

NEW YORK CITY
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
ENVIRONMENTAL CONTROL BOARD

BOARD MEETING
PUBLIC SESSION

Training Room 143, 12th Floor
100 Church Street, New York, New York

June 29, 2017

9:19 A.M. to 9:50 A.M.

June 29, 2017

MEMBERS PRESENT:

Fidel F. Del Valle, Esq. - Chair, Chief Administrative Law
Judge, Commissioner, OATH
Shamonda Graham - Department of Buildings (DOB)
Geraldine Kelpin - Dept. of Environmental Protection (DEP)
Matthew Smith, Esq. - NYC Police Department (NYPD)
Jose Marquez - Fire Department (FDNY)
Jorge Martinez, Esq. - Dept. of Health & Mental Hygiene
Barbara Rosi - Department of Sanitation (DSNY)
Indi Savitala - Appointed Member
Debra Scotto - Appointed Member
Douglas Swann - Appointed Member

ALSO PRESENT:

Rachel Amar - Special Assistant to the Commissioner, OATH
Charles Calkins - Intern, OATH
Vanessa Caughman - Computer Service Technician, OATH
Kelly Corso, Esq. - Assist. Director of Adjudications, ECB
Kelly Garson - Intern, OATH
Ari Goldberg - Intern, OATH
Lillian Grinnell - Intern, OATH
Diana Haines, Esq. - Assistant General Counsel, OATH
Julie Hong - Intern, OATH
Susan Kassapian - Deputy Commissioner, Hearings Division,
OATH
Kuljit Kaur - Intern, OATH
Hani Kfourri - Office of Management and Budget, OMB
Mark Leeds, Esq. - Special Senior Counsel, OATH
Tyler McComas, Esq. - Appeals Attorney, OATH
Christina McGinnis - Intern, OATH
Leemor Peled - Business Integrity Commission (BIC)
Reachelle Ramirez - Intern, OATH
Tynia Richard, Esq. - Deputy Commissioner/General Counsel,
OATH
Tom Salama - Intern, OATH
Simone Salloum, Esq. - Assistant General Counsel, OATH
Peter Schulman, Esq. - Assistant Director of
Adjudications, OATH
Carmena Schwecke, Esq. - Assistant Commissioner, OATH
Hearings Division
Amy Slifka, Esq. - Deputy Commissioner, OATH
Thomas Southwick, Esq. - Supervising Attorney, Appeals,

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OATH

Olga Statz, Esq. - Deputy General Counsel, OATH

Sierra Meehan Strassberg, Intern, OATH

Rong Yang - Intern, OATH

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(The Board Meeting commenced at 9:19
A.M.)

MR. FIDEL F. DEL VALLE, ESQ.,
CHAIRPERSON, COMMISSIONER & CHIEF ADMINISTRATIVE
LAW JUDGE, OATH: Welcome to today's meeting of
the Environmental Control Board. Today, we have a
larger than normal audience because we have a lot
of interns and they'd like to see how Judge Judy
works. It's not going to be too exciting, I don't
think. Is there a motion to accept the minutes of
the last meeting? I think it's unanimous. Oh,
almost unanimous.

MS. GERALDINE KELPIN, DEPARTMENT OF
ENVIRONMENTAL PROTECTION: I have to abstain. I
wasn't here.

MR. DEL VALLE: And one abstention. The
first order of business is, DEP's on deck, the
requests for cease and desist orders. Geraldine
Kelpin.

MS. KELPIN: Good morning.

MR. DEL VALLE: It's traditional. It's
tradition.

MS. SHAMONDA GRAHAM, DEPARTMENT OF

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2 BUILDINGS: We don't continue to do things just
3 because they've always been that way.

4 MS. AMY SLIFKA, ESQ., DEPUTY
5 COMMISSIONER, OATH: But we have an audience
6 here.

7 MR. DEL VALLE: Yeah, that's true too.

8 MS. GRAHAM: I love that concept.

9 MR. DEL VALLE: There's usually a mic up
10 there. There's no microphone. Okay. Alright.

11 MS. KELPIN: I'll just talk to myself,
12 that's okay. So, good morning. I'm representing
13 DEP this morning. Our usual representative is on
14 a retreat with other parts of the legal
15 department at DEP. So, give me -- cut me some
16 slack here. I have several requests for orders to
17 cease and desist. The first one is being put
18 forth by the Bureau of Waste Water Treatment. It
19 is to terminate the water supply and sewer
20 service at 232 Meserole Street.

21 We have a process that we go through,
22 starting with a Commissioner's Order for them to
23 comply. We give them time to comply. We go
24 through several notices of violation. Each of

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2 those for this case have been upheld. They still
3 have not complied. So we are requesting that the
4 Board approve a cease and desist order for this
5 location, so that they can come into compliance.

6 MR. DEL VALLE: What is it that they
7 have not complied with?

8 MS. KELPIN: That's a good question.
9 It's the grease trap.

10 MR. DEL VALLE: Oh.

11 MS. KELPIN: They haven't installed it.

12 MR. DEL VALLE: Yes, they're very
13 popular.

14 MS. KELPIN: Yes, they are. It's an
15 important initiative for the City.

16 MR. DEL VALLE: Is there a motion? It's
17 unanimous. Thank you. Any more customers?

18 MS. KELPIN: Our next -- I have several
19 more to do, I'm sorry. The next request is for a
20 location at 60 West 22nd Street. The name of the
21 business is By Chloe. It's a restaurant. The
22 request is for not complying with the Noise Code.
23 Their kitchen exhaust system is above the
24 allowable limit. We've issued several violations

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2 to them. They have failed to comply. We are now
3 at the point where we need assistance from the
4 Board to have them come into compliance.

5 MR. DEL VALLE: Is there a motion?
6 Again, it's unanimous.

7 MS. KELPIN: We then have our
8 traditional number of cease and desist orders: 28
9 of them for locations that have not installed a
10 backflow device. Again, it's a similar process.
11 There's an inspection. Summonses are issued. They
12 are told how to comply. To date, none of these 28
13 have complied. So we're requesting again that the
14 cease and desist requests be approved, so we can
15 get them to install the backflow devices.

16 MR. DEL VALLE: Any questions?

17 MS. SLIFKA: Do you have eight or 28?

18 MS. KELPIN: Twenty-eight, sorry. I
19 could have swallowed the two.

20 MR. DEL VALLE: I heard 28.

21 MS. GRAHAM: I heard 28.

22 MS. KELPIN: It looks like 28.

23 MR. DEL VALLE: Is there a motion? It's
24 unanimous.

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2 MS. KELPIN: Thank you very much.

3 MR. DEL VALLE: Thank you. See how
4 painless it is? Where's the retreat?

5 MS. KELPIN: Queens Botanical Gardens.

6 MR. DEL VALLE: Too bad it wasn't
7 Rhinebeck. Kelly Corso will present requests for
8 pre-sealing reports.

9 MS. CORSO: Good morning. I'm Kelly
10 Corso, Assistant Director for Adjudications for
11 the Hearings Division. We have 15 pre-sealing
12 reports for the Board today. Thirteen of these
13 reports involve backflow violations and two of
14 them involve Sewer Code violations. The 13
15 backflow violations, in all of these cases the
16 hearing officers recommend no sealing or other
17 action based on the respondents' evidence of
18 compliance that was presented at the hearings.
19 And for the two Sewer Code cases, DEP has
20 requested discontinuance of the C&D proceedings
21 because the respondents have complied with the
22 order. The hearing officers agreed with DEP's
23 request and recommends that the C&D proceedings
24 for both cases be discontinued and no further

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action be taken. And that's it.

MR. DEL VALLE: Any motion to accept?
Unanimous, thank you.

MS. CORSO: Thank you.

MR. DEL VALLE: At this rate I may actually make my 11:00 meeting. Is there a motion to retire to Executive Session? We are retired to Executive Session.

[OFF THE RECORD]

[ON THE RECORD]

MR. DEL VALLE: We're back on line. We are back from Executive Session. I don't believe we have a vote on anything as a result. So, I'll ask: Is there a motion to adjourn? We are adjourned.

(The Board Meeting concluded at approximately 9:50 A.M.)

CERTIFICATE OF ACCURACY

I, Julia Zappi, certify that the foregoing transcript of Environmental Control Board on June 29, 2017 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: July 18, 2017

GENEVAWORLDWIDE, INC

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