



**PROCEDURES FOR PROCESSING BUILDING PERMIT EVALUATION REQUESTS
FOR SITES WITH ENVIRONMENTAL EASEMENTS PER ECL 71-3607**



1. The Remedial Party records an environmental easement (EE) for a site where the remedial program requires institutional/engineering controls.

The recording of the easement is one of the requirements that must be completed before the New York State Department of Environmental Conservation (Department) can issue a Certificate of Completion for the site. The Remedial Party must identify all of the Affected Local Governments (ALGs) as defined in Environmental Conservation Law (ECL) 71-3603.1. The Remedial Party must inquire of the ALGs specifically who within the ALG should be the point of contact to receive a copy of the EE required by ECL 71-3607.1 (typically this will be a city/town building department and not the group that records the easement (usually the county clerk) - a single point of contact will be identified for all of Region 2 (New York City)).

2. Within two business days of recording the easement, the Remedial Party provides a copy of the executed easement to all of the ALG points of contact and the Department. The Remedial Party must certify to the Department that the ALGs were given copies of the easement when it was recorded.
3. DER maintains a list of all sites that have an EE on the Department's public website (currently at <http://www.dec.ny.gov/chemical/36045.html>).
4. In accordance with ECL 71-3607.2, ALGs who approve building permits must be able to identify real property subject to an EE. When an ALG receives an application for a building permit on property subject to an EE, the ALG must refer the application to the Department to determine if the work proposed under the building permit is consistent with the requirements of the EE. The Department encourages ALGs to work with the Department to identify types of non-intrusive building permit requests for which the Department could issue a standing approval without the need for Department review (e.g., installation of aboveground wiring, fire protection/alarm systems, etc.).
5. The process for submitting a request for a building permit review to the Department is as follows:
 - a. ALG determines that a building permit application is for property subject to an EE;
 - b. ALG fills out a one-page review request form (attached) to transmit the building permit application to the Department. The form must include sufficient detail for the Department to determine if the proposed activities are consistent with the EE. The applicant should provide the necessary details and documentation to the ALG for transmittal to the Department. The application should indicate the ALGs requested time frame for receiving the Department's consistency determination.
 - c. If multiple building permit applications are being submitted for a single site, they should be grouped rather than submitted individually. No more than one group should be submitted to the Department for a single site on a single business day.
 - d. The ALG submits one electronic copy of the request form and all attachments (in Portable Document Format (PDF)) via email (if less than 25 MB) or on CD/DVD diskette) to the Chief of the Department's Site Control Section as indicated on form.
6. The Department will review the application and send a written consistency determination to the ALG's contact person as indicated on the transmittal form.