

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

No. 68

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

A LOCAL LAW

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

Be it enacted by the Council as follows:

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

§530-d Notification requirements, PCBs. a. For the purposes of this section, the following terms shall have the following meanings:

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

but not limited to, air, wipe or bulk sample analysis, performed by or at the request of the department, the New York city school construction authority or the United States environmental protection agency that show concentrations of PCBs which exceed the amount allowable pursuant to the applicable regulations promulgated by the United States environmental protection agency, and shall also mean the inspection results of light fixtures that are leaking and presumed to have used or to be using PCB light ballasts.

6. "Public school" shall mean any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through grade twelve.

b. The department shall notify the parents of students and the employees in any public school that has been inspected or tested for reportable PCB levels of the results of such inspection or testing, and whether the results of such inspection or testing were negative or positive, within seven days of receiving such results; provided that if such results are received during a scheduled school vacation period exceeding five days and the area where such inspection or testing occurred is not being used by students during such period, such notification shall occur no later than seven days following the end of such period. The department shall also post such results on the department's website within seven days of receiving such results.

c. The notification required pursuant to subdivision b of this section shall include information setting forth the steps the department has taken and will take to address such reportable PCB levels, including the timeframe during which such reportable PCB levels were or will be addressed. If such steps are not completed within such timeframe then the department shall notify such parents and employees of the new timeframe for such steps. The department shall also notify such parents and employees within seven days of the date such steps to address reportable

PCB levels are completed.

d. Not later than the fifteenth day of April of the year 2012 and annually thereafter not later than the fifteenth day of November, the department shall notify the parents of students and the employees in any public school identified as part of the department's PCB lighting removal plan that such school has been identified as part of such plan and shall provide in such annual notice an explanation regarding the department's PCB lighting removal plan including, but not limited to, the reasons for removal, replacement, or remediation, the fact that certain light fixtures are presumed to contain PCBs, and the schedule for such removal, replacement or remediation.

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

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

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

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

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 68 of 2011, Council Int. No. 563-A) contains the correct text and was passed by the New York City Council on December 19, 2011 approved by the Mayor on December 27, 2011 and returned to the City Clerk on December 27, 2011.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.