREENING ANALYSIS

This Environmental Assessment Statement (EAS) has been prepared in accordance with the guidelines and methodologies presented in the 2014 *City Environmental Quality Review (CEQR) Technical Manual*. For each analysis area, thresholds are defined, which if met or exceeded, require that a detailed technical analysis be undertaken. Using these guidelines, preliminary analyses were conducted for all aspects of the proposed action to identify if detailed analysis of any technical area would be warranted. Part II of the EAS Short Form identified one technical area, Land Use, Zoning, and Public Policy, that warranted additional assessment. A discussion is provided in this attachment. In addition, even though none of the screening thresholds for Socioeconomic Conditions were met, given the nature of the proposed action, an assessment is provided.

The remaining technical areas detailed in the 2014 *CEQR Technical Manual* were not deemed to require supplemental screening analyses because they do not trigger CEQR thresholds and/or are unlikely to result in significant impacts (see Part II of the EAS Short Form). Based on the findings of the supplemental screening analyses, Land Use, Zoning, and Public Policy, and Socioeconomic Conditions did not warrant a detailed analysis.

Land Use, Zoning, and Public Policy

The proposed action is generic and would apply citywide. As the proposed action includes the implementation and administration of the proposed heating oil legislation, and there will be no project site or development proposal associated with the proposed action, no land use, zoning, and public policy analysis is warranted. However, because the proposed legislation would apply citywide, including areas within the City's Waterfront Revitalization Program (WRP) boundary area, the proposed action is assessed for its consistency with the WRP's ten policies.

New York City Waterfront Revitalization Program

The ten WRP policies are intended to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among these objectives. According to WRP, a proposed action may be deemed consistent with the WRP when it would not substantially hinder the achievement of any of the policies and, where practicable, would advance one or more of the policies.

Coastal consistency review is under the jurisdiction of the New York City Department of City Planning (DCP) and requires completion of a WRP Consistency Assessment Form (CAF) and, if applicable, supporting documentation. For questions which are answered with "Yes" on the CAF, a more detailed discussion is required to identify consistency with the respective WRP policy. For

this analysis, further assessment of Policies 2, 3, 4, 7, 8, 9, and 10 was required, which is discussed below. The CAF is provided in Appendix A.

Socioeconomic Conditions

Direct and Indirect Residential Displacement

The proposed legislation would place a regulatory framework on New York City's heating oil supply industry. The provisions of the law would be implemented and administered by the New York City Business Integrity Commission (BIC). As the proposed action is not site specific, the proposed heating oil supply legislation would not have any effects on residential uses and therefore, would not result in direct or indirect residential displacement. Therefore, no further analysis of direct or indirect residential displacement is warranted.

Direct and Indirect Business Displacement

The proposed legislation would place a regulatory framework on New York City's heating oil supply industry. The provisions of the law would be implemented and administered by BIC. Once passed, the law would require heating oil dealers, deliverers, and people who perform certain specified roles in the heating oil supply industry, to provide transparent and truthful personal and business related information to BIC. If deemed fit, applicants would obtain respective BIC licenses. In order to apply for a license, applicants for heating oil dealer and deliverer licenses would be required to pay an application fee, the amount of which will be determined in the future, after performing the required analysis. BIC licensees would be required to apply for renewal of their licenses every two years and pay the application fee with each application. As BIC anticipates that the fee amount will be negligible in comparison to the overall budget of applicant companies and the annual profits earned, no direct or indirect business displacement is anticipated as a result of the proposed action and no analysis of direct or indirect business displacement is warranted.

Adverse Effects on Specific Industries

The proposed legislation would place a regulatory framework on New York City's heating oil supply industry. The provisions of the law would be implemented and administered by BIC. Once passed, the law would require heating oil dealers, deliverers, and people who perform certain roles in the heating oil supply industry, to provide transparent and truthful personal and business information to BIC. If deemed fit, applicants would obtain respective BIC licenses. In order to apply for a license, dealer and deliverer business applicants would be required to pay an application fee, which will be determined in the future, after performing the required analysis. BIC licensees would be required to apply for renewal of their licenses every two years and pay the application fee with each application. As BIC anticipates that the fee amount will be negligible in comparison to the overall budget of applicant companies and the annual profits earned, the proposed regulatory

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framework would not place a significant financial burden on heating oil industry businesses. Therefore, the proposed action would not result in significant adverse impacts on the heating oil industry, and no further analysis is warranted.

**Amendment to subdivision a and the opening paragraph of subdivision b of section 2101 of
the New York city charter, as amended by local law 21 for the year 2002, and Title 20-A
of the
New York City Administrative Code**

**Environmental Assessment Statement
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Attachment C**

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
CONSISTENCY ASSESSMENT FORM**

*****MOS will coordinate with DEP on BIC's behalf*****

FOR INTERNAL USE ONLY

Date Received: _____

WRP No. _____

DOS No. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP) which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: New York City Business Integrity Commission

Name of Applicant Representative: Daniel D. Brownell

Address: 100 Church Street, 20th Floor, New York, New York, 10007

Telephone: 212-437-0510 Email: dbrownell@bic.nyc.gov

Project site owner (if different than above): Not applicable.

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

A proposed local law (Introduction No. 1268-A) to amend the Administrative Code of the City of New York that provides for the comprehensive regulation of the heating oil supply industry in New York City. The proposed legislation will address the chronic and widespread corruption problems throughout the heating oil supply industry by authorizing the Business Integrity Commission ("BIC") to conduct thorough background investigations before issuing licenses to heating oil dealers and deliverers.

2. Purpose of activity

The purpose of the activity is to stop corruption in the heating oil supply industry and to prevent future corruption in the heating oil supply industry.

C. PROJECT LOCATION

Borough: Citywide Tax Block/Lot(s): _____

Street Address: _____

Name of water body (if located on the waterfront): _____

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission

Yes No

- | | | |
|-----------------------------------------------------------|------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> City Map Amendment | <input type="checkbox"/> Zoning Certification | <input type="checkbox"/> Concession |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Zoning Authorizations | <input type="checkbox"/> UDAAP |
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Acquisition – Real Property | <input type="checkbox"/> Revocable Consent |
| <input type="checkbox"/> Site Selection – Public Facility | <input type="checkbox"/> Disposition – Real Property | <input type="checkbox"/> Franchise |
| <input type="checkbox"/> Housing Plan & Project | <input type="checkbox"/> Other, explain: _____ | |
| <input type="checkbox"/> Special Permit | | |
- (if appropriate, specify type: Modification Renewal other) Expiration Date: _____

Board of Standards and Appeals

Yes No

- Variance (use)
- Variance (bulk)
- Special Permit
- (if appropriate, specify type: Modification Renewal other) Expiration Date: _____

Other City Approvals

- | | |
|------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Legislation | <input type="checkbox"/> Funding for Construction, specify: _____ |
| <input checked="" type="checkbox"/> Rulemaking | <input type="checkbox"/> Policy or Plan, specify: _____ |
| <input type="checkbox"/> Construction of Public Facilities | <input type="checkbox"/> Funding of Program, specify: _____ |
| <input type="checkbox"/> 384 (b) (4) Approval | <input type="checkbox"/> Permits, specify: _____ |
| <input type="checkbox"/> Other, explain: _____ | |

State Actions/Approvals/Funding

- State permit or license, specify Agency: _____ Permit type and number: _____
- Funding for Construction, specify: _____
- Funding of a Program, specify: _____
- Other, explain: _____

Federal Actions/Approvals/Funding

- Federal permit or license, specify Agency: _____ Permit type and number: _____
- Funding for Construction, specify: _____
- Funding of a Program, specify: _____
- Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? Yes No

E. LOCATION QUESTIONS

1. Does the project require a waterfront site? Yes No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? Yes No
3. Is the project located on publicly owned land or receiving public assistance? Yes No
4. Is the project located within a FEMA 1% annual chance floodplain? (6.2) Yes No
5. Is the project located within a FEMA 0.2% annual chance floodplain? (6.2) Yes No
6. Is the project located adjacent to or within a special area designation? See *Maps – Part III of the NYC WRP*. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).
 - Significant Maritime and Industrial Area (SMIA) (2.1)
 - Special Natural Waterfront Area (SNWA) (4.1)
 - Priority Martine Activity Zone (PMAZ) (3.5)
 - Recognized Ecological Complex (REC) (4.4)
 - West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (2.2, 4.2)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder or Not Applicable (N/A). For more information about consistency review process and determination, see **Part I** of the *NYC Waterfront Revitalization Program*. When assessing each policy, review the full policy language, including all sub-policies, contained within **Part II** of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).

For those policies checked Promote or Hinder, provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.

		Promote	Hinder	N/A
I	Support and facilitate commercial and residential redevelopment in areas well-suited to such development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
2	Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.1	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Protect and restore the quality and function of ecological systems within the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
5	Protect and improve water quality in the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1	Manage direct or indirect discharges to waterbodies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i>) into the planning and design of projects in the city's Coastal Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.2	Prevent and remediate discharge of petroleum products.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	Provide public access to, from, and along New York City's coastal waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.3	Provide visual access to the waterfront where physically practical.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Protect scenic resources that contribute to the visual quality of the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.2	Protect and enhance scenic values associated with natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.2	Protect and preserve archaeological resources and artifacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

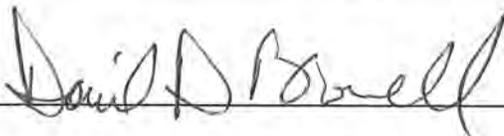
"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: New York City Business Integrity Commission

Address: 100 Church Street, 20th Floor, New York, New York 10007

Telephone: 212-437-0510

Email: dbrownell@bic.nyc.gov

Applicant/Agent's Signature: 

Date: October 10, 2017

**Amendment to subdivision a and the opening paragraph of subdivision b of section 2101 of
the New York city charter, as amended by local law 21 for the year 2002, and Title 20-A
of the
New York City Administrative Code**

**Environmental Assessment Statement
CEQR # 16BIC001Y
Attachment D**

**JAMAICA BAY WATERSHED PROGRAM PLAN
PROJECT TRACKING FORM**

*****MOS will coordinate with DEP on BIC's behalf*****

Jamaica Bay Watershed Protection Plan Project Tracking Form

The Jamaica Bay Watershed Protection Plan, developed pursuant to Local Law 71 of 2005, mandates that the New York City Department of Environmental Protection (DEP) work with the Mayor's Office of Environmental Coordination (MOEC) to review and track proposed development projects in the Jamaica Bay Watershed (http://www.nyc.gov/html/oec/downloads/pdf/ceqr/Jamaica_Bay_Watershed_Map.jpg) that are subject to CEQR in order to monitor growth and trends. If a project is located in the Jamaica Bay Watershed, (the applicant should complete this form and submit it to DEP and MOEC. This form must be updated with any project modifications and resubmitted to DEP and MOEC.

The information below will be used for tracking purposes only. It is not intended to indicate whether further CEQR analysis is needed to substitute for the guidance offered in the relevant chapters of the CEQR Technical Manual.

A. GENERAL PROJECT INFORMATION

1. CEQR Number: 1a. Modification
2. Project Name:
3. Project Description:

A proposed local law (Intro. No. 1268A) to amend the Administrative Code of the City of New York that provides for the comprehensive regulation of the heating oil supply industry in New York City. The proposed legislation will address chronic and widespread corruption throughout the industry.
4. Project Sponsor:
5. Required approvals:
6. Project schedule (build year and construction schedule):

B. PROJECT LOCATION:

1. Street address:
2. Tax block(s): Tax Lot(s):
3. Identify existing land use and zoning on the project site:
4. Identify proposed land use and zoning on the project site:
5. Identify land use of adjacent sites (include any open space):
6. Describe existing density on the project site and the proposed density:

Existing Condition	Proposed Condition
N/A	N/A
7. Is project within 100 or 500 year floodplain (specify)? 100 Year 500 Year No

C. GROUND AND GROUNDWATER

- 1. Total area of in-ground disturbance, if any (in square feet):
- 2. Will soil be removed (if so, what is the volume in cubic yards)?
- 3. Subsurface soil classification:
(per the New York City Soil and Water Conservation Board):
- 4. If project would change site grade, provide land contours (**attach** map showing existing in 1' contours and proposed in 1' contours).
- 5. Will groundwater be used (list volumes/rates)? Yes No
Volumes: Rates:
- 6. Will project involve dewatering (list volumes/rates)? Yes No
Volumes: Rates:
- 7. Describe site elevation above seasonal high groundwater:

D. HABITAT

- 1. Will vegetation be removed, particularly native vegetation? Yes No
If YES,
 - **Attach** a detailed list (species, size and location on site) of vegetation to be removed (including trees >2" caliper, shrubs, understory planting and groundcover).
 - **List** species to remain on site.
 - **Provide** a detailed list (species and sizes) of proposed landscape restoration plan (including any wetland restoration plans).
- 2. Is the site used or inhabited by any rare, threatened or endangered species? Yes No
- 3. Will the project affect habitat characteristics? Yes No
If YES, describe existing wildlife use and habitat classification using "Ecological Communities of New York State." at <http://www.dec.ny.gov/animals/29392.html>.
- 4. Will pesticides, rodenticides or herbicides be used during construction? Yes No
If YES, estimate quantity, area and duration of application.
- 5. Will additional lighting be installed? Yes No
If YES and near existing open space or natural areas, what measures would be taken to reduce light penetration into these areas?

E. SURFACE COVERAGE AND CHARACTERISTICS

(describe the following for both the existing and proposed condition):

	Existing Condition	Proposed Condition
1. Surface area:		
Roof:	N/A	N/A
Pavement/walkway:	N/A	N/A
Grass/softscape:	N/A	N/A
Other (describe):	N/A	N/A

2. **Wetland** (regulated or non-regulated) area and classification:

N/A	N/A
-----	-----

3. **Water surface area:**

N/A	N/A
-----	-----

4. **Stormwater management** (describe):

Existing – how is the site drained?

N/A

Proposed – describe, including any infrastructure improvements necessary off-site:

N/A

**Amendment to subdivision a and the opening paragraph of subdivision b of section 2101 of
the New York city charter, as amended by local law 21 for the year 2002, and Title 20-A
of the
New York City Administrative Code**

**Environmental Assessment Statement
CEQR # 16BIC001Y
Attachment E**

**PROPOSED AMENDMENT TO THE
NEW YORK CITY ADMINISTRATIVE CODE**

Proposed Int. No. 1268-A

By Council Members Reynoso, Cohen, Espinal, Rosenthal, Kallos, Vacca, Garodnick, Lander and the Public Advocate (Ms. James)

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to regulation of the heating oil supply industry by the business integrity commission

Be it enacted by the Council as follows:

1 Section 1. Subdivision a and the opening paragraph of subdivision b of section 2101 of the
2 New York city charter, as amended by local law number 21 for the year 2002, are amended to read
3 as follows:

4 a. The business integrity commission shall be responsible for the regulation of the trade
5 waste industry, the shipboard gambling industry, the fulton fish market distribution area and other
6 seafood distribution areas [and], the public wholesale markets, and the heating oil supply industry.
7 In regulating such industries, areas and markets, the commission shall have the powers and duties
8 conferred by this chapter and such other powers and duties as are conferred by law.

9 b. The powers and duties of the business integrity commission shall be exercised in a
10 manner consistent with all local laws governing the regulation of the trade waste industry, the
11 shipboard gambling industry, the fulton fish market distribution area and other seafood distribution
12 areas [and], the public wholesale markets and the heating oil supply industry and shall include but
13 not be limited to the following:

14 § 2. Title 20-A of the administrative code of the city of New York is amended by adding a
15 new chapter 2 to read as follows:

16

17

1 §20-9499 Annual report. a. On or before September 1, 2019 and thereafter on or before
2 September 1 in each fiscal year, such commission shall submit to the mayor and the speaker of the
3 council a report relating to enforcement of this chapter containing the following information:

4 1. Number of licenses denied, suspended or revoked in the preceding fiscal year;

5 2. Number of complaints received regarding violations of this chapter in the preceding
6 fiscal year;

7 3. Number of violations adjudicated in administrative proceedings or in court in the
8 preceding fiscal year;

9 4. Any other information related to the status of fraudulent business practices within the
10 heating oil industry that the commission deems appropriate;

11 5. Any advice and recommendations from the advisory board and a description of such
12 commission's response to such advice and recommendations;

13 6. Any recommendations with respect to eliminating fraudulent business practices; and

14 7. Any other information the commission deems relevant.

15 b. The report due on or before September 1, 2021 pursuant to paragraph a of this section
16 shall also include:

17 1. Data on any increase in the cost of heating oil after the effective date of the local law
18 that added this chapter;

19 2. The number of businesses in the heating oil supply industry which closed after the
20 effective date of the local law that added this chapter;

21 3. Recommendations from the advisory board on regulation of the heating oil supply
22 industry;

1 knowledge. Nothing in this definition is intended to prevent the lawful blending and sale of used
2 oil with virgin heating oil in accordance with federal, state and local law and rules.

3 Heating oil. The term “heating oil” means oil refined for the purpose of use as fuel for
4 combustion in a heating system.

5 Heating oil consumer. The term “heating oil consumer” or “consumer” means a person
6 responsible for providing heat within a building in the city or the agent of such person who has
7 agreed to purchase or has purchased heating oil for use in such building.

8 Heating oil dealer. The term “heating oil dealer” or “dealer” means a person that advertises
9 for sale, makes available for sale, offers to sell or sells heating oil to consumers.

10 Heating oil dealer license. The term “heating oil dealer license” or “dealer license” means
11 a license issued by the commission, pursuant to this chapter, to a person engaged in business as a
12 heating oil dealer.

13 Heating oil deliverer. The term “heating oil deliverer” or “deliverer” means a person who
14 utilizes a vehicle to deliver heating oil to consumers.

15 Heating oil deliverer license. The term “heating oil deliverer license” or “deliverer license”
16 means a license issued by the commission, pursuant to this chapter, to a person engaged in business
17 as a heating oil deliverer.

18 Heating oil delivery vehicle. The term “heating oil delivery vehicle” or “delivery vehicle”
19 means a vehicle that is used to deliver heating oil to consumers.

20 Heating oil delivery vehicle operator. The term “heating oil delivery vehicle operator” or
21 “operator” means a person who operates a delivery vehicle.

22 Heating oil dispatcher. The term “heating oil dispatcher” or “dispatcher” means a person
23 employed by a heating oil dealer, deliverer or terminal who schedules or directs deliveries of

1 heating oil to consumers and/or communicates with the operators of delivery vehicles and/or
2 consumers with regard to deliveries of heating oil to consumers. Such term includes any person
3 who supervises employees who perform such function.

4 Heating oil terminal. The term “heating oil terminal” or “terminal” means a business entity
5 that operates a facility where heating oil is received, stored and sold to dealers for re-sale to
6 consumers or sold directly to consumers. A terminal that sells or delivers heating oil directly to
7 consumers shall be subject to regulation pursuant to this chapter as a dealer and/or deliverer, as
8 applicable.

9 Licensee. The term “licensee” means a person or business entity that holds a license issued
10 by the commission pursuant to this chapter.

11 Operate. The term “operate,” with respect to a delivery vehicle, means to drive such vehicle
12 or to operate or to assist in the operation of equipment used in the transfer of heating oil between
13 such delivery vehicle and the tank of a consumer. Such equipment includes, but is not limited to,
14 any hose, meter, connection to a consumer tank, air eliminators and fittings on such delivery
15 vehicle.

16 Owner. The term “owner” with respect to a delivery vehicle or heating oil means a person
17 having the property in or title to such vehicle or heating oil, including, but not limited to, a person
18 entitled to use or possession of such vehicle or heating oil subject to a security interest in another
19 person and also includes any lessee or bailee having exclusive use thereof, except that the term
20 shall not include a person who is only a holder of a security interest in such vehicle or heating oil.

21 Person. The term “person” means an individual, partnership, corporation, limited liability
22 company or other legal entity.

1 Predecessor heating oil business. The term “predecessor heating oil business” means any
2 business engaged in the supply, transport or delivery of heating oil to which an applicant or
3 licensee is a successor pursuant to subdivision b of section 20-9504 of this chapter.

4 Principal. The term “principal” means, of a sole proprietorship, the proprietor; of a
5 corporation, every officer and director and every stockholder holding ten percent or more of the
6 outstanding shares of the corporation who participates directly or indirectly in a business required
7 to be licensed by the city of New York; of a partnership, all the partners; if another type of business
8 entity, the chief operating officer or chief executive officer, irrespective of organizational title, and
9 all persons or entities having an ownership interest of ten percent or more; and with respect to all
10 business entities, all other persons participating directly or indirectly in the control of such business
11 entity. Where a partner or stockholder holding ten percent or more of the outstanding shares of a
12 corporation is itself a partnership, or a corporation, a “principal” shall also include the partners of
13 such partnership or the officers, directors and stockholders holding ten percent or more of the
14 outstanding shares of such corporation where such stockholders participate directly or indirectly
15 in a business required to be licensed by the city of New York, as is appropriate. For the purposes
16 of this chapter (1) an individual shall be considered to hold stock in a corporation where such stock
17 is owned directly or indirectly by or for (i) such individual; (ii) the spouse of such individual (other
18 than a spouse who is legally separated from such individual pursuant to a judicial decree or an
19 agreement cognizable under the laws of the state in which such individual is domiciled); (iii) the
20 children, grandchildren and parents of such individual; and (iv) a corporation in which any of such
21 individual, the spouse, children, grandchildren or parents of such individual in the aggregate own
22 fifty percent or more in value of the stock of such corporation; (2) a partnership shall be considered
23 to hold stock in a corporation where such stock is owned, directly or indirectly, by or for a partner

1 in such partnership; and (3) a corporation shall be considered to hold stock in a corporation that is
2 an applicant as defined in this section where such corporation holds fifty percent or more in value
3 of the stock of a third corporation that holds stock in the applicant corporation.

4 Shorting. The term “shorting” means, with intent to defraud a consumer, the practice of
5 delivering heating oil in a quantity that is less than the quantity of heating oil that a consumer has
6 agreed to purchase or has paid for, including, but not limited to, by (i) delivering less heating oil
7 to a consumer than the meter on the delivery vehicle indicates has been delivered and (ii) creating
8 a false delivery ticket, receipt or other record indicating that more heating oil has been delivered
9 to a consumer than the amount that has actually been delivered to such consumer, or that bills a
10 consumer for more heating oil than has actually been delivered to such consumer.

11 § 20-9501 General. a. The commission shall regulate businesses supplying heating oil for
12 use within the city in accordance with this chapter and chapter 63 of the charter and rules
13 promulgated by the commission pursuant thereto. The commission may issue orders requiring
14 compliance with any provision of this chapter or rule promulgated pursuant to this chapter.

15 b. The commission shall promulgate rules to carry out the provisions of this chapter and
16 chapter 63 of the charter and to establish standards for service and for the regulation and conduct
17 of businesses licensed pursuant to this chapter, including, but not limited to, requirements
18 governing the level of service to be provided by licensees, contracts for the transport and delivery
19 of heating oil, that the contents of bills include the amount of oil sold and the price for such oil,
20 the maintenance, filing and inspection of records, the inspection of delivery vehicles, the
21 maintenance of appropriate insurance and compliance with environmental, safety and health
22 measures. The commission may by rule delegate such rulemaking authority, including the

1 authority to promulgate final rules to carry out the provisions of this chapter, to the chair of the
2 commission.

3 c. In carrying out its powers and duties pursuant to this chapter and chapter 63 of the
4 charter, the commission may exercise the powers delegated to any other city agency under any
5 other provision of law or rule relating to the regulation of the supply of heating oil in the city and
6 shall have the same authority as such agency to administer and enforce such law or rule.

7 d. The commission may enter into agreements with agencies responsible for compliance
8 with local laws relating to climate change, the reduction of greenhouse gases and energy efficiency
9 to share information submitted to the commission by licensees regarding the delivery of heating
10 oil to consumers.

11 e. Nothing in this chapter shall be construed to limit, abridge, affect or amend the power of
12 the department of consumer affairs, the department of environmental protection or any other
13 agency.

14 § 20-9502 Unlawful practices. a. It shall be unlawful for a person to act as a heating oil
15 deliverer or heating oil dealer without a license issued by the commission pursuant to this chapter.
16 Any terminal that acts as a deliverer or dealer must obtain a dealer and/or deliverer license, as
17 applicable.

18 b. It shall be unlawful for a dealer to use a deliverer to deliver heating oil to consumers
19 unless such deliverer is licensed by the commission pursuant to this chapter.

20 c. It shall be unlawful for a deliverer to deliver heating oil to consumers who purchase
21 heating oil from a dealer unless such dealer is licensed by the commission pursuant to this chapter.

1 d. It shall be unlawful for a person to sell or deliver or offer to sell or deliver or to hold
2 itself out to the public as authorized to sell or deliver heating oil to consumers without the
3 applicable license issued by the commission pursuant to this chapter.

4 e. It shall be unlawful to operate or use a delivery vehicle unless such vehicle is registered
5 with the commission.

6 f. It shall be unlawful to alter a delivery vehicle or the equipment of a delivery vehicle to
7 enable the practice of shorting, or to engage in any other fraudulent business practice, as defined
8 in section 20-9500 of this chapter and the rules of the commission.

9 g. It shall be unlawful to operate a delivery vehicle or the equipment of a delivery vehicle
10 that has been altered to enable the practice of shorting.

11 § 20-9503 Term of license and fees. a. The term of a license issued pursuant to this chapter
12 and of renewal of such license shall be set forth in rules promulgated by the commission.

13 b. The commission shall promulgate rules establishing fees for licenses, the renewal of
14 licenses, registration and inspection of delivery vehicles, and to reimburse the city for the expense
15 of background investigations required by this chapter.

16 c. A license issued pursuant to this chapter or any rule promulgated hereunder is not
17 transferrable or assignable and may not be used by any person other than the licensee. A license
18 that is used, transferred or assigned in violation of this subdivision shall expire by operation of law
19 as of the date of such unlawful transfer, assignment or use.

20 d. A person applying for both a heating oil dealer license and a heating oil deliverer license
21 shall only be required to submit one application and one set of fees.

22 § 20-9504 License application. a. An applicant for a license shall submit an application in
23 the form and containing the information prescribed by the commission. Such information may

1 include information regarding any predecessor heating oil business to which the applicant is a
2 successor or any affiliate or subsidiary of the applicant that owns or operates a heating oil business
3 in any jurisdiction. The commission may require that applications and other information and/or
4 documentation required by the commission pursuant to this chapter or the rules promulgated by
5 the commission be submitted electronically.

6 b. For purposes of this chapter, an applicant shall be considered a successor to a predecessor
7 heating oil business upon a finding by the commission, in its sole discretion, that such applicant
8 satisfies two or more of the following criteria:

9 1. The applicant uses the same facility, facilities or workforce to offer substantially the
10 same services as the predecessor heating oil business;

11 2. The applicant shared in the ownership, or otherwise exercised control over the
12 management of the predecessor heating oil business;

13 3. The applicant employs in a managerial capacity any person who controlled the wages,
14 hours, or working conditions of the affected employees of the predecessor heating oil business; or

15 4. The applicant is an immediate family member, including a parent, step-parent, child, or
16 step-child, foster or adopted child, of any owner, partner, officer, or director of the predecessor
17 heating oil business, or of any person who had a financial interest in the predecessor heating oil
18 business.

19 c. Fingerprinting of applicant. 1. An applicant for a license issued pursuant to this chapter
20 shall submit fingerprints of the individuals described in paragraph 4 of this subdivision. Such
21 fingerprinting and any applicable fees must be submitted to the New York state division of criminal
22 justice services in the form and manner prescribed by the New York state division of criminal

1 justice services. Fingerprints of the same individuals shall not be required for license renewal
2 applications.

3 2. The chair of the commission and persons on the staff of the commission designated by
4 the chair shall be responsible for receiving and reviewing the results of such criminal history
5 record searches supplied by such division.

6 3. If an applicant has been convicted of a crime, any decision regarding such applicant's
7 fitness for a license issued pursuant to this chapter shall be made upon consideration of articles 23
8 and 23-a of the correction law.

9 4. The applicant shall be required to provide information required by the commission
10 pursuant to subdivision a of this section and to provide fingerprints with respect to the following
11 individuals:

12 (a) All principals of the applicant;

13 (b) If the applicant is a regional subsidiary of or otherwise owned, managed by or an
14 affiliate of a business that has national or international operations, the commission may by rule
15 provide for additional disclosures relating to principals of such national or international entity
16 where such entity participates directly or indirectly in a business required to be licensed by the city
17 of New York.

18 § 20-9505 Refusal to issue a license. The commission may, by majority vote of its entire
19 membership and after notice and the opportunity to respond to such notice in writing, refuse to
20 issue a license to an applicant who lacks good character, honesty and integrity. Such notice shall
21 specify the reasons for such refusal. In making such determination, the commission may consider,
22 but is not limited to, considering:

- 1 a. Failure of such applicant to provide any information and/or documentation required by
2 the commission pursuant to this chapter or any rules promulgated pursuant hereto;
- 3 b. Failure of such applicant to provide truthful information to the commission in connection
4 with the application or in relation to any investigation by the commission;
- 5 c. (i) A pending indictment or criminal action against such applicant for a crime which
6 directly relates to the fitness to conduct the business or perform the work for which the license is
7 sought; (ii) a pending civil or administrative action to which such applicant is a party and which
8 directly relates to a fraudulent business practice, in which case the commission may defer
9 consideration of an application until a decision has been reached by the court or administrative
10 tribunal before which such action is pending;
- 11 d. Conviction of such applicant of a crime that bears a direct relationship to the fitness of
12 the applicant to conduct the business for which the license is sought; or
- 13 e. A finding of liability in a civil or administrative action which directly relates to a
14 fraudulent business practice;
- 15 f. Commission of a racketeering activity, as such term is defined in subdivision one of
16 section 1961 of title 18 of the United States Code or of any offense listed in subdivision one of
17 section 460.10 of the penal law, or the equivalent offense under the laws of any other jurisdiction;
- 18 g. Having been a principal in a predecessor heating oil business to which the applicant is a
19 successor where the commission would be authorized to deny a license to such predecessor
20 business pursuant to this section;
- 21 h. Failure to pay any tax, fine, penalty, or fee related to the applicant's business for which
22 liability has been admitted by the person or business liable therefore, or for which judgment has
23 been entered by a court or administrative tribunal of competent jurisdiction;

1 i. For any business entity required to register as a distributor with the department of taxation
2 and finance pursuant to article 12-A of the tax law, cancellation of the registration of such business
3 entity by such department in accordance with subdivision four of section 283 of the tax law; and

4 j. Any final determination of liability in a civil, criminal or administrative action involving
5 egregious or repeated nonpayment or underpayment of wages; except that the commission shall
6 take into account mitigating factors including: (i) the passage of time since such determination of
7 liability or the underlying illegal act or omission, (ii) the severity of the illegal act or omission
8 underlying such final determination of liability, (iii) whether any such determination of liability or
9 other illegal act or omission has been appealed and whether the appeal is pending, and (iv) any
10 change in circumstance that might reduce the likelihood of the illegal act or omission underlying
11 such determination recurring during the period of licensure.

12 § 20-9506 Duty to inform the commission of change in application; investigation of
13 employees. a. An applicant or licensee shall, in accordance with rules promulgated by the
14 commission, provide the commission with notice of the following, no later than 10 business days
15 after the occurrence of such event or events:

16 1. All changes in the ownership composition of the business;

17 2. The addition or removal of any principal or any individual listed in paragraph one of
18 subdivision d of section 20-9504 at any time subsequent to the submission of the application or
19 issuance of the license;

20 3. The arrest or criminal conviction of any principal of the business or any individual listed
21 in paragraph one of subdivision d of section 20-9504; or

22 4. Any other material change, as that term is defined by the rules of the commission or in
23 the application, in the information submitted on the application for a license.

1 b. 1. Fingerprints of employees and prospective employees described in paragraph 4 of
2 this subdivision shall be submitted to the commission. Such fingerprinting and any applicable fees
3 must be submitted to the New York state division of criminal justice services in the form and
4 manner prescribed by the New York state division of criminal justice services.

5 2. The chair of the commission and persons on the staff of the commission designated by
6 the chair shall be responsible for receiving and reviewing the results of such criminal history record
7 searches supplied by such division.

8 3. If an employee or prospective employee has been convicted of a crime, any
9 determination by the commission regarding the good character, honesty and integrity of such
10 employee or prospective employee pursuant to this chapter shall be made upon consideration of
11 articles 23 and 23-a of the correction law.

12 4. Fingerprints shall be provided for the following employees and prospective employees:

13 (a) All heating oil delivery vehicle operators whose services will be used by the applicant
14 to deliver heating oil to consumers;

15 (b) All heating oil dispatchers whose services will be used by the applicant with respect to
16 deliveries of heating oil to consumers;

17 (c) Any individual who, with respect to the applicant's delivery of heating oil within the
18 city:

19 (1) Engages in bill collection;

20 (2) Has authority to agree or refuse to agree to provide service to a consumer;

21 (3) Has authority to resolve consumer complaints;

22 (4) Performs maintenance on heating oil delivery vehicles;

23 (5) Maintains books and records; and

1 (d) Any other individual specified in the rules promulgated by the commission whose
2 relationship to the applicant relates to the applicant's delivery of heating oil within the city.

3 c. Where, at any time subsequent to an investigation of a person subject to the provisions
4 of this section, the commission has reasonable cause to believe that such employee lacks good
5 character, honesty and integrity, the commission may conduct an additional investigation of such
6 person and may require, if necessary, that such person provide information updating,
7 supplementing or explaining information previously submitted.

8 d. Where the commission has reasonable cause to believe that an employee or agent of a
9 licensee not otherwise subject to the fingerprinting requirements of this chapter lacks good
10 character, honesty and integrity, the commission shall notify such employee or agent that he or she
11 shall be required to be fingerprinted and submit the information required by the commission.

12 e. Following a background investigation conducted pursuant to this section, the
13 commission may by majority vote of its entire membership, and after notice and opportunity to
14 respond to such notice in writing, find that a principal, employee or agent of a licensee or of an
15 applicant lacks good character, honesty and integrity. Such notice shall specify the reasons for
16 such a determination. In making such determination, the commission may consider, but is not
17 limited to considering, the factors specified in section 20-9505 of this chapter.

18 f. A licensee shall not employ or engage as an agent any person with respect to whom the
19 commission has made a final determination, following a background investigation conducted
20 pursuant to this section, that such person lacks good character, honesty and integrity.

21 § 20-9507 Independent monitoring required. a. The commission may, in the event that the
22 background investigation conducted pursuant to this chapter produces adverse or derogatory
23 information, require as a condition of a license that the licensee enter into a contract with an

1 independent monitor approved or selected by the commission. Such contract, the cost of the
2 services of such monitor, and all related costs, shall be paid by the licensee. Such contract shall
3 provide that the monitor investigate the activities, as applicable, of the licensee with respect to the
4 licensee's compliance with the provisions of this chapter, other applicable federal, state and local
5 laws and such other matters as the commission shall determine by rule. The contract shall provide
6 further that the monitor report the findings of such monitoring and investigation to the commission
7 on a periodic basis.

8 b. The commission shall be authorized to prescribe in any contract required by the
9 commission pursuant to this section such reasonable terms and conditions as the commission
10 deems necessary to effectuate the purposes hereof.

11 § 20-9508 Revocation or suspension of license. In addition to the penalties provided in
12 section 20-9510 of this chapter, the commission, after notice and the opportunity for a hearing
13 conducted by the office of administrative trials and hearings, may revoke or suspend a license
14 issued pursuant to this chapter whenever:

15 a. The licensee or any of its principals, employees or agents has been found to be in
16 violation of this chapter or any rules promulgated pursuant thereto;

17 b. The licensee or any of its principals, employees or agents has been found by a court or
18 administrative tribunal of competent jurisdiction to have violated:

19 1. Any law or rule relating to meter tampering; or

20 2. Any law or rule relating to engaging in a fraudulent business practice;

21 c. The licensee or any of its principals, employees or agents has repeatedly failed to obey
22 lawful orders of any person authorized to enforce the provisions hereof;

1 d. The licensee or any of its principals, employees or agents has failed to pay, within the
2 time specified by a court, the office of administrative trials and hearings or an administrative
3 tribunal of competent jurisdiction, all fines or civil penalties imposed pursuant to this chapter or
4 the rules promulgated pursuant thereto;

5 e. The licensee or any of its principals, employees or agents has been found to be in
6 persistent or substantial violation of any city, state or federal law, rule or regulation regarding the
7 transport or delivery of heating oil;

8 f. In relation to an investigation conducted pursuant to this chapter, the commission
9 determines, after consideration of the factors set forth in section 20-9505 of this chapter, that the
10 licensee lacks good character, honesty and integrity;

11 g. There has been any false statement or any misrepresentation as to a material fact in the
12 application or accompanying papers upon which the issuance of such license was based;

13 h. The licensee has failed to notify the commission of any change in the ownership interest
14 of the business or any other material change in the information required on the application for such
15 license, or of the arrest or criminal conviction of such licensee or any of its principals, employees,
16 or agents of which the licensee had knowledge or should have had knowledge;

17 i. For any business entity required to register as a distributor with the department of taxation
18 and finance pursuant to article 12-A of the tax law, cancellation of the registration of such business
19 entity by such department in accordance with subdivision four of section 283 of the tax law; or

20 j. There has been a final determination of liability in a civil, criminal or administrative
21 action involving egregious or repeated nonpayment or underpayment of wages; except that the
22 commission shall take into account mitigating factors including: (i) the passage of time since such
23 determination of liability or the underlying illegal act or omission, (ii) the severity of the illegal

1 act or omission underlying such final determination of liability, (iii) whether any such
2 determination of liability or other illegal act or omission has been appealed and whether the appeal
3 is pending, and (iv) any change in circumstance that might reduce the likelihood of the illegal act
4 or omission underlying such determination recurring during the period of licensure.

5 § 20-9509 Emergency suspension of license. Notwithstanding any inconsistent provision
6 of section 20-9508, the commission may, upon a finding that the operation of the business of a
7 licensee or the transport or delivery of heating oil by a business required by this chapter to be
8 licensed creates an imminent danger to life or property, immediately suspend such license without
9 prior notice. The commissioner shall forthwith notify the licensee of such suspension and the
10 reasons for such suspension, that the license is proposed to be revoked, that the licensee has the
11 right to request a hearing within 14 days of the date of such notice and that a hearing will be
12 provided within 5 business days of the date of such request.

13 § 20-9510 Penalties. a. Any person who violates any provision of this chapter or any of the
14 rules promulgated pursuant to this chapter or any order issued by the commission pursuant to this
15 chapter shall be liable for a civil penalty of not more than \$10,000 for each violation. Such civil
16 penalty may be recovered in a civil action in any court of competent jurisdiction or in a proceeding
17 before an administrative tribunal within the jurisdiction of the office of administrative trials and
18 hearings.

19 b. Any person who violates any of the provisions of section 20-9502 of this chapter or any
20 of the rules promulgated pursuant thereto shall upon conviction thereof be punished by a criminal
21 fine of not more than \$10,000 for each violation, and/or in the case of a continuing violation
22 \$10,000 for each day of such violation or by imprisonment not exceeding six months or both such
23 criminal fine and imprisonment. In addition to or as an alternative to such criminal fine and

1 imprisonment, such person shall be liable for a civil penalty of not more than \$10,000 for each
2 violation, and/or in the case of a continuing violation \$10,000 for each day of such violation, which
3 may be recovered in a civil action in any court of competent jurisdiction or in a proceeding before
4 an administrative tribunal within the jurisdiction of the office of administrative trials and hearings.

5 § 20-9511 Impoundment and forfeiture. a. Where there is reasonable cause to believe that
6 any delivery vehicle has been used or is being used in violation of section 20-9502, such vehicle
7 shall be impounded by the commission. In addition to any other penalties provided in this chapter,
8 the interest of an owner in such delivery vehicle or any heating oil contained in such vehicle shall
9 be subject to forfeiture upon notice and judicial determination of forfeiture.

10 b. 1. Except as hereinafter provided, the city agency having custody of a delivery vehicle,
11 after judicial determination of forfeiture, shall no sooner than 30 days after such determination
12 upon notice of at least 5 days, sell such forfeited vehicle and/or heating oil at public sale. Any
13 person, other than an owner whose interest is forfeited pursuant to this section, who establishes a
14 right of ownership in a vehicle or heating oil, including a part ownership or security interest, shall
15 be entitled to delivery of the vehicle or heating oil if such person:

16 (a) Redeems the ownership interest which was subject to forfeiture by payment to the city
17 of the value thereof;

18 (b) Pays the reasonable expenses of the safekeeping of the vehicle between the time of
19 seizure and such redemption; and

20 (c) Asserts a claim within 30 days after judicial determination of forfeiture.

21 2. Notwithstanding the foregoing provisions, establishment of a claim shall not entitle such
22 person to delivery of the vehicle or heating oil if the city establishes that the unlawful use for which
23 the vehicle was impounded was expressly or impliedly permitted by such person.

1 c. The commission shall promulgate rules concerning the impoundment, forfeiture and
2 release of delivery vehicles and the payment of removal charges and storage fees for such vehicles,
3 including the amounts and rates thereof, the procedure for disposal of unclaimed vehicles, and
4 procedures for innocent owners to file claims. Such rules shall provide for notice to the registered
5 owner of the vehicle and the opportunity for a hearing before the office of administrative trials and
6 hearings to determine whether there was reasonable cause to believe that such vehicle should be
7 subject to forfeiture. A hearing shall be provided within three business days of such request. Within
8 four business days of the conclusion of such hearing, the hearing officer shall submit recommended
9 findings of fact and a recommended decision to the commission, which shall make the final
10 findings of fact and the final determination within four business days of such recommendation. If
11 the commission determines that there is not reasonable cause to believe that such vehicle should
12 be subject to forfeiture, the commission shall release such vehicle and no charges or fees shall be
13 imposed as a condition of such release. If the commission determines that there is reasonable cause
14 to believe that such vehicle should be subject to forfeiture, the commission may retain such vehicle
15 pending forfeiture pursuant to the provisions of this section.

16 § 20-9512 Liability for violations by employees or agents. a. A business required by this
17 chapter to be licensed shall establish and implement procedures for the prevention and detection
18 of fraudulent business practices by employees and agents. Such procedures must be made available
19 to the commission upon request.

20 b. A business required by this chapter to be licensed shall be liable for violations of any of
21 the provisions of this chapter or any rules promulgated pursuant hereto committed by any of its
22 employees or agents.

1 c. 1. Notwithstanding any other provision of this section, in any proceeding in which a
2 business may be considered liable for acts conducted by an employee or agent, such business may
3 assert an affirmative defense that it has implemented the procedures required pursuant to
4 subdivision a of this section to the satisfaction of the commission and there are no further actions
5 the business could have taken to prevent or mitigate the conduct of such employee or agent.

6 2. Such affirmative defense shall not be available where:

7 (a) The business had knowledge of the conduct of the employee or agent and acquiesced
8 in such conduct or failed to take immediate and appropriate corrective action. For purposes of this
9 section, a business shall be deemed to have knowledge of an employee's or agent's conduct where
10 that conduct was known by any employee or agent who exercised managerial or supervisory
11 responsibility;

12 (b) The employee or agent who committed the violation exercised managerial or
13 supervisory responsibility at the time the violation occurred; or

14 (c) There is a record of prior incidents of fraudulent business practices by such employee
15 or agent or other employees or agents of the business.

16 § 20-9513 Enforcement. a. In addition to police officers and employees and agents of the
17 commission, notices of violation and appearance tickets for violation of any provision of this
18 chapter or any rule promulgated hereunder may be issued by authorized employees and agents of
19 other agencies of the city designated by the commission.

20 b. With respect to any notice of violation or order of the commission alleging the unlicensed
21 operation of a business regulated by this chapter, the operator of a delivery vehicle engaged in
22 delivering or transporting heating oil in violation of this chapter shall be deemed to be the agent
23 of the business entity employing such operator or on whose behalf such operator is acting and

1 service of such notice of violation or order on such operator shall be deemed to be lawful service
2 upon such business entity.

3 § 20-9514 Hearings. Except as otherwise specified, the commission may provide by rule
4 that hearings or specified categories of hearings pursuant to this chapter may be conducted by the
5 office of administrative trials and hearings and may provide that such office shall make the final
6 decision or determination with respect to the matter.

7 § 20-9515 Conduct. a. 1. All licensed dealers and deliverers shall maintain financial
8 statements, records, ledgers, receipts, bills and such other written or electronic records as the
9 commission determines are necessary for carrying out the purposes of this chapter. Such written
10 or electronic records may include, but are not limited to:

11 (a) Compilation reports on financial statements;

12 (b) Reviewed financial statements; and

13 (c) Audited financial statements; provided that licensees shall not be required to perform
14 an audit of any financial statements.

15 2. Such records shall be maintained for a period of time established in rules promulgated
16 by the commission not to exceed five years, except that the commission may promulgate rules
17 providing that the commission may, in specific instances at its discretion, require that records be
18 retained for a period of time exceeding five years.

19 3. Such records shall be made available for inspection and audit by the commission, in
20 accordance with applicable law, at either the licensee's place of business or at the offices of the
21 commission.

1 b. A licensee shall be in compliance at all times with all applicable federal, state, and local
2 laws, ordinances, rules and regulations and orders of the commission pertaining to the transport
3 and delivery of heating oil.

4 c. A licensee or applicant shall comply with any rule or order by the commission requiring
5 the inspection of a delivery vehicle.

6 d. A licensed dealer or deliverer shall bill consumers for the delivery of heating oil and
7 ensure that the contents of such bill include the amount of oil sold and the price for such oil in
8 compliance with rules prescribed by the commission.

9 § 20-9516 Investigation of complaints. The commission shall by rule establish a procedure
10 for the investigation and resolution of complaints regarding fraudulent business practices.

11 § 20-9517 Protection of criminal history. Nothing in this chapter shall be construed to
12 supersede, alter or amend subdivision 9 of section 8-107 of the administrative code.

13 § 4. This local law takes effect 210 days after it becomes law, except that (i) the commission
14 may adopt rules and take other measures as it deems necessary for the implementation of this local
15 law prior to such effective date, including, but not limited to, rules providing for the continued
16 operation of an existing business that would otherwise be required to have a license on such
17 effective date, where an application for such license is submitted to the commission by a date and
18 in accordance with such conditions as are specified in such rules and (ii) section 2 of this local law
19 takes effect immediately.

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