

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is by and between the New York City Department of Environmental Protection ("DEP") with its main office at 59-17 Junction Boulevard, Flushing NY 11373, and the New York City Office of Environmental Remediation ("OER") with its main office at 100 Gold Street, 2nd Floor, New York NY 10038, is made effective as of

May 26, 2021.

PURPOSE AND BACKGROUND:

DEP and OER make this MOU to facilitate the coordination between DEP and OER for oversight of administration of the New York City rules concerning New York City tax lots with E-Designations or Restrictive Declarations pursuant to Title 19 NYCRR Chapter 24 and Title 43 NYCRR Chapter 14 (Collectively the "E-Designation Rules").

- DEP is responsible for the placement of an (E) Designation on a tax lot in connection with a zoning map amendment as part of the CEQR review for such zoning map amendment.
- OER is responsible for determining when an E-Designation has been satisfied and can be removed from a tax lot.

This MOU establishes procedures and responsibilities for coordination between DEP and OER concerning the implementation of and any future modification of the rules of the City of New York concerning Placement and Removal of an (E) Designation On Tax Lot In Connection With Zoning Map Amendment and any proposed revisions to such rules.

Terms of Understanding:

1. DEP and OER seek to coordinate on the administration and any future modifications of the New York City rules concerning the placement and removal of an (E) Designation on a tax lot in connection with a zoning map amendment.
2. DEP will provide OER with at least 180 days' written notice prior to publicly noticing any proposed change to DEP's E-Designation Rules for the purpose of initiating a period of review and discussion of any such proposed change(s). Notice shall include the text of and explanation for such proposed rule change. Discussion shall commence within 30 days of the date notice was provided. Upon OER's approval, DEP may publicly notice a proposed change to DEP's E-Designation Rules within 180 days with written notice to OER.
3. OER will provide DEP with at least 180 days' written notice prior to publicly noticing any proposed change to OER's E-Designation Rules for the purpose of initiating a period of review and discussion of any such proposed change(s). Notice shall include the text of and explanation for such proposed rule change. Discussion shall commence within 30 days of the date notice was provided. Upon DEP's approval, OER may publicly notice a proposed change to OER's E-Designation Rules within 180 days with written notice to DEP.
4. In addition to any other proposed rule modification, because OER and DEP's E-Designation Rules share common definitions and terminology, neither party will modify such shared definitions or terminology without initiating the above described process.

5. In the event of a dispute between DEP and OER with regard to a proposed rule modification or arising under this MOU and the staff involved at DEP and OER are unable to resolve the matter within 60 days (a "Dispute"), the Dispute will be referred to DEP's Deputy Commissioner for the Bureau of Sustainability and OER's General Counsel and if the Dispute cannot be resolved within 30 days after said referral, the Dispute will be referred to the Commissioner of DEP and the Director of OER.
6. The provisions of this MOU shall be solely for the benefit of the parties hereto and no other person or entity shall be a third-party beneficiary hereof.
7. No modification, amendment, waiver, or release of any provision of this MOU shall be valid or binding for any purpose unless in writing and duly executed by each party.
8. This MOU shall commence as of the date of the latest signature below and shall continue in effect until such time as it may be terminated by either party upon one hundred twenty (120) days' written notice to the address provided in paragraph "9" below ("Notice of Termination").
9. Any Dispute and/or Notice of Termination shall be in writing sent by Certified Mail, Return Receipt Requested to:

For OER:

General Counsel
New York City Office of Environmental Remediation
100 Gold Street, 2nd Floor
New York, NY 10038

For DEP:

Deputy Commissioner Sustainability
New York City Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373
Attn: Managing Director, Environmental Impact Analysis and Technical Review

Deputy General Counsel – Environmental Affairs
New York City Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

or to such other address as may be specified by written notice sent, in accordance herewith.

14. This MOU may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed the original, but all such counterparts together shall constitute but one and the same instrument.
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In Witness Whereof, the parties have executed this Master MOU as of the latest date of the signatures appearing below.

New York City Office of Environmental Remediation

By: Mark McIntyre

Name: Mark McIntyre

Title: Director

Date: May 14, 2021

New York City Department of Environmental Protection

By: Angela Licata

Name: Angela Licata

Title: Deputy Commissioner Sustainability

Date: 05-26-21