



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 Revised Standards and Requirements for Lead-based Paint and Lead-Based Paint Hazards

3. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency) 1900M005Y	BSA REFERENCE NUMBER (if applicable)
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA) Intro. 865-A and Intro. 464-B

4a. Lead Agency Information			4b. Applicant Information		
NAME OF LEAD AGENCY New York City Office of the Mayor			NAME OF APPLICANT New York City Dept. of Health and Mental Hygiene		
NAME OF LEAD AGENCY CONTACT PERSON Hilary Semel			NAME OF APPLICANT’S REPRESENTATIVE OR CONTACT PERSON Corinne Schiff, Deputy Commissioner		
ADDRESS 53 Broadway, 14 th Floor			ADDRESS 125 Worth Street		
CITY New York	STATE NY	ZIP 10038	CITY New York	STATE NY	ZIP 10013
TELEPHONE 212-676-3273	EMAIL hsemel@cityhall.nyc.gov		TELEPHONE 646-632-6496	EMAIL cschiff@health.nyc.gov	

5. Project Description
 The proposed action is the adoption of two proposed local laws, Introduction Number . 865-A and Introduction Number. 464-B (collectively referred to as the “proposed action”). The two proposed local laws are intended to improve protection of New York City residents, particularly children under the age of six, from exposure to lead-based paint, lead-contaminated water, and related hazards. More specifically, the local laws would amend several provisions of the Administrative Code of the City of New York, requiring adherence to the more stringent standards in order to, as a component of the City’s "Roadmap to Eliminating Childhood Lead Exposure: LeadFreeNYC", eliminate childhood lead exposure by the year 2029. Refer to Attachment A, "Project Description" for more details.

Project Location

BOROUGH Citywide	COMMUNITY DISTRICT(S) All	STREET ADDRESS N/A
TAX BLOCK(S) AND LOT(S) N/A		ZIP CODE N/A
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)

<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 AUTHORIZATION	<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: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE:		

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Board of Standards and Appeals: YES NO

<input type="checkbox"/> VARIANCE (use)
<input type="checkbox"/> VARIANCE (bulk)
<input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> 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 FUNDING OF CONSTRUCTION, specify:

RULEMAKING POLICY OR PLAN, specify:

CONSTRUCTION OF PUBLIC FACILITIES 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): 2020

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:

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
(Citywide legislation)

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 .		
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 . Not required.		
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 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 sewerred or currently unsewerred?	<input checked="" type="checkbox"/>	<input 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):		
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):		
(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 Equivalents (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 checked="" 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 Corinne Schiff, Deputy Commissioner New York City Dept. of Health and Mental Hygiene	DATE 3/08/2019
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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

IMPACT CATEGORY	YES	NO
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?


YES NO

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 Assistant to the Mayor	LEAD AGENCY New York City Office of the Mayor
NAME Hilary Semel	DATE 3/08/2019
SIGNATURE 	

NEGATIVE DECLARATION (Use of this form is optional)**Statement of No Significant Effect**

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the New York City Office of the Mayor assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.


Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds that the proposed project:

The proposed local laws will not result in significant adverse impacts relating to Land Use, Zoning, and Public Policy, Socioeconomic Conditions, Community Facilities and Services, Open Space, Shadows, Historic and Cultural Resources, Urban Design and 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, or Construction. Accordingly, the proposed local laws, if enacted, will have no significant adverse impacts on the environment.

The two proposed local laws are intended to improve protection of New York City residents, particularly children under the age of six, from exposure to lead-based paint, lead-contaminated water, and related hazards. More specifically, the local laws would amend several provisions of the Administrative Code of the City of New York, requiring adherence to the more stringent standards in order to, as a component of the City's "Roadmap to Eliminating Childhood Lead Exposure: LeadFreeNYC", eliminate childhood lead exposure by the year 2029. Therefore, the proposed action would have a positive effect on public health and therefore for New York City residents.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

TITLE Assistant to the Mayor	LEAD AGENCY New York City Office of the Mayor
NAME Hilary Semel	DATE 3/08/2019
SIGNATURE 	

**Revised Standards and Requirements for Lead-based Paint and
Lead-Based Paint Hazards**
Attachment A: Project Description

A. INTRODUCTION

The proposed action is the adoption of two proposed local laws, Introduction Number 865-A (“Intro 865”) and Introduction Number 464-B (“Intro 464”) (collectively referred to as the “proposed action”). The two proposed local laws are part of a series of bills¹ intended to improve protection of New York City (NYC) residents, particularly children under the age of 6, from exposure to lead-based paint, lead-contaminated water, and related hazards.

Intro 464 (see attached) would amend several provisions of the Administrative Code of the City of New York. It would add enhancements to investigations conducted by the New York City Department of Health and Mental Hygiene (DOHMH) of places routinely visited by children identified with elevated blood lead levels (EBLLs). It would also clarify existing definitions in the law governing lead-based paint hazards in facilities providing day care services, including rooms and areas of school facilities used to provide such services. Further, it would impose more stringent notification requirements and compliance schedules for correcting violations in day care facilities. Intro 464 would define the term “resides” as used in Article 14 of the Housing Maintenance Code (“HMC”) (Chapter 2 of Title 27 of the Administrative Code). This term is used throughout Article 14 of the HMC but it is currently undefined.

Intro 865 (see attached) would amend the Administrative Code by making the blood lead reference level consistent with the reference level defined by the federal Centers for Disease Control (CDC) in 2012. Intro 865 would also update the definitions of lead-based paint and lead-contaminated dust to make these standards more protective of public health.

Intro 464 was introduced by New York City Council on February 14, 2018, and referred to the Committees on Health, Housing and Buildings, and Environmental Protection that same day. Intro 856 was introduced on May 9, 2018, and referred to the same committees. A hearing on the two proposed local laws was held by these committees on September 27, 2018.

B. BACKGROUND

Lead is a harmful metal that can cause serious health problems. Lead is especially dangerous for children and pregnant women, but it can harm anyone. EBLLs can cause irreversible development effects in children, including adversely affecting physical and mental growth and causing learning and behavioral problems. EBLLs have been associated with intelligence quotient deficiencies, reading and learning disabilities, reduced attention spans, and hyperactivity.

The most common source of lead poisoning for children under 6 in New York City is deteriorated lead paint and lead-contaminated dust. In 1960, New York City banned the sale and use of lead paint, however, older buildings, especially those built before 1950, may still have lead paint on walls, windows,

¹ The package also includes the following: Intros. 709, 871, 877, 881, 918, 920, 1063, and 1117. These proposed local laws were classified as Type II actions for which no environmental review is required (see attached Type II Memorandum).

doors, and other surfaces. In New York City, more than 60% of the housing stock — around 2 million units — was built before 1950, compared with about 22% of housing nationwide. When young children play on the floor or by windows, they may get lead dust on their hands, which can lead to ingestion. Indeed, a child absorbs 4-5 times more lead than an adult from the same source.

New York City has long been a national leader on protective laws and policies intended to reduce childhood lead exposure and has extensive experience in updating its laws and policies to remain current with, or ahead of, best practices nationwide. For instance, Local Law 1 of 1982 required, among other things, that owners of multiple dwellings² occupied by a child under the age of 7 eliminate all lead paint on certain interior surfaces through specified means and methods. Then, in 2004, the New York City Childhood Lead Poisoning Prevention Act, commonly referred to as Local Law 1 of 2004 (“Local Law 1”), took effect, setting forth new, more pragmatic requirements on the owners of multiple dwellings, as well as day care operators.³

Currently, Local Law 1 and its implementing regulations – enforced by the New York City Department of Housing Preservation and Development (HPD) and DOHMH – require landlords to identify and remediate lead-based paint hazards in the apartments of children under the age of 6 and their common areas, using trained workers and safe work practices. Local Law 1 applies to multiple dwellings built before 1960, which are presumed to have lead-based paint, and built between 1960 and 1978 if the owner knows that there is lead-based paint.

Owners of multiple dwellings must, among other things:

- Investigate lead-based paint hazards and remediate those hazards upon turnover of the apartment using safe work practices and trained workers.
- Give new occupants a form inquiring if a child under age 6 will reside in the unit. Owners must also certify on this form that they have performed the required work prior to occupancy of the unit by the new occupants.
- Include a notice about owner responsibilities under the law with each lease and provide a pamphlet informing occupants about lead.
- Send an annual lead notice between January 1st and 15th to all tenants in pre-1960 multiple dwellings or multiple dwellings constructed between 1960-1978 where lead-based paint is known to exist.
- Annually investigate units where children under 6 reside as well as common areas in the property to find peeling paint, chewable surfaces, deteriorated sub-surfaces, and friction and impact surfaces. This investigation must be conducted more often if the owner knows about a condition that may cause a lead hazard, or the occupant complains about such a condition. Owners must physically inspect units whose occupants do not respond to determine if there is a child under 6 residing in the unit.
- Maintain records about annual inspections and any work performed.

² Multiple dwellings are buildings in New York City with 3 or more residential units.

³ Local Law 1 has been codified in two primary sections of the New York City Administrative Code: Title 27, Chapter 2, Subchapter 2, Article 14 (referred to as “Article 14”) and Title 17, Chapter 9 (referred to as “Chapter 9”). Sections 173.13 and 173.14 of the New York City Health Code, as promulgated by the New York City Board of Health, implement collateral requirements.

- Correct any outstanding lead-based paint violations using safe work practices set forth in Local Law 1, and maintain records about work performed.

Each year, to enforce Local Law 1, HPD conducts thousands of inspections of apartments and common areas in multiple dwellings. The inspections largely arise from complaints about deteriorated paint conditions from tenants. If deteriorated paint is identified in a unit where a child under 6 resides, HPD issues a violation to the building owner, which the owner must address in the manner set forth in Local Law 1 and its implementing regulations. HPD also accepts applications from building owners to obtain exemptions from Local Law 1 requirements. These applications must be supported by technical documentation demonstrating that the building does not have lead-based paint or that the lead-based paint has been properly abated through approved methods such as enclosure or encapsulation.

Additionally, when a child is identified as having an EBLL, DOHMH conducts an environmental investigation of the potential source of lead exposure, including in the child's dwelling, and, where indicated, day care service. If DOHMH identifies deteriorated lead-based paint or other lead hazards through the course of this investigation, DOHMH issues a Commissioner's Order to Abate (COTA) requiring the owner to remediate the lead-based paint hazard. HPD also conducts an audit and inspection of the residential buildings issued COTAs to determine if there are additional violations of Local Law 1 requirements.

DOHMH also investigates complaints from tenants regarding dust caused by building renovations. When investigating a dust complaint, DOHMH takes dust wipe samples in common areas and, through laboratory analysis, determines if the dust contains lead above the levels specified in Local Law 1 and the City's Health Code. If the levels exceed these thresholds, DOHMH issues a COTA to the owner to clean the area using special procedures. Once complete, the owner must hire a third-party testing firm to perform a dust wipe sample to ensure the dust meets the regulatory thresholds.

Local Law 1 has been an effective tool in reducing children's exposure to lead. DOHMH data indicates that the number of children under age six with blood lead levels at or above 5 mcg/dL (the current blood reference standard set by CDC) has decreased from almost 14,000 children in 2010 down to 4,261 in 2017. However, given the very serious and permanent health effects caused by lead exposure, both the New York City Council and the Mayor's Office have been carefully evaluating policies that will lead to the permanent elimination of childhood lead exposure in New York City.

In 2018, the Council introduced a comprehensive series of bills with proposals to update and improve the City's overall regulation of lead-based paint and related hazards under Local Law 1. In September 2018, the Council held a hearing on these bills, and heard testimony from DOHMH, HPD, health care providers, building owners, tenants, and other interested stakeholders.

In October 2018, the Honorable Mayor Bill de Blasio announced that Kathryn Garcia, Commissioner of the New York City Department of Sanitation (DSNY), would serve as Senior Advisor for Lead Prevention. Commissioner Garcia commenced a 90-day review of the City's existing lead programs and, on January 28, 2019, released "A Roadmap to Eliminating Childhood Lead Exposure: LeadFree NYC." The roadmap contains over 40 specific initiatives to enhance and improve the City's policies, practices, and laws governing lead-based paint, as well as other sources of lead in the environment. Among the policy initiatives are new measures to identify and support children with EBLLs, more proactive tools for identifying lead-based paint hazards, and new proposed standards for lead-based paint and lead contaminated dust. The overall goal of the roadmap is to eliminate childhood lead exposure by the year 2029.

C. PURPOSE AND NEED FOR THE PROPOSED ACTION

As indicated in Local Law 1's Statement of Findings and Purpose, the law was developed with the understanding that the appropriate, protective standard for EBLLS in children was 10 mcg/dL. EPA had a similar understanding in 2001 when it promulgated many of the key standards related to lead-based paint and related hazards that were used in Local Law 1.

However, since that time, new information has emerged about the dangers of lead in children at even lower levels of exposure. In 2012, the CDC announced that no safe blood lead level in children has been identified, and established a blood lead "reference level" of 5 mcg/dL as a benchmark for public health action, especially for the assessment of sources of lead in a child's environment and follow-up blood testing. The reference level is based on the 97.5th percentile of the U.S. population distribution of blood lead levels (BLLs) in children ages one to five from the 2007–2008 and 2009–2010 National Health and Nutrition Examination Surveys.

Largely due to the CDC's new reference level, federal agencies have taken recent action to modify their existing programs to respond to these lower levels of lead exposure. In 2017, the United States Department of Housing and Urban Development (HUD) amended the federal Lead Safe Housing Rule, lowering the standard for identifying children with EBLLs from 20 mcg/dL to 5 mcg/dL, thereby aligning its standard with CDC's reference level. Then, in July 2018, the United States Environmental Protection Agency (EPA) issued a proposed rule to significantly reduce its dust lead hazard thresholds based, in part, on an analysis of standards needed to achieve the CDC reference level.

In July 2018, Mayor de Blasio announced that DOHMH would conduct home inspections for all children under the age of 18 with BLLs of 5 mcg/dL and above. DOHMH previously conducted these inspections for all children under age 18 with a BLL of 15 mcg/dL, for children under age 6 with a BLL of 10 mcg/dL or above, and for children under 16 months with a BLL of 8mcg/dL or above. DOHMH estimates that this change will result in thousands of more home inspections per year.

As the focus of public health agencies is now shifting towards taking action at lower BLLs in children, there is a corollary need to reduce exposure to lower levels of lead in common sources such as paint and dust. As EPA has observed, "[c]urrent best available science ... has evolved considerably since 2001, [and] informs EPA's understanding of the relationship between exposures to dust-lead loadings, blood lead levels, and risk of adverse human health effects." Similarly, the American Academy of Pediatrics has observed low-level lead exposure, even at blood lead concentrations below 5 mcg/dL, is a causal risk factor for diminished intellectual and academic abilities, higher rates of neurobehavioral disorders such as hyperactivity and attention deficits, and lower birth weight in children. As no effective treatments can ameliorate the permanent developmental effects of lead toxicity, reducing lead exposure from residential lead hazards is an effective way to prevent or control childhood lead exposure.

Indeed, despite the documented success of Local Law 1 in controlling harmful sources of lead, in 2017, over 4,200 New York City children still had blood levels above the 5 mcg/dL CDC reference level, strongly indicating that further action is needed to address the sources of this ongoing public health problem.

As further explained in the "Future with the Proposed Actions" section below, the primary purpose of both Intro 865 and Intro 464 is to lower some of the key standards in Local Law 1 in order to further reduce children's exposure to sources of lead in homes and day care facilities. These changes are

needed in order to further reduce the number of children in New York City with BLLs above 5 mcg/dL. Notably, while Intros 865 and 464 lower key standards, the amendments do not change the core overall requirements of the existing Local Law 1, as these means and methods have proven effective at reducing children's exposure to lead.

D. ANALYSIS FRAMEWORK

Analysis Year

Intro 464 would go into effect 120 days after becoming law, except for section 4, which takes effect in 2020.

Intro 865 would go into effect 120 days after it becomes law, except for the new paint and dust standards.

The lower dust definition would go into effect 60 days after it becomes law. The lower paint definition can be adopted by the New York City Board of Health for purposes of addressing unsafe conditions identified through DOHMH's investigations of children with EBLLs. The new standard would then become effective for all other purposes at least 10 months after it becomes law, contingent on the promulgation of a rule by HPD confirming that HUD has provided at least one performance characteristic sheet (PCS) (or other sufficient written technical guidance) approving a commercially available x-ray fluorescence ("XRF") analyzer tested at the level of 0.5 mg/cm². If HUD provides the PCS or written technical guidance after the 10-month period, the lead paint standard would go into effect when HPD finalizes its rulemaking.

Therefore, the analysis year for the purpose of this environmental review was assumed to be 2020, as it is the soonest year in which all of the new requirements could be in effect.

Existing Conditions

General

Prior Environmental Review History

Prior to its enactment in 2003, the City Council, as lead agency, conducted an extensive environmental assessment of Local Law 1 pursuant to CEQR and SEQRA and concluded that the law would not result in any significant adverse environmental impacts. Subsequently, in 2004, DOHMH conducted its own environmental review of its regulations and Health Code amendments implementing Local Law 1 and also concluded that the law would not cause any significant adverse affect on the environment. These prior environmental reviews serve as important reference points as the proposed action does not change the core requirements set forth in Local Law 1. Instead, the proposed action only updates certain key standards in the interests of public health.

Existing Local Law 1 Requirements - Generally

HPD and DOHMH currently share responsibilities for enforcing Local Law 1. HPD is responsible for enforcing the requirements set forth in Article 14 of the Housing Maintenance Code (HMC). Pursuant to these requirements, building owners must:

- Investigate lead-based paint hazards and remediate those hazards upon turnover of the apartment using safe work practices and trained workers.
- Give new occupants a form inquiring if a child under age 6 will reside in the unit. Owners must also certify on this form that they have performed the required work prior to occupancy of the unit by the new occupants.
- Include a notice about owner responsibilities under the law with each lease and provide a pamphlet informing occupants about lead.
- Send an annual lead notice between January 1st and 15th to all tenants in pre-1960 multiple dwellings or multiple dwellings constructed between 1960–1978 where lead-based paint is known to exist.
- Annually investigate units where children under 6 reside as well as common areas in the property to find peeling paint, chewable surfaces, deteriorated sub-surfaces, and friction and impact surfaces. This investigation must be conducted more often if the owner knows about a condition that may cause a lead hazard, or the occupant complains about such a condition. Owners must physically inspect units whose occupants do not respond to determine if there is a child under 6 residing in the unit.
- Maintain records about annual inspections and any work performed.
- Correct any outstanding lead-based paint violations using safe work practices set forth in Local Law 1, and maintain records about work performed.

HPD Enforcement

HPD has a number of strategies to enforce these provisions. One of the main strategies is responding to complaints by tenants regarding potential lead-based paint hazards. The vast majority of complaints are called in to 311 by tenants. 311 complaints require a caller to indicate whether there is a child under 6 residing in the apartment. Complaints where there is a child under 6 and reported conditions related to painted surfaces (such as leaks or broken plaster) are counted as lead-based paint complaints and are inspected by the Lead-Based Paint Inspection Program (LBPIP), a specialized unit within the Division of Code Enforcement. LBPIP Inspectors are equipped with XRF analyzers so that testing can be done during the initial inspection. Pursuant to statutory mandate, an inspection must be attempted within 10 days from the date of a lead-based paint complaint.

The law also requires HPD to proactively inspect for lead hazards on all inspections when a child under 6 resides in the apartment. If HPD conducts such an inspection in a pre-1960 building and identifies a deteriorated paint condition, the inspector issues a violation based on the presumption of lead-based paint set forth in Article 14 of the HMC.

Once a violation is issued, the landlord has a set period of time to correct the condition, and certify that the work was performed in accordance with lead safe work practices. The landlord must also submit dust wipe samples indicating that the work meets clearance standards. If the owner fails to perform the necessary work in the specified time period, HPD will have a contractor perform the work and then bill the owner for the cost.

In Fiscal Year 2018, HPD received more than 13,000 complaints for peeling paint conditions in units with children under 6. HPD conducted more than 38,000 inspections in residential buildings that evaluated paint conditions. HPD issued over 11,000 lead-based paint violations, approximately 3,600 of which were downgraded, in part, because the paint did not meet the current standard of lead-based paint.

HPD also conducted more than 650 remediation projects where the owners failed to correct the violations.

DOHMH Enforcement

Local Law 1 and the Health Code require DOHMH to investigate lead paint hazards in the home of any child with a blood lead level (BLL) of 15 mcg/dL or greater as well as other addresses where the child spends a significant amount of time. When lead paint hazards are identified, DOHMH orders the building owner to abate the hazards through COTAs. Under the law, the BLL triggering these activities is currently 15 mcg/dL or greater. DOHMH has conducted non-mandated inspections for children with lower blood lead levels. However, as of July 2018, DOHMH now conducts home inspections for any child with a BLL at or greater than 5 mcg/dL. The Health Code also requires the use of safe work practices when renovation and repair work disturbs lead paint. DOHMH also responds to 311 complaints regarding construction dust in residential buildings and issues COTAs to remediate any lead contaminated dust above the regulatory standards.

Additionally, under the Administrative Code, Title 17, Chapter 9, DOHMH enforces laws governing lead-based paint in day care facilities. Chapter 9 uses similar definition to those set forth in Article 14 of the HMC and requires day care operators to:

- Presume all paint or similar surface-coating material on the interior of any day care facility in a structure erected prior to January 1, 1978, is lead-based paint.
- Ensure that there is no peeling paint or other lead paint hazards in any portion of the day care facility;
- Address any violations within 45 days after issuance of DOHMH COTAs.
- Conduct an annual visual survey of the facility to identify any paint hazards.

Existing Administrative Code Sections to be Amended by the Proposed Action

Existing Provisions Title 17, Chapter 9, Subchapters 1 to be Amended

The current Title 17, Chapter 9 is entitled “Lead Paint in Day Care Facilities” and Subchapter 1 sets forth the definitions used in the Chapter. The definitions do not contain cross references to any other section of the Administrative Code, including Article 14 of the HMC which contains similar definitions of certain key terms such as lead-based paint. The Subchapter defines “Day care service” as “any service which, during all or part of the day, regularly gives care to seven or more children under 6 years of age, not all of common parentage, which operates more than five hours per week for more than one month a year. Day care service shall not mean a kindergarten or higher grade in a facility operated by the board of education.” The Subchapter defines “Day care facility” as “any facility used to provide day care service.”

Chapter 9 currently only applies to day care facilities.

Existing Provisions of Title 17, Chapter 9, Subchapter 2 to be Amended

The current Title 17, Chapter 9, Subchapter 2 is entitled “Remediation of Lead-based Paint Hazards in Day Care Facilities.” Among other requirements, Section 17-911 requires that the owner or operator of the day care facility take corrective action pursuant to DOHMH COTAs within 45 days of their issuance.

Existing Provisions of Article 14 of the HMC to be Amended

The term “resides”: The term “resides” is currently used throughout Article 14 of the HMC, but it is not defined.

The term “resides” appears in the following provisions of Article 14:

- The definition of “chewable surface” (27-2056.2(1));
- The owner’s responsibility to remediate (27-2056.3);
- The owner’s responsibility to notify occupants and investigate (27-2056.4);
- The presumption of lead-based paint (27-2056.5);
- Violations in dwelling units (27-2056.6);
- Audits and inspections by HPD (27-2056.7 and 27-2056.8);
- HPD implementation and enforcement (27-2056.10)
- Work practices (27-2056.11);
- HPD Reporting (27-2056-12); and
- Inspections by the DOHMH (27-2056.13);

The term “resides” is used to trigger the applicability of Article 14 requirements. For instance, with respect the term’s use in 27-2056.3, the owner is required to remediate lead paint hazards in any multiple dwelling unit where a “child of applicable age resides.” Similarly, the owner must annually send notice to tenants “inquiring as to whether a child of applicable age resides there.” Similar language is used to trigger the other provisions cited above.

Existing blood lead level: Existing Section 27-2056.14 of Article 14 of the HMC states: “Whenever a report has been made to [DOHMH] of a person under eighteen years of age with an elevated blood lead level of fifteen micrograms per deciliter or higher residing in any dwelling unit, [DOHMH] shall conduct such investigation as may be necessary to identify potential sources of the elevated blood lead level, including but not limited to, an inspection of the dwelling unit where such person resides.” Similar language referencing the 15 mcg/dL standard appears in Section 173.13 of the New York City Health Code.

Under current agency policy, DOHMH conducts a home inspection where a child under 18 has a blood lead level at or above 5 mcg/dL. However, the codified standard remains at 15 mcg/dL.

Existing Definition of Lead-based Paint: Existing section 27-2056.2 of Article 14 defines lead-based paint as:

“paint or other similar surface coating material containing 1.0 milligrams of lead per square centimeter or greater, as determined by laboratory analysis, or by an x-ray fluorescence analyzer. If an x-ray fluorescence analyzer is used, readings shall be corrected for substrate bias when necessary as specified by the performance characteristic sheets released by [EPA] and [HUD] for the specific x-ray fluorescence analyzer used. X-ray fluorescence readings shall be classified as positive, negative or inconclusive in accordance with the United States department of housing and urban development "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" (June 1995, revised 1997) and the performance characteristic sheets released by [EPA] and [HUD] for the specific x-ray fluorescence analyzer used. X-ray fluorescence readings that fall within the inconclusive zone, as determined by the performance characteristic sheets, shall be confirmed by laboratory analysis of paint chips, results shall

be reported in milligrams of lead per square centimeter and the measure of such laboratory analysis shall be definitive. If laboratory analysis is used to determine lead content, results shall be reported in milligrams of lead per square centimeter. Where the surface area of a paint chip sample cannot be accurately measured or if an accurately measured paint chip sample cannot be removed, a laboratory analysis may be reported in percent by weight. In such case, lead-based paint shall mean any paint or other similar surface-coating material containing more than 0.5% of metallic lead, based on the non-volatile content of the paint or other similar surface-coating material.”

Under the current definition, if deteriorated paint is identified that is below the 1.0 mg/cm² standard, neither HPD nor DOHMH can take enforcement action to require the owner to correct the condition, even though that paint may pose a hazard to a child. Additionally, units that have lead-based paint that is below the 1.0 mg/cm² threshold can submit an application for an exemption from the Article 14 requirements.

Lead Contaminated Dust: Existing section 27-2056.2 of Article 14 defines lead contaminated dust as “dust containing lead at a mass per area concentration of 40 or more micrograms per square foot on a floor, 250 or more micrograms per square foot on window sills, and 400 or more micrograms per square foot on window wells, or such more stringent standards as may be adopted by [DOHMH].”

Under current practices, dust that exceeds these levels at a residential construction site would result in a DOHMH COTA, but lead in dust below these thresholds would not. Similarly, these standards are used as a clearance standard at the completion of remediation and abatement projects. Under current practices, projects that meet these standards would be considered “cleared” even if they have lead dust below these standards.

The Future without the Proposed Action (No-Action Condition)

In the future without the proposed action the two proposed local laws would not be adopted. As a result these provisions of the administrative code would be implemented and enforced as currently written, with the expectation that similar results and trends as seen in previous years would be achieved.

However, as the existing standards and requirements were developed prior to the CDC’s definition of the 5 mcg/dL reference level, it would be expected that it would be difficult for the existing enforcement programs to address certain sources that may contribute to what is now understood to be an EBLL if the sources fall below existing regulatory standards. Most notably, deteriorated lead paint that is less than 1.0 mg/cm² would remain unaddressed, as would harmful lead dust in excess of the current standards. Therefore, it would be expected that some children would continue to be exposed to these lower sources of lead and experience EBLLs and related development effects. The City would be much less likely to achieve its stated goal of eliminating childhood lead exposure by 2029.

Additionally, the term “resides” will remain undefined, and thus owners may fail to identify children under 6 routinely spending 10 or more hours a week in building units. If this occurs, these units would not be inspected on an annual basis, and any deteriorated paint condition may be left uncorrected.

Finally, while DOHMH has adopted a proactive policy of performing home inspections if a child under 18 has a BLL at or above 5 mcg/dL, this policy would remain uncodified, and thus policy could change and leave children at these lower blood lead levels without an environmental intervention by the City.

The Future with the Proposed Action (With-Action Condition)

Intro 865 and Intro 464 lower some of the key standards in Local Law 1 in order to further reduce children’s exposure to sources of lead in homes and day cares. These changes are needed in order to further reduce the number of children in New York City with BBLs at or above 5 mcg/dL. Notably, while Intro 865 and 464 lower key standards, the amendments do not change the core overall requirements of the existing Local Law 1, as these means and methods have proven effective at reducing exposure to lead.

Intro 464

Amendments to Title 17, Chapter 9, Subchapters 1 & 2 of New York City Administrative Code

Existing Title 17, Chapter 9 currently sets forth the lead-based paint requirements for day care facilities. These requirements are enforced by DOHMH.

Intro 464 reorganizes two subchapters of Title 17, Chapter 9 intended to set forth lead testing requirements generally.

Section 2 of Intro 464 repeals the existing Title 17, Chapter 9, Subchapter 1, which contains definitions, and creates a new Subchapter 1 entitled “Lead Testing Requirements and Standards.” This new Subchapter contains new definitions of “child of applicable age” and “lead-based paint hazard” that cross reference Article 14 of the HMC in order to ensure that the terminology used in these two laws are consistent with one another. In addition, Section 2 of Intro 464 adds a new definition of “Covered Agency” that enumerates the City agencies that provide services to children under the age of 6. The purpose of this new definition is to facilitate more outreach to parents on City programs that can assist them on lead-related issued.

Section 2 of Intro 464 also adds new specifications on investigations that DOHMH conducts when a child under the age of 18 is found to have an EBLL. The new section specifies that, when conducting such an investigation, the inspection must include, but not be limited to, an inspection of any dwelling unit that DOHMH determines the child is routinely present for 10 or more hours per week.

Section 3 of Intro 464 consists of amendments to the existing Subchapter 2 of Title 17, Chapter 9 which regulates lead-based paint in day care facilities. Section 3 contains new definitions of “covered facility” and “day care services” that improve the specificity of the type of day care facilities covered by the law. The revised definitions also improve the consistency with similar definitions included in Article 14 of the HMC. Section 3 also places new requirements on day care operators to post notices of DOHMH COTAs issued at their facility, and to remediate lead-based paint violations on a more stringent timeline.

Amendments to Title 27, Chapter 2, Subchapter 2, Article 14 of the New York City Administrative Code

Section 4 of Intro 464 establishes a new definition of the term “resides” for purposes of Article 14 of the HMC. The newly added definition states that the term “‘Resides’ shall mean to routinely spend 10 or more hours per week within a dwelling unit.” The term “resides” is used in throughout Article 14, but it is currently not defined.

The term “resides” appears in the following provisions of Article 14 of the HMC:

- The definition of “chewable surface” (27-2056.2(1));
- The owner’s responsibility to remediate (27-2056.3);
- The owner’s responsibility to notify occupants and investigate (27-2056.4);
- The presumption of lead-based paint (27-2056.5);
- Violations in dwelling units (27-2056.6);
- Audits and inspections by HPD (27-2056.7 and 27-2056.8);
- HPD implementation and enforcement (27-2056.10)
- Work practices (27-2056.11);
- HPD Reporting (27-2056-12); and
- Inspections by the DOHMH (27-2056.13);

The term “resides” is used to trigger the applicability of Article 14 requirements. For instance, with respect the term’s use in 27-2056.3., the owner is required to remediate lead paint hazards in any multiple dwelling unit where a “child of applicable age resides.” Similarly, the owner must annually send notice to tenants “inquiring as to whether a child of applicable age resides there.” Similar language is used to trigger the other provisions cited above.

The newly added definition of “resides” will assist to identify more dwelling units in which a child of applicable age (under 6) routinely spends 10 or more hours a week in order to ensure that these units are subject to the protections of Article 14. For instance, this new requirement will help to ensure that deteriorated paint conditions and other lead hazards are appropriately addressed in units where a child routinely spends time pursuant to a joint custody arrangement or other child care arrangement. While some such situations may have been captured in the past, the new more specific definition will seek to affirmatively identify units where these child care arrangements are present. This will help to ensure that children are protected from lead paint hazards while spending significant amounts of time in these units, as exposures to lead paint hazards for a young child can result in lifelong health problems.

Intro 865

Intro 865 codifies new legal thresholds for blood lead reference levels, lead-based paint, and lead contaminated dust. Intro 865 also contains a grandfathering clause for exemptions issued by HPD under the current definition of lead-based paint. These provisions are explained further below.

Amendments to Title 17, Chapter 9, Subchapters 1 of New York City Administrative Code

Section 1 of Intro 865 codifies the 5 mcg/dL blood lead reference level defined by CDC in 2012, and adopted by HUD for purposes of the federal Lead Safe Housing Rule. This amendment will also make the City’s laws consistent with existing science and regulatory standards on BLLs, ensuring that the City’s children will receive the necessary environmental investigations if they have blood tests at or above this level. This new lower blood threshold is also expected to trigger thousands of DOHMH investigations of dwelling units and, potentially result in more COTAs to remediate lead-based paint hazards. .

Amendments to Title 27, Chapter 2, Subchapter 2, Article 14 of the New York City Administrative Code

Section 2 of Intro 865 lowers the current thresholds for lead-based paint and lead contaminated dust. Each of the amendments is discussed individually below.

Lead-based Paint: The current definition of lead-based paint is set at or above 1.0 mg/cm² if analyzed by an XRF analyzer or at or above 0.5 percent by weight if analyzed by a laboratory.⁴ The definition of lead-based paint determines whether or not a residential building/unit or day care facility is subject to enforcement under Article 14 of the HMC, or Title 17, Chapter 9. The definition is currently consistent with the federal definition of lead-based paint. However, paint that has lower, but still harmful, levels of lead is currently not covered by this definition.

Intro 865 proposes a new, lower definition of lead-based paint, setting the threshold at or above 0.5 cm² if analyzed by an XRF analyzer or at or above 0.25 percent by weight is analyzed by a laboratory.⁵

This new definition will be made effective in two phases. In the first phase, the new lower threshold may be adopted 60 days after the bill is enacted by the Board of Health for purposes of empowering DOHMH to require abatement of unsafe lead paint conditions in the course of its investigation of a child with an EBLL.

In the second phase, the new lower threshold will take effect for general applicability no less than 10 months after the effective date of the new definition and upon the promulgation of a rule by HPD stating that HUD has provided at least one PCS (or other sufficient written technical guidance) approving a commercially available XRF analyzer tested at the level of 0.5 mg/cm².

The purpose of the two phase approach is to ensure that DOHMH can more immediately begin using the more protective standard to take necessary actions when a child has an EBLL, if the Board of Health adopts the approach, but to allow for a longer transition to the new standard for the rest of the regulated community. This longer period will include time to obtain technical documentation from HUD that approves a commercially available XRF analyzer at the level of 0.5 mg/cm². XRF analyzers are highly important tools used by the lead inspection industry to safely identify lead-based paint on walls or other surfaces. While manufacturers of certain XRF models provide specifications on how to obtain readings on their devices at the new lower standard, a PCS provides third-party verification that such readings are accurate. While experts working for DOHMH will be able to carefully follow the manufacturers' technical instructions to obtain accurate readings from their XRF machines at the new standard, it is prudent to wait for HUD to issue a PCS before this standard is put into use by the larger lead inspection industry. When the PCS (or other written technical guidance) is provided by HUD, HPD will then engage in a rulemaking to make the new standard effective in all circumstances. The new standard cannot take effect sooner than 10 months from the effective date of the legislation – roughly a year after the legislation is enacted.

In conjunction with the new lower standard for lead-based paint, section 3 of Intro. 865 also contains a “grandfather” clause for buildings or units that received exemptions from HPD of Article 14 requirements under the 1.0 mg/cm² standard. To receive an exemption from HPD, building owners would have had to submit detailed technical documentation to HPD either demonstrating that building or unit did not contain paint above the 1.0 mg/cm² standard or that all lead-based paint has been appropriately abated. Under the proposed grandfather clause, the exemption for a unit would remain

⁴ The XRF result and the percent by weight results are two different types of tests. Because the XRF test looks at lead content over a spatial area (one cubic centimeter), and the percent by weight looks at lead content in terms of mass, there can be no exact correlation between the two values. However, EPA developed the values of 1.0 mg/cm² and 0.5 percent by weight as equivalent standards.

⁵ Similar to the EPA's methodology, the 0.5 mg/cm² and the 0.25 percent by weight are equivalent standards.

in effect until the unit turned over, or if DOHMH or HPD testing demonstrates that the exempt unit has lead paint above the new threshold.

Once the new lower paint standard is made effective for all purposes, it is not expected to significantly change the owners' standard responsibilities and obligations under Local Law 1. That is because Local Law 1 already requires owners of pre-1960 buildings to presume that their building contains lead paint and comply with all requirements. Owners can only be relieved from these presumed obligations if they are granted a formal written exemption by HPD.

It is possible that some owners of buildings constructed between 1960 and 1978 may become subject to Local Law 1 if they have actual knowledge that they have lead-based paint above 0.5 mg/cm². In such a scenario, these owners would then simply need to comply with the Local Law 1 obligations as all pre-1960 buildings owners in the City.

The new lower paint standard would expand both HPD's and DOHMH's ability to issue violations and/or mandate remediation if lead paint hazards are identified. That is because HPD and DOHMH will be able to take enforcement action if the paint hazard exceeds the lower 0.5 mg/cm² threshold. HPD estimates that this will result in a small increase in total violations. However, more HPD violations based on the Local Law 1 presumption (i.e., non-XRF inspections) may be upheld more frequently if the deteriorated paint, upon testing is now found to be above 0.5 mg/cm². Under the current law, if the test is any value less than 1.0 mg/cm², the violations based on the presumption are downgraded.

It is expected that the number of DOHMH COTAs may significantly increase from their current levels. This is significantly beneficial for public health as COTAs are issued following environmental investigations of children with EBLLs. Thus, the new, more protective standard could protect 4,000 additional children over the next ten years.

Lead Contaminated Dust: Section 2 of Intro 865 also proposes new, more protective standards for lead contaminated dust, which is a major contributor to EBLLs in children. Under Local Law 1, lead contaminated dust above the regulatory standards constitutes a lead hazard. The regulatory standards are also used as "clearance" standards to verify through dust wipe sampling that a unit or common area has been appropriately cleaned following lead-related work. If the dust wipe sample comes back above the regulatory standards, the project or violation cannot be closed, and the unit or common area will need to be re-cleaned and re-tested. The current standards for lead contaminated dust are 40 mcg/ft² for floors, 250 mcg/ft² for window sills, and 400 mcg/ft² for window wells. These standards are identical to the standards promulgated by EPA in 2001.

HUD and EPA have both begun to revise these standards, due to the serious risk posed by lead dust, as well as in response to the CDC's 5 mcg/dL blood reference level.⁶ In January 2017, HUD issued a Policy Guidance entitled, in relevant part, "Revised Dust-Lead Action Levels for Risk Assessment and Clearance." The Policy Guidance requires certain HUD grant recipients to use the following more protective lead dust standards: 10 mcg ft² for floors, 100 mcg for window sills, and 100 mcg for window troughs (or wells). Similarly, in July 2018, EPA issued proposed new lead dust standards: 10 mcg/ft² for floors and 100 mcg/ft² for window sills. Both EPA and HUD provided substantial evidence that these new standards were both feasible and highly protective of children's health. EPA and HUD also

⁶ EPA has also been ordered to evaluate lowering its dust and paint standards by the Ninth Circuit Court of Appeals following a petition filed under the federal Toxic Substances Control Act.

evaluated even lower possible thresholds for floors and window sills, showing that they were achievable. These lower values and their public health benefits have also been reviewed in other academic literature. EPA's analysis indicates that, "[a]s the dust-lead levels were decreased, incremental decreases to BLL and adverse health effects were seen at all points below the current standard."

Section 3 of Intro 865 lowers the standard for floors to 10 mcg/ft², for window sills to 50 mcg/ft², and for window wells to 100 mcg/ft². The new standards for floors and window wells are consistent with the new standards proposed by HUD and/or EPA. The new standard for window sills is lower than the proposed federal standard, but EPA's and HUD's extensive joint study shows that this standard is achievable, as 87% of samples passed at a clearance standard of 40 mcg/ft². Surfaces that do not meet the clearance on the first test would simply need to be re-cleaned and re-evaluated.

Section 2 of Intro 865 proposes lower standards for lead-contaminated dust that will be adopted June 2021, moving to 5 mcg/ft² for floors and 40 mcg/ft² for window wells (the standard for window wells will remain at 100 mcg/ft²). EPA data indicates that these values are also achievable, with 72% of samples passing at the 5 mcg/ft² standard for floors. While the lower clearance standard for floors may require that more units be re-cleaned, performing work to attain these lower values has a clear public health benefit. For its July 2018 rulemaking, EPA performed modeling estimating that more than 90% of children would be below the CDC's 5 mcg/dL threshold if the dust level for floors were set at 10 mcg/ft². However, to eliminate EBLLs in even more children, academic literature such as the 2016 Policy Statement from American Academy of Pediatrics indicates that the standards for floor dust should be reduced even further.

The new lower dust standards are expected to have a significantly positive public health benefit that will far outweigh any additional burden they impose. The new standard can be achieved by the same means and methods currently mandated by the City's Health Code and EPA rules, which entail HEPA vacuuming and wet-mopping work areas. Consistent with current practices, if a dust wipe sample fails the clearance test, the entity performing the work will need to perform re-cleaning and re-testing until the area meets the dust standard. It is probable that, with stricter standards, there will be more initial failures, and thus require more re-cleaning and re-testing, but this is not a significant issue and can potentially be addressed by performing more thorough cleaning during the first attempt. It is also not expected that the cost of re-cleaning and re-testing will be significant.

On the other hand, the public health benefits are highly significant. In its July 2018 rulemaking, EPA monetized the public health benefits of reducing its dust standards on a national scale. EPA states: "This rule would reduce exposure to lead, resulting in benefits from avoided adverse health effects. For the subset of adverse health effects where the results were quantified, the estimated annualized benefits are **\$317 million to \$2.24 billion per year** using a 3% discount rate, and **\$68 million to \$479 million** using a 7% discount rate. There are additional unquantified benefits due to other avoided adverse health effects in children, including attention-related behavioral problems, greater incidence of problem behaviors, decreased cognitive performance, reduced post-natal growth, delayed puberty and decreased kidney function." Thus, there are clear benefits in requiring adherence to the more stringent standard.

E. REQUIRED ACTIONS AND APPROVALS

The proposed action is the adoption of two proposed local laws, Intro 865 and Intro 464 and therefore requires City Environmental Quality Review (CEQR).

The lead agency for this environmental review is the NYC Office of the Mayor. The applicant is the New York City Department of Mental Health and Hygiene.

**Revised Standards and Requirements for Lead-based Paint
and Lead-Based Paint Hazards**
Attachment B: Supplemental Analyses

Introduction

This Environmental Assessment Statement (EAS) has been prepared in accordance with the guidelines and methodologies of the 2014 City Environmental Quality Review (CEQR) Technical Manual. For each technical 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 the proposed action to determine whether detailed analysis of any technical area would be appropriate.

Part II of the EAS Form identified those technical areas that warrant additional assessment. For those technical areas that warranted a “yes” answer in Part II of the EAS Form, supplemental screening is provided in this attachment. The technical areas discussed are: Land Use, Zoning and Public Policy, specifically the Waterfront Revitalization Program Consistency Assessment, and Historic Resources. In addition, it was deemed necessary for two additional technical areas that screened out as per the EAS Form to provide supplemental screening due to the specific nature of the proposed action. These analysis areas are the following: Socioeconomic Conditions and Public Health.

The remaining technical areas detailed in the CEQR Technical Manual do not require supplemental analysis because they do not trigger CEQR thresholds and/or are unlikely to result in significant impacts. Based on the findings of the supplemental analyses provided in this attachment, the proposed action does not require any detailed analyses.

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 local laws, and there will be no project site or development proposal associated with the proposed action, no land use or zoning analysis is warranted.

Waterfront Revitalization Program

Because the proposed local laws would apply citywide, including areas within the City’s Waterfront Revitalization Program (WRP) boundary area, the proposed action was assessed for its consistency with the WRP’s ten policies. The WRP consistency assessment form (CAF) is attached to this EAS.

According to the CAF, the proposed action would not result in any significant adverse public policy impacts.

Socioeconomic Conditions

Even though a socioeconomic analysis under CEQR is not warranted as per EAS Form Part II (2), a discussion is provided below on the effects that the proposed action would have on socioeconomic conditions.

Socioeconomic changes may occur when an action would directly or indirectly change population, housing stock, or economic activities in an area. Due to the nature of the proposed action, there would be no direct change in population, housing stock, or economic activity.

As this proposed action has citywide application, rather than limited to a specific geographic area, any socioeconomic changes, if any, are difficult to quantify but expected to be minimal. The proposed actions would have a positive indirect socioeconomic effect in that they are intended to further alleviate the harmful impacts of childhood lead poisoning, which are felt disproportionately in low income neighborhoods and among children of color. It is anticipated that with more rigorous enforcement of lower levels of lead exposure, the number of children with EBLs in these communities will further decline.

Additionally, this citywide proposed action is not expected to result in any direct involuntary displacement of residents or businesses from a site, such as requiring people to move from a site from an occupied site by a successor user, or indirect displacement of people resulting from changes in socioeconomic conditions created by the proposed action.

There are no site specific activities that are required by the proposed action that would result in direct displacement of current residents anywhere in the City nor would required activities bring to bear any loss of affordability. The proposed actions apply citywide, and multiple dwellings constructed before 1960 are already presumed to be subject to all Local Law 1 requirements unless they have obtained an exemption from HPD. Thus, simply reducing the numeric paint standard to be more protective of public health does not change this already existing presumption, and is not reasonably expected to cause or contribute to an any demonstrable increase in development or capital renovations activities that could in some way affect affordability on a citywide basis. Existing means and methods to remediate lead paint already require temporary relocation if necessary work cannot be performed safely in occupied units, but any relocation to perform remediation is minor and temporary, and is already an existing requirement that would not change as a result of the proposed action.

There are also no requirements in the proposed action that would have an effect on non-residential properties, other than those in which a day care facility may be housed. With respect to day care facilities, the proposed action includes relatively minor modifications to definitions and enforcement requirements. It is not expected that these changes would in any way hinder these facilities' operations. Instead, these requirements would make the facilities safer for the children utilizing them.

Further, it is also not likely that the proposed action will result in owners restricting access to dwellings units for families under the age of 6. First, any such action by an owner would be impermissible and illegal, and families can report such illegal conduct to enforcement agencies. Secondly, laws requiring lead paint management in units with children under a certain age have been in place for almost 40 years, and it is not reasonable to assume that proposed actions amending these existing requirements will cause owners to engage in intentionally illegal conduct.

Similarly, it is also not likely that the proposed actions will result in owners failing to perform standard building maintenance in an attempt to avoid the amendment requirements. As indicated above, this proposed action does not change the existing requirements and means and methods for addressing lead-based paint, and all buildings constructed before 1960 are already presumed to be subject to these requirements. Moreover, there are separate provisions in the HMC that mandate the provision of certain services and the making of repairs.

Finally, the law is not expected to greatly increase existing obligations on building owners. All existing Local Law 1 requirements, including the existing presumption of lead-based paint in pre-1960 buildings, mandated notice requirements, annual inspections, and means and methods, remain the same. Theoretically, owners of buildings constructed between 1960 and 1978 who know that their building contains lead-based paint between 0.5 mg/cm² and 0.9 mg/cm² would now be required to adhere to the requirements of Local Law 1, but this specific scenario would simply result in these building owners having to follow the same lead-based paint requirements that thousands of building owners across the City are already subject to. Additionally, it may result in building owners that have received exemptions from HPD under the current standard to have to submit new applications to HPD under the new standard if they seek to remain exempt from Local Law 1 requirements. However, only a small percentage of overall multiple dwelling owners have received exemptions under the current standard, and owners would have the option of either submitting a new exemption application, or simply complying with Local Law 1's general requirements. Finally, the City has existing grant programs that certain building owners can qualify for to assist with the cost of abatement lead-based paint, such as the Primary Prevention Program, and these programs are expected to be expanded under the LeadFree NYC initiative.

Therefore, the proposed action would not result in any significant adverse impacts on socioeconomic conditions.

Historic and Cultural Resources

As the proposed action is generic and would apply citywide, there is no proposed project site. In addition, the proposed local laws would not affect any archaeological or architectural resources. Therefore, the proposed action would not result in any significant adverse impacts on historic and cultural resources.

Public Health

Even though a public health analysis under CEQR is not warranted as per EAS Form Part II (17), a discussion is provided below on the benefits that the proposed action would have on public health.

Each component of the proposed action is designed to further protect New York City residents, particularly children under 6, from the detrimental health impacts caused by exposure to lead. The proposed action builds on the success of Local Law 1, and would result in an update of key requirements in light of the CDC's current blood lead reference level of 5 mg/dL. To meet the goal of preventing children from having BLLs at or above this reference level, the proposed action requires some more aggressive practices than currently required to prevent exposure, and establishes lower standards for lead-based paint and dust to further reduce harmful exposure.

Intro 464 will assist in protecting public health by clarifying the types of day care facilities covered by these requirements, and establishing more stringent notification requirements and remediation timelines in response to lead-based paint violations. While difficult to quantify the exact health benefits that will result from these changes, these new requirements may result in lead violations being addressed more quickly, thus reducing potential exposure. It will also lead to enhanced notification to parents or guardians about lead hazards in the day care facilities where they send their children.

Intro 464 may also indirectly result in public health benefits by providing a more specific definition of the term "resides," which is used throughout Local Law 1 but is currently undefined. By using a more

specific definition, it is more likely that tenants will notify landlords of children under 6 who spend time in dwelling units because of child care arrangements such as joint custody situations. Units where these children routinely spend time are more likely to now be identified and inspected for hazardous deteriorated paint conditions and, if necessary, remedial work.

Intro 865 would also result in improved public health benefits. Section 1 of Intro 865 codifies the 5 mcg/dL blood lead reference level defined by CDC in 2012, and adopted by HUD for purposes of the federal Lead Safe Housing Rule. This amendment will make the City's lead paint law consistent with existing science and regulatory standards on BLLs, ensuring that the City's children will receive the necessary environmental investigation if they have blood lead test results at or above this level. This new lower threshold is expected to trigger thousands of DOHMH investigations of dwelling units, potentially resulting in more COTAs for owners or operators to remediate harmful lead-based paint hazards.

The new lower paint standard set forth in Intro 865 would expand both HPD's and DOHMH's ability to issue violations and/or mandate remediation if lead paint hazards are identified. That is because HPD and DOHMH will be able to take enforcement action if the paint hazard meets or exceeds the lower 0.5 mg/cm² threshold. HPD estimates this may result in a small increase in total violations. More HPD violations based on the Local Law 1 presumption (i.e., non-XRF inspections) may be upheld if the deteriorated paint is now found, upon testing, to be at or above 0.5 mg/cm². Under the current law, if the XRF test is any value less than 1.0 mg/cm², the violations will be downgraded.

It is expected that the number of DOHMH COTAs will significantly increase from their current levels. This is beneficial for public health as COTAs are issued following environmental investigations of children with EBLLs. Thus, the new, more protective standard could protect significantly more children over the next ten years.

The public health benefits from Intro 865's reduction of the contaminated dust threshold are also significant. In its July 2018 rulemaking, EPA monetized the public health benefits of reducing its dust standards on a national scale. EPA states: "This rule would reduce exposure to lead, resulting in benefits from avoided adverse health effects. For the subset of adverse health effects where the results were quantified, the estimated annualized benefits are **\$317 million to \$2.24 billion per year** using a 3% discount rate, and **\$68 million to \$479 million** using a 7% discount rate. There are additional unquantified benefits due to other avoided adverse health effects in children, including attention-related behavioral problems, greater incidence of problem behaviors, decreased cognitive performance, reduced post-natal growth, delayed puberty and decreased kidney function." Thus, there are clear benefits in requiring adherence to the more stringent standard.

Therefore, the proposed action would not result in, and will likely help to prevent, significant adverse public health impacts.

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 Dept. of Health and Mental Hygiene

Name of Applicant Representative: Corinne Schiff, Deputy Commissioner

Address: 125 Worth Street, New York, NY 10013

Telephone: 646-632-6496 Email: cschiff@health.nyc.gov

Project site owner (if different than above): N/A

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The proposed action is the adoption of two proposed local laws, Introduction Number 865-A ("Intro 865") and Introduction Number 464-B ("Intro 464") (collectively referred to as the "proposed action").

2. Purpose of activity

The two proposed local laws are part of a series of bills in a legislative package intended to improve protection of New York City (NYC) residents, particularly children under the age of six, from exposure to lead-based paint, lead-contaminated water, and related hazards. The provisions of the two proposed local laws are applicable to interior spaces of existing buildings and do not result in any effects on the natural environment, such as the City's Coastal Zone or the water bodies of New York City.

C. PROJECT LOCATION

Borough: Citywide Action Tax Block/Lot(s): N/A

Street Address: N/A

Name of water body (if located on the waterfront): N/A

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

<input type="checkbox"/> Variance (use)	
<input type="checkbox"/> Variance (bulk)	
<input type="checkbox"/> 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

<input type="checkbox"/> State permit or license, specify Agency: _____	Permit type and number: _____
<input type="checkbox"/> Funding for Construction, specify: _____	
<input type="checkbox"/> Funding of a Program, specify: _____	
<input type="checkbox"/> Other, explain: _____	

Federal Actions/Approvals/Funding

<input type="checkbox"/> Federal permit or license, specify Agency: _____	Permit type and number: _____
<input type="checkbox"/> Funding for Construction, specify: _____	
<input type="checkbox"/> Funding of a Program, specify: _____	
<input type="checkbox"/> 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 Maritime 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
1	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 Dept. of Health and Mental Hygiene, Corinne Schiff

Address: 125 Worth Street, New York, NY 10013

Telephone: 646-632-6496 Email: cschiff@health.nyc.gov

Applicant/Agent's Signature: 

Date: 3/8/19

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning

Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State

Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- Copy of original signed NYC Consistency Assessment Form
- Attachment with consistency assessment statements for all relevant policies
- For Joint Applications for Permits, one (1) copy of the complete application package
- Environmental Review documents
- Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

1 Covered facility. The term “covered facility” means the interior and exterior of a
2 building, structure, area or premises where day care services are provided, except that for
3 programs regulated by article 43 of the New York city health code, “covered facility” means the
4 rooms and areas of a school facility used to provide such day care services.

5 Day care service. The term “day care service” means a program or service regulated by
6 articles 43 or 47 of the New York city health code.

7 Deteriorated subsurface. The term “deteriorated subsurface” has the same meaning as
8 such term is defined in section 27-2056.2.

9 Friction surface. The term “friction surface,” has the same meaning as such term is
10 defined in section 27-2056.2.

11 Impact surface. The term “impact surface” has the same meaning as such term is defined
12 in section 27-2056.2.

13 Lead-based paint. The term “lead-based paint” has the same meaning as such term is
14 defined in section 27-2056.2.

15 Lead-based paint hazard. The term “lead-based paint hazard” means any condition in a
16 dwelling or dwelling unit, or in a covered facility, that causes exposure to lead from lead-
17 contaminated dust, from lead-based paint that is peeling, or from lead-based paint that is present
18 on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces that would
19 result in adverse human health effects.

20 Lead-contaminated dust. The term “lead-contaminated dust” has the same meaning as
21 such term is defined in section 27-2056.2.

22 Peeling. The term “peeling” has the same meaning as such term is defined in section 27-
23 2056.2.

1 Remediation. The term “remediation” has the same meaning as such term is defined in
2 section 27-2056.2.

3 § [17-910 Presumption] 17-921 Lead-based paint presumption a. All paint or similar
4 surface-coating material on the interior of any [day care facility] covered facility in a structure
5 erected [prior to] before January 1, 1978, shall be presumed to be lead-based paint.

6 b. The presumption established by this section may be rebutted by the operator [or
7 owner] of the [day care facility] covered facility or by the owner of the premises where such
8 facility is located by submitting to the department a sworn written statement by [the] such
9 operator or owner [of the day care facility] supported by lead-based paint testing or sampling
10 results, a sworn written statement by the person who performed the testing if performed by an
11 employee or agent of [the] such operator or owner [of the day care facility], and such other proof
12 as the department may require. Testing performed to rebut the presumption may only be
13 performed by a person who has been certified as an inspector or risk assessor in accordance with
14 subparts L and Q of part 745 of title 40 of the code of federal regulations or successor
15 regulations. The determination as to whether such proof is adequate to rebut the presumption
16 established by this section shall be made by the department.

17 § [17-911] 17-922 Remediation of lead-based paint hazards. a. There shall be no peeling
18 lead-based paint in any portion of any [day care] covered facility.

19 b. [Lead based] Lead-based paint or paint of unknown lead content that is peeling, or
20 which is present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact
21 surfaces shall be immediately remediated in a manner authorized by the department.

22 c. Any equipment that is painted shall be painted with lead-free paint.

1 d. Whenever a condition prohibited by this section is found to exist, the department shall
2 immediately serve an order on the operator [or owner] of such [day care] facility to remediate the
3 condition. After such order has been served, the operator shall post such notices near the
4 entrance of such facility as required by the rules provided for in section 17-923 of this
5 subchapter. In the event such order is not complied with within [forty-five] 21 days [of] after
6 service thereof, the department shall immediately request an agency of the city of New York to
7 execute such order pursuant to the provisions of section 17-147 of this code. The agency shall
8 execute the order within [forty-five] 21 days of the department's request. Where compliance with
9 the time requirements of this subdivision would cause undue hardship, and where the operator
10 demonstrates a good faith effort to comply timely and shows that it is maintaining interim
11 controls to protect children from a lead-based paint hazard, the department may extend the time
12 for compliance for an additional 24 days. The department may extend the time for compliance
13 beyond such additional 24 days, in accordance with rules promulgated by the department. The
14 city of New York shall be entitled to enforce its rights for reimbursement of expenses incurred
15 thereby, including as credits toward lease payments.

16 e. When lead-based paint hazards are remediated pursuant to this section such work shall
17 be performed in compliance with work practices established by the department pursuant to
18 section [17-912] 17-923 of this subchapter.

19 § [17-912] 17-923 Department rules. The department shall promulgate such rules as may
20 be necessary for the implementation of this [chapter] subchapter. Such rules shall incorporate
21 work practices that are no less protective of public health than those set forth in subdivisions d
22 and e of section 173.14 [(d) and (e)] of the health code and those parts of subdivision b of such
23 section of the health code applicable thereto or a successor rule, and shall include a requirement

1 that lead-contaminated dust clearance testing be performed at the completion of such work. Such
2 rules shall require that such work be performed by a person who has, at a minimum, successfully
3 completed a course on lead-safe work practices given by or on behalf of the department or, by
4 the United States environmental protection agency or an entity authorized by it to give such
5 course, or by the United States department of housing and urban development or an entity
6 authorized by it to gives such course. Such rules shall not apply where such work disturbs
7 surfaces of less than [(a)] (i) two square feet of peeling lead-based paint per room or [(b)] (ii) ten
8 percent of the total surface area of peeling paint on a type of component with a small surface
9 area, such as a window sill or door frame.

10 § 4. Subdivisions (12), (13), (14), and (15) of section 27-2056.2 of the administrative
11 code of the city of New York are renumbered as subdivisions (13), (14), (15), and (16),
12 respectively, and, a new subdivision (12) is added to such section to read as follows:

13 (12) “Resides” shall mean to routinely spend 10 or more hours per week within a
14 dwelling unit.

15 § 5. This local law takes effect 120 days after it becomes law, except that (i) section four
16 of this local law takes effect January 1, 2020, provided that no violation of section 27-2056.6 of
17 the administrative code of the city of New York shall be issued based on the definition of
18 “resides” in subdivision (12) of section 27-2056.2 of such administrative code, as added by such
19 section four, before July 1, 2020 and (ii) the commissioner of housing preservation and
20 development and the commissioner of health and mental hygiene may take such actions as are
21 necessary for implementation of this local law, including the promulgation of rules, before such
22 date.

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Proposed Int. No. 865-A

By The Speaker (Council Member Johnson) and Council Members Holden, Kallos, Moya and Cohen

A Local Law to amend the administrative code of the city of New York, in relation to lead reference/action levels and standards relating to lead-based paint hazards

Be it enacted by the Council as follows:

1 Section 1. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of
2 New York, as amended by a local law for the year 2019, relating to investigation by the
3 department of health and mental hygiene of places in which children identified with elevated
4 blood lead levels routinely visit and the regulation of lead-based paint hazards in facilities
5 providing day care services, as proposed in introduction number 464-b, is amended by adding a
6 new section 17-912 to read as follows:

7 § 17-912 Lead reference levels and action levels. a. For the purposes of this subchapter,
8 section 27-2056.14 and any local law referring to a blood lead reference level except as
9 otherwise provided by such local law, the blood lead reference level shall be five micrograms per
10 deciliter, except that, if the federal centers for disease control and prevention or a successor
11 agency defines a lower blood lead reference level the department shall (i) by rule define such
12 lower level as the blood lead reference level for the purposes of this subchapter, section 27-
13 2056.14 and any local law referring to a blood lead reference level except as otherwise provided
14 by such local law or (ii) submit a report to the mayor and the speaker of the council detailing the
15 reasons why such lower blood lead reference level should not be adopted for the city or should
16 result in alternative public health actions other than those provided for in this subchapter.

17 b. Notwithstanding subdivision a of this section, for the purposes of this subchapter,
18 section 27-2056.14 and any local law referring to a blood lead reference level except as

1 otherwise provided by such local law, the board of health may define in the health code a lower
2 blood lead reference level than that defined by the federal centers for disease control and
3 prevention or a successor agency that shall apply to this subchapter, section 27-2056.14, and any
4 local law referring to a blood lead reference level except as otherwise provided by such local
5 law, if the board determines that defining such a lower blood lead reference level is in the
6 interest of public health.

7 § 2. Subdivisions (7) and (8) of section 27-2056.2 of the administrative code of the city of
8 New York, as added by local law number 1 for the year 2004, are amended to read as follows:

9 (7)(a) “Lead-based paint” means paint or other similar surface coating material
10 containing 1.0 milligrams of lead per square centimeter or greater, as determined by laboratory
11 analysis, or by an x-ray fluorescence analyzer. If an x-ray fluorescence analyzer is used, readings
12 shall be corrected for substrate bias when necessary as specified by the performance
13 characteristic sheets released by the United States environmental protection agency and the
14 United States department of housing and urban development for the specific x-ray fluorescence
15 analyzer used. X-ray fluorescence readings shall be classified as positive, negative or
16 inconclusive in accordance with the United States department of housing and urban development
17 "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" [(June
18 1995, revised 1997)] (July 2012) and the performance characteristic sheets released by the
19 United States environmental protection agency and the United States department of housing and
20 urban development for the specific x-ray fluorescence analyzer used. X-ray fluorescence
21 readings that fall within the inconclusive zone, as determined by the performance characteristic
22 sheets, shall be confirmed by laboratory analysis of paint chips, results shall be reported in
23 milligrams of lead per square centimeter and the measure of such laboratory analysis shall be

1 definitive. If laboratory analysis is used to determine lead content, results shall be reported in
2 milligrams of lead per square centimeter. Where the surface area of a paint chip sample cannot
3 be accurately measured or if an accurately measured paint chip sample cannot be removed, a
4 laboratory analysis may be reported in percent by weight. In such case, lead-based paint shall
5 mean any paint or other similar surface-coating material containing more than [0.5%] 0.5 percent
6 of metallic lead, based on the non-volatile content of the paint or other similar surface-coating
7 material.

8 (b) Notwithstanding paragraph (a) of this subdivision, no less than 10 months after the
9 effective date of this section and upon the promulgation of a rule by the department stating that
10 the federal department of housing and urban development has provided at least one performance
11 characteristic sheet or other sufficient written technical guidance approving a commercially
12 available x-ray fluorescence analyzer tested at the level of 0.5 milligrams of lead per square
13 centimeter, “lead-based paint” shall mean paint or other similar surface coating material
14 containing 0.5 milligrams of lead per square centimeter or greater, as determined by laboratory
15 analysis, or by an x-ray fluorescence analyzer. X-ray fluorescence readings shall be classified as
16 positive or negative in accordance with such a performance characteristic sheet or other
17 guidance. If laboratory analysis is used to determine lead content, results shall be reported in
18 milligrams of lead per square centimeter. Where the surface area of a paint chip sample cannot
19 be accurately measured or if an accurately measured paint chip sample cannot be removed, a
20 laboratory analysis may be reported in percent by weight. In such case, lead-based paint shall
21 mean any paint or other similar surface-coating material containing more than 0.25 percent of
22 metallic lead, based on the non-volatile content of the paint or other similar surface-coating
23 material.

1 (c) Before and until the effective date of the rule described in paragraph (b) of this
2 subdivision, for the purposes of the department of health and mental hygiene finding unsafe lead
3 paint in a dwelling unit and issuing an order to abate a condition in a dwelling unit where a child
4 of applicable age with an elevated blood lead level resides, pursuant to section 173.13 of the
5 health code, nothing in this article shall prevent the board of health from determining that unsafe
6 lead paint may include paint with a concentration of lead content that is less than the
7 concentration of lead content in paint set forth in paragraph (a) of this subdivision. Such a
8 determination of unsafe lead paint may include paint with a concentration of lead content no less
9 than 0.5 milligrams of lead per square centimeter, as determined by laboratory analysis, or by an
10 x-ray fluorescence analyzer. X-ray fluorescence readings shall be classified as positive or
11 negative in accordance with the manufacturer’s instructions. If laboratory analysis is used to
12 determine lead content, results shall be reported in milligrams of lead per square centimeter.
13 Where the surface area of a paint chip sample cannot be accurately measured or if an accurately
14 measured paint chip sample cannot be removed, a laboratory analysis may be reported in percent
15 by weight. For such purposes, such concentration determined by the board of health pursuant to
16 this paragraph shall be no less than 0.25 percent of metallic lead, based on the non-volatile
17 content of the paint or other similar surface-coating material.

18 (8)(a) “Lead-contaminated dust” shall mean dust containing lead at a mass per area
19 concentration of [40] 10 or more micrograms per square foot on a floor, [250] 50 or more
20 micrograms per square foot on window sills, and [400] 100 or more micrograms per square foot
21 on window wells, or such more stringent standards as may be adopted by rule of the department
22 of health and mental hygiene, provided that, if the federal environmental protection agency or a
23 successor agency, or the federal department of housing and urban development or a successor

1 agency, adopts lower definitions of lead-contaminated dust, the board of health shall define in
2 the health code such lower levels for the purposes of this subchapter.

3 (b) Notwithstanding subdivision (a) of this section, on and after January 1, 2022, “lead-
4 contaminated dust” shall mean dust containing lead at a mass per area concentration of 5 or more
5 micrograms per square foot on a floor, 40 or more micrograms per square foot on window sills,
6 and 100 or more micrograms per square foot on window wells, or such more stringent standards
7 as may be adopted by the board of health, provided that, if the federal environmental protection
8 agency or a successor agency, or the federal department of housing and urban development or a
9 successor agency, adopts lower definitions of lead-contaminated dust, the board of health shall
10 define in the health code such lower levels for the purposes of this subchapter.

11 § 3. Section 27-2056.5 of the administrative code of the city of New York is amended by
12 adding a new subdivision c to read as follows:

13 c. Any exemption for a dwelling unit granted pursuant to this section prior to the effective
14 date of this subdivision shall remain in effect until: (i) the turnover of such unit on or after the
15 effective date of the rule promulgated by the department pursuant to paragraph (b) of subdivision
16 (7) of section 27-2056.2, (ii) issuance of a denial of a rebuttal of a lead based paint violation
17 based upon the presumption of lead paint for such dwelling unit filed pursuant to subdivision a of
18 section 27-2056.5, (iii) issuance of a lead based paint violation based upon testing by the
19 department for such dwelling unit, or (iv) issuance of an order to abate lead-based paint hazards
20 or unsafe lead paint by the department of health and mental hygiene, or upon issuance of a denial
21 of an objection to such a commissioner’s order to abate filed pursuant to section 173.13 of the
22 health code. Upon the expiration of an exemption pursuant to this subdivision, such exemption
23 shall no longer apply and such dwelling unit shall be subject to all applicable provisions of this

1 article. The owner of such a dwelling unit that was previously exempted may apply for a new
2 exemption pursuant to subdivision b of section 27-2056.5. The department shall establish
3 requirements for the owner of a dwelling unit that has been granted an exemption by the
4 department prior to the effective date of this subdivision to notify the department of the turnover
5 of the dwelling unit.

6 § 4. Subdivision a of section 27-2056.7 of the administrative code of the city of New
7 York, as added by local law number 1 for the year 2004, is amended to read as follows:

8 a. When the department of health and mental hygiene issues a commissioner's order to
9 abate pursuant to section 173.13 of the New York city health code or a successor rule that
10 addresses lead-based paint hazards or unsafe lead paint in a specific dwelling unit in a multiple
11 dwelling, the department, within fifteen days of such order, shall notify the owner of the multiple
12 dwelling where the dwelling unit is located that the owner shall, within forty-five days of the
13 department's notice, provide to the department all records required to be maintained under this
14 article. Upon the department's receipt of those records and a determination that there may exist
15 uncorrected lead-based paint hazards in dwelling units where a child of applicable age resides,
16 the department within ten days shall attempt to inspect such units to determine whether there are
17 any violations of section 27-2056.6 of this article.

18 § 5. Paragraph (1) of subdivision a of section 27-2056.11 of the administrative code of
19 the city of New York, as added by local law number 1 for the year 2004, is amended to read as
20 follows:

21 (1) where an owner is performing work in order to comply with a notice of violation or
22 order to correct issued by the department pursuant to this article, which shall be no less stringent
23 than the safety standards required by the commissioner of health and mental hygiene whenever

1 such commissioner shall order the abatement of lead-based paint hazards or unsafe lead paint
2 pursuant to section 173.13 of the health code or a successor rule. Such rules shall provide for
3 temporary relocation provided by the owner of the occupants of a dwelling or dwelling unit to
4 appropriate housing when work cannot be performed safely. Such rules shall provide that all
5 such work be performed only by firms which have received certification to perform lead
6 abatement under the regulations issued by the United States environmental protection agency at
7 subpart L of part 745 of title 40 of the code of federal regulations, or any successor regulations.

8 § 6. Section 27-2056.14 of the administrative code of the city of New York, as added by
9 local law number 1 for the year 2004, is amended to read as follows:

10 § 27-2056.14 Inspections by Department of Health and Mental Hygiene and Removal of
11 Health Code Violations by Department of Housing Preservation and Development. Whenever a
12 report has been made to the department of health and mental hygiene of a person under eighteen
13 years of age with an elevated blood lead level [of fifteen micrograms per deciliter or higher] that
14 is at or above the blood lead reference level established pursuant to section 17-912 residing in
15 any dwelling unit, the department of health and mental hygiene shall conduct such investigation
16 as may be necessary to identify potential sources of the elevated blood lead level, including but
17 not limited to, an inspection of the dwelling unit where such person resides. If the department of
18 health and mental hygiene issues an order to correct any violation, the department of health and
19 mental hygiene shall notify the department of each dwelling unit in a dwelling for which the
20 department of health and mental hygiene has issued an order to correct a violation. Where the
21 owner of the dwelling or relevant dwelling unit within such dwelling fails to comply with an
22 order of the department of health and mental hygiene to correct a violation placed by the
23 department of health and mental hygiene, the department of health and mental hygiene shall

1 certify such conditions to the department of housing preservation and development. The
2 certification procedure shall be completed within sixteen days of the report of the elevated blood
3 lead level. The conditions so certified shall be corrected within eighteen days of certification to
4 the department.

5 § 7. This local law takes effect on the same day as a local law amending the
6 administrative code of the city of New York, relating to investigation by the department of health
7 and mental hygiene of places in which children identified with elevated blood lead levels
8 routinely visit and the regulation of lead-based paint hazards in facilities providing day care
9 services, as proposed in introduction number 464-b for the year 2018, takes effect, except that:

10 (i) subdivisions (7) and (8) of section 27-2056.2 of the administrative code of the city of
11 New York, as amended by section three of this local law, subdivision a of section 27-2056.7 of
12 such administrative code, as amended by section five of this local law, and paragraph (1) of
13 subdivision a of section 27-2056.11 of such administrative code, as amended by section six of
14 this local law, take effect 60 days after they become law; and

15 (ii) the commissioner of health and mental hygiene and the commissioner of housing
16 preservation and development may take such actions as are necessary for implementation of this
17 local law, including the promulgation of rules, before such effective date.

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02/19/19 6:27pm



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

MEMORANDUM

To: File

From: Hilary Semel, Mayor's Office of Environmental Coordination (MOEC)

Hilary Semel

Date: March 8, 2019

Re: CEQR Type II Determinations for Proposed Int. Nos. 709-A; 871-A; 877-A; 881-A;
918-A; 920-A; 1063-A; and 1117-A.
CEQR #: 19O0M006Y

This memorandum describes the following proposed amendments to the New York City Administrative Code ("proposed actions") and discusses how the proposed actions constitute Type II actions under the State Environmental Quality Review Act (SEQRA) for which no environmental review is required. The following proposed amendments are analyzed in this memorandum:

- **Proposed Int. No. 709-A:** A Local Law to amend the Administrative Code in relation to identifying lead water supply mains and service lines through an online interactive map and providing educational resources and tools for preventing lead contamination;
- **Proposed Int. No. 871-A:** A Local Law to amend the Administrative Code in relation to requiring first draw samples when testing for lead in water;
- **Proposed Int. No. 877-A:** A Local Law to amend the Administrative Code in relation to agency referrals for blood lead screenings;
- **Proposed Int. No. 881-A:** A Local Law to amend the Administrative Code in relation to education and outreach in regards to childhood lead poisoning prevention;
- **Proposed Int. No. 918-A:** A Local Law to amend the Administrative Code in relation to reporting on lead poisoning prevention and control;
- **Proposed Int. No. 920-A:** A Local Law to amend the Administrative Code in relation to an annual survey of lead-based paint hazards in certain facilities serving children;
- **Proposed Int. 1063-A:** A Local Law to amend the Administrative Code in relation to requiring notice when contaminants are found in the soil;
- **Proposed Int. 1117-A:** A Local Law to amend the Administrative Code in relation to the availability of lead hazard training.

The proposed actions each pertain to lead, a harmful substance which is already extensively regulated under the Administrative Code and managed under various existing City agency programs. The proposed actions would, as applicable, require City agencies to update existing informational and educational materials, enhance public notice requirements, undertake specific water sampling methods, and audit existing recordkeeping requirements pertaining to lead-based paint.

Proposed Actions

Proposed Int. No. 709-A

This proposed action would amend Title 23 of the administrative code of the City of New York by adding a new section 23-803. The new section would require the New York City Department of Environmental Protection (“DEP”) to publish an online, interactive map of existing lead service lines. The proposed action would also require DEP to provide homeowners with information about lead service lines, and continue ongoing efforts to replace public lead service lines by 2025. Additionally, DEP must provide the Council an annual report on its efforts.

Proposed Int. No. 871-A

This proposed action would amend Subchapter 1 of chapter 9 of title 17, which is also being amended by another proposed bill, Int. No. 464-B.¹ Int. No. 871-A would require that a specific sampling methodology be used when City agencies test water for lead, when the testing is required by a law or rule, or by an order issued by a court or agency of appropriate jurisdiction.

Proposed Int. No. 877-A

This proposed action would amend Subchapter 1 of chapter 9 of title 17, which is also being amended by another proposed bill, Int. No. 464-B. Int. No. 877-A would require agencies to provide parents or guardians of children (under the age of 6) with an informational pamphlet on how to obtain blood lead screenings, when parents or guardians seek a service from the agency.

Proposed Int. No. 881-A

This proposed action would amend Chapter 1 of title 17 of the Administrative Code by adding a new section that will require DOHMH to establish and implement an education and outreach program to increase awareness of childhood lead poisoning prevention, and make the educational materials available online. Int. No. 881-A also requires that the education materials be translated, developed in a culturally competent manner, and distributed to the Mayor’s Office of Immigrant Affairs.

¹ There are two additional lead related bills included in this legislation package – Int. Nos. 464-B and 865-A. Due to their nature, these two bills are being assessed in an environmental assessment statement.

Proposed Int. No. 918-A

This proposed action would amend Section 27-2056.12 of the Administrative Code by requiring new categories of performance metrics to be included in an annual report on Local Law 1 that HPD submits to the Council each fiscal year. Additionally, Int. No. 918-A will add new categories of performance metrics to a report submitted by DOHMH to the Council on blood screening and testing data. Finally, Int. No. 918-A extends HPD's ability to proactively audit records that must be maintained by building owners who are subject to Local Law 1. It also contains penalty provisions for failing to maintain the records.

Proposed Int. No. 920-A

This proposed action amends Section 17-913 of subchapter 2 of chapter 9 of title 17 of the Administrative Code by requiring DOHMH to post online annual surveys for lead-based paint hazards in day care facilities. DOHMH must also make these surveys available to parents or guardians of children attending the day care.

Proposed Int. 1063-A

This proposed action amends Subdivision b of section 17-179 of chapter 1 of title 17 of the Administrative Code by requiring public notice of lead contamination in soil encountered during certain City projects. These include projects undertaken by City agencies, a city economic development entity, or by a party in contract with the city, for the purpose of improvement or development of real property, including, but not limited to, street, road and sewer improvements and maintenance. Int. 1063-A would also require, if necessary, the development air monitoring instructions for parties in contract with the City.

Proposed Int. 1117-A

This proposed action amends Subdivision b of section 17-179 of chapter 1 of title 17 of the Administrative Code by requiring DOHMH to update an existing pamphlet on lead-related hazards by providing more information on the Local Law 1 compliance obligations of residential building owners. Int. No. 1117-A also would require certain City agencies to distribute certain information to parents or guardians of children under 6, including a DOHMH pamphlet and information regarding lead inspection and water testing resources offered by City agencies.

Discussion

SEQRA, codified as Article 8 of the Environmental Conservation Law and implemented by Title 6 of the New York Codes of Rules and Regulations (NYCRR) Part 617, and the Rules of Procedure for City Environmental Quality Review (CEQR) generally apply to discretionary agency decision-making and require completion of environmental review before an agency may approve, fund, or undertake certain actions.

However, SEQRA regulations exempt certain agency actions from review requirements. Specifically, 6 NYCRR §617.5(c)(26) provides that "routine or continuing agency administration

and management, not including new programs or major reordering of priorities that may affect the environment” are Type II actions for which no environmental review is required. Enactment of local legislation can qualify as a “routine or continuing agency administration and management” Type II action. *See Matter of Brockport Sweden Prop. Owners Assn. v Village of Brockport*, 81 A.D.3d 1416 (4th Dep’t. 2011) (holding that a local law containing new registration and certificate of occupancy requirements constitutes routine and continuing agency administration and management). Additionally, 6 NYCRR §617.5(c)(33) provides that the “adoption of ... local legislative decisions in connection with any action on [the Type II list]” are also Type II actions for which no environmental review is required. The Type II actions or classes of action identified in 6 NYCRR §617.5(c) have been determined not to have significant adverse impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

Here, as further described below, each of the proposed actions qualify as Type II activities under 6 NYCRR §617.5(c)(26) and (33).

Proposed Int. No. 709-A

This proposed action would require DEP to provide consumers with improved access to existing information on lead service lines, and require annual updates on such efforts to the City Council. This activity falls squarely within DEP’s routine administration and management of the New York City water supply system.

Proposed Int. No. 871-A

This proposed action would specify particular sampling methods for when an agency is already taking water samples pursuant to an existing law or rule, or judicial or administrative order. This specific sampling method would also qualify as a “local legislative decision,” *see* 6 NYCRR 617.5(c)(33), in connection with another Type II category – “information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action.” *See* 6 NYCRR 617.5(c)(24).

Proposed Int. Nos. 877-A; 881-A; and Proposed Int. 1117-A

These proposed actions would require updates to existing educational and outreach materials used by DOHMH and other agencies to spread information about lead-based paint hazards and other lead related issues. These basic public outreach activities are squarely within the routine, day-to-day administrative responsibilities of DOHMH and other City agencies.

Proposed Int. No. 918-A

This proposed action updates existing annual reports that HPD and DOHMH provide to the City Council on their lead-related activities and responsibilities. Annual reporting to the City’s legislative body is a routine and continuing agency administrative and management function. Int. No. 918-A also enhances HPD’s existing auditing and recordkeeping requirements under

Local Law 1, another routine agency administrative function related to the enforcement of Local Law 1.

Proposed Int. Nos. 920-A & 1063-A

These proposed actions require agencies to provide additional public notice regarding certain factual information (e.g., inspection reports, soil testing data). Dissemination of information to the public and interested stakeholders is another routine and continuing agency administrative function.

Conclusion

Based upon MOEC's findings, the proposed actions constitutes a Type II action within the meaning of §617.5(c)(26) and (33). Accordingly, no environmental review under SEQRA is required.

Cc: Dan Greene, Senior Counsel, NYC Law Department
Peter Schikler, NYC Law Department
Trevor Lippman, NYC Law Department
Esther Brunner, Mayor's Office of Environmental Coordination