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 Kfouri - 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,
June 29, 2017

OATH
Olga Statz, Esq. - Deputy General Counsel, OATH
Sierra Meehan Strassberg, Intern, OATH
Rong Yang - Intern, OATH
# INDEX

<table>
<thead>
<tr>
<th>Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fidel F. Del Valle, Esq.</td>
<td>5</td>
</tr>
<tr>
<td>Geraldine Kelpin</td>
<td>5</td>
</tr>
<tr>
<td>Shamonda Graham</td>
<td>6</td>
</tr>
<tr>
<td>Kelly Corso, Esq.</td>
<td>6</td>
</tr>
<tr>
<td>Amy Slifka, Esq.</td>
<td>8</td>
</tr>
</tbody>
</table>
June 29, 2017

(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
June 29, 2017

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

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

MR. DEL VALLE: Yeah, that’s true too.

MS. GRAHAM: I love that concept.

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

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

We have a process that we go through, starting with a Commissioner’s Order for them to comply. We give them time to comply. We go through several notices of violation. Each of
June 29, 2017

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

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

MS. KELPIN: That’s a good question. It’s the grease trap.

MR. DEL VALLE: Oh.

MS. KELPIN: They haven’t installed it.

MR. DEL VALLE: Yes, they’re very popular.

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

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

MS. KELPIN: Our next -- I have several more to do, I’m sorry. The next request is for a location at 60 West 22nd Street. The name of the business is By Chloe. It’s a restaurant. The request is for not complying with the Noise Code. Their kitchen exhaust system is above the allowable limit. We’ve issued several violations
June 29, 2017

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

MR. DEL VALLE: Is there a motion?

Again, it’s unanimous.

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

MR. DEL VALLE: Any questions?

MS. SLIFKA: Do you have eight or 28?

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

MR. DEL VALLE: I heard 28.

MS. GRAHAM: I heard 28.

MS. KELPIN: It looks like 28.

MR. DEL VALLE: Is there a motion? It’s unanimous.
June 29, 2017

MS. KELPIN: Thank you very much.

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

MS. KELPIN: Queens Botanical Gardens.

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

MS. CORSO: Good morning. I’m Kelly Corso, Assistant Director for Adjudications for the Hearings Division. We have 15 pre-sealing reports for the Board today. Thirteen of these reports involve backflow violations and two of them involve Sewer Code violations. The 13 backflow violations, in all of these cases the hearing officers recommend no sealing or other action based on the respondents’ evidence of compliance that was presented at the hearings. And for the two Sewer Code cases, DEP has requested discontinuance of the C&D proceedings because the respondents have complied with the order. The hearing officers agreed with DEP’s request and recommends that the C&D proceedings for both cases be discontinued and no further
June 29, 2017

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

__________________________
Julia Zappi

Date: July 18, 2017

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