



Legislation Details (With Text)

File #: Int 0567-2005 **Version:** * **Name:** Developing a comprehensive program for the remediation and reuse of brownfields.

Type: Introduction **Status:** Filed

In control: Committee on Environmental Protection

On agenda: 2/16/2005

Enactment date: **Enactment #:**

Title: A Local Law to amend the administrative code of the city of New York, in relation to developing a comprehensive program for the remediation and reuse of brownfields.

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Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript

Date	Ver.	Action By	Action	Result
2/16/2005	*	City Council	Introduced by Council	
2/16/2005	*	City Council	Referred to Comm by Council	
2/28/2005	*	Committee on Environmental Protection	Hearing Held by Committee	
2/28/2005	*	Committee on Environmental Protection	Laid Over by Committee	
12/31/2005	*	City Council	Filed (End of Session)	

Int. No. 567

By Council Members Gennaro, Yassky, Brewer, Clarke, Comrie, Fidler, Gentile, Gerson, Gonzalez, James, Jennings, Koppell, Liu, Lopez, McMahon, Nelson, Palma, Perkins, Quinn, Recchia Jr., Sanders Jr., Sears, Vallone Jr., Weprin, Foster, Reyna, Monserrate, Avella and Gioia

A Local Law to amend the administrative code of the city of New York, in relation to developing a comprehensive program for the remediation and reuse of brownfields.

Be it enacted by the Council as follows:

Section 1. Section 24-603 of the administrative code of the city of New York is amended by adding thereto a new subdivision i to read as follows:

i. “brownfield” means any real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

§2. Chapter six of title 24 of the administrative code of the city of New York is hereby amended by adding thereto a new section 24-613 to read as follows:

§24-613 Comprehensive program for remediation and reuse of brownfields. a. No later than six months after the effective date of this section, the commissioner, in coordination with the office of environmental coordination and other city agencies, as appropriate, and with the advice of the advisory committee established pursuant to subdivision c of this section, shall develop a comprehensive program for a coordinated approach to facilitate the remediation and reuse of brownfields in New York city. The mission of such program shall be to address and improve public health and the environment in the city and transform brownfield sites from community blights into community assets, with emphasis on communities of low and moderate income that are disproportionately burdened by the clustering of brownfield sites. The elements of this program shall include, at a minimum: (1) a plan for tracking, and applying for and securing, federal and state funding for brownfields planning, investigation, remediation and redevelopment; (2) a plan for coordinating efforts regarding brownfields planning, investigation, remediation and redevelopment with community groups, other not-for-profit organizations and government agencies; (3) a plan for providing technical assistance for community groups involved in brownfields planning, investigation, remediation or redevelopment activities; (4) a plan for assisting, facilitating, partnering and otherwise supporting the efforts of for-profit and not-for profit developers and property owners to take advantage of state and federal brownfields financial and other incentives; (5) a plan for assessing possible financial and non-financial incentives that could be provided by the city to public or private entities to promote the remediation and reuse of brownfield sites; (6) a plan for developing and implementing effective means of measuring the progress made in the remediation and reuse of brownfield sites in accordance with the above mission, and of publicly reporting such information; (7) a program/strategy for facilitating and implementing the plans that emerge from the designation of brownfield opportunity areas in the city, as provided for in section 970-r of the general municipal law, including, but not limited to, rezoning, incentives, and prioritization of city resources associated with community revitalization at agencies, including

but not limited to those allocated to the department of housing preservation and development, the department of city planning, the economic development corporation and the department of small business services; and (8) a plan for public education and communication regarding issues, resources and available city support related to brownfields planning, investigation, remediation and redevelopment. Each of the elements above shall include actions specifically designed principally to facilitate the remediation and reuse of brownfield sites clustered in communities of low and moderate income.

b. No later than six months after the effective date of this section, and every twelve months thereafter, the commissioner, in coordination with the office of environmental coordination, shall submit a report to the mayor and the speaker of the council regarding brownfields in New York city during the immediately preceding fiscal year. Such report shall describe the specific actions taken and measures of progress made related to each of the elements of the program established pursuant to subdivision a of this section. In addition, the report shall include, but not be limited to: (1) identification of support provided to community-based organizations in the context of the state brownfield opportunity areas program established pursuant to section 970-r of the general municipal law, including the number of solicitations and type of such solicitations for assistance requested of the city by such organizations, an account of instances in which the city supported or assisted such organizations pursuant to such requests and the criteria upon which the decisions regarding whether to provide support or assistance were granted; (2) identification of projects being or proposing to be carried out by the city through funding, and the amount of such funding, provided by federal and state funding sources for brownfields planning, investigation, remediation and redevelopment; (3) a description of any financial and non-financial incentives developed pursuant to the program established pursuant to subdivision a of this section; and, (4) identification of obstacles to increasing the pace of brownfields remediation and redevelopment in the city and suggestions for addressing such obstacles.

c. (1) No later than thirty days after the effective date of this section, a brownfields program advisory committee shall be established to assist the commissioner and the office of environmental coordination in

implementing the requirements of subdivision a of this section.

(2) Such committee shall be comprised of eleven members, five of whom shall be appointed by the speaker of the council and five by the mayor. The commissioner, or his or her designee, shall be an ex-officio member of the advisory committee and serve as chairperson. The ten other advisory committee members shall be selected so as to achieve a broad range of perspectives and expertise on issues related to brownfields and shall include members representing environmental and environmental justice organizations, the building industry, community development interests, and community organizations. The members shall be appointed within thirty days of the effective date of this section and shall serve without compensation. The commissioner and the office of environmental coordination shall provide staff to assist the committee.

(3) All advisory committee members shall serve for three-year terms, may be reappointed, and may be removed for cause. Any vacancy occurring other than by expiration of a term shall be filled within fourteen days in the same manner as the original appointment. A person so appointed shall serve for the unexpired portion of the term of the member succeeded. New terms shall begin on the next day after the expiration date of the preceding term.

§3. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§4. This local law shall take effect immediately.