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ENVIRONMENTAL PROTECTION ADMINISTRATION

Office of Environmental Impact

MUNICIPAL BUILDING, NEW YORK, N. Y. 10007

Telephone: 566-4107

July 23, 1975

J. F. Castrilli, Researcher
Canadian Environmental Law Research Foundation
Suite 303 - One Spadina Crescent
Toronto, Ontario Canada M5S 2J5

Dear Mr. Castrilli:

Enclosed please find a copy of City Executive Policy Order No. 87. The guidelines for this are not complete as yet, however, the Order is fairly self-explanatory.

I hope this will be of assistance to you.

Very truly yours,

A handwritten signature in cursive script that reads "Dorothy J. Green".

Dorothy J. Green, Director
Office of Environmental Impact

DJG/clr

Enclosure

OFFICE OF THE MAYOR

EXECUTIVE ORDER NO. 87

October 18, 1973

Environmental Review of Major Projects

Whereas, The improvement of our urban environment is critically important to the overall welfare of the people of the City;

Whereas, The development and growth of the City can and should be reconciled with the improvement of our urban environment;

Whereas, It is the continuing policy of the City that environmental factors be considered before governmental approval is given to proposed activities that may significantly affect our urban environment;

Whereas, It is essential to the implementation of this policy that the Mayor or his designated representative be informed of the environmental consequences of proposed activities which require the approval of the government of The City of New York and any alternatives by which any adverse environmental consequences could be reduced or eliminated; and

Whereas, The establishment of specific procedures for the comprehensive review by the Environmental Protection Administration of the environmental consequences of proposed activities will help to ensure that environmental factors are adequately and timely considered;

Now, therefore, by the power vested in me as Mayor of The City of New York, it is hereby ordered as follows:

Section 1: Policy.

It is established as the policy of The City of New York that the Environmental Protection Administration shall have adequate opportunity for timely review and comment upon the environmental consequences of any activity requiring the approval of the government of the City where such activity may have a significant impact on the physical aspects of the urban environment.

In addition, in order to further effectuate the policies established in this order, the Executive Memorandum of October 1960, as amended by Executive Order No. 116 of July 1964, is hereby further amended to add the Environmental Protection Administrator as a member of the Mayor's Traffic and Construction Coordinating Council for the purpose of providing environmental evaluation of highway and street construction activities.

§ 2: Major Projects Requiring Environmental Review.

A major project that may have a significant impact on the urban environment (hereinafter "major project") shall be defined as follows:

- (i) the construction of a new building with more than twenty floors;
- (ii) the construction of a new residential building with forty-two or more dwelling units and the construction on contiguous blocks by one developer (or group of developers as part of a single plan) of 10 or more residential buildings with 3 or more dwelling units per building or 25 or more one- or two-family homes;
- (iii) mapping or designation of right-of-way for an expressway, parkway, or arterial highway;
- (iv) the construction of an electric generating facility capable of generating more than 10,000 kilowatts, other than a steam electric generating facility subject to Article VIII of the Public Service Law, or any plant capable of generating more than 100,000 pounds of steam per hour;
- (v) the construction of, or allocation of land for, a solid waste disposal facility, a water treatment plant, or any sewage treatment plant, except septic tanks for one- or two-family dwellings or portable package treatment plants;
- (vi) the construction of, or allocation of land for, a parking lot or garage for more than 50 vehicles to be used for public or patron parking;
- (vii) the construction of new port facilities encompassing more than 10 acres in combined land building area;
- (viii) the construction of, addition to, or discontinuance of a rapid transit railroad route or franchise bus route;
- (ix) the construction of air rights over a street or roadway, other than construction of a vehicle overpass or a pedestrian overpass less than 15 feet in width;
- (x) the construction of any new factory to be used for heavy manufacturing as defined in category M3 of the New York City Zoning Resolution; and
- (xi) the construction of any new building or facility (other than a residence, commercial office building or factory) designed to accommodate more than 1,000 people at capacity.

The Administrator of the Environmental Protection Administration (hereinafter "Administrator") shall review the definition of major projects with other agencies of The City of New York to determine whether such definition should be modified, and to inform the Mayor accordingly.

§ 3: Environmental Review Procedure.

(a) Prior to granting the first approval or permit for a major project after the effective date of this order, or submitting enabling proposals for a major project to the Board of Estimate or City Council, a Department, Commission, or Administration of The City of New York (hereinafter "agency") shall submit in writing to the Administrator the information requested in an environmental information form. For all private development projects, the agency shall submit the environmental information form to the Administrator within five working days of the receipt of a formal application for approval from the proponent. The environmental information form and guidelines identifying the agencies that will ordinarily be granting the first approval or permit for a major project under the terms of this order shall be issued by the Administrator as soon as possible after the effective date of this order. An agency shall be exempt from this procedure if the project is subject to the terms of the National Environmental Policy Act and the environmental impact statement has been previously filed.

(b) The Administrator shall take the following action within 10 working days after receipt of the information requested in the environmental information form, provided that the 10 day period shall be extended for an additional 10 working days if the Administrator requests such extension from the agency submitting the form within 10 working days after receipt of the form:

- (i) inform the agency submitting the form that the project has been evaluated based on the information submitted, as not having a significant adverse impact on the environment and that additional information is not required, or
- (ii) inform the agency submitting the form that additional information is not required if an environmental impact statement will be required from the National Environmental Policy Act and the filing of such a statement will provide for a timely assessment of the environmental impact of the project, or
- (iii) require the agency to submit additional information according to guidelines supplied by the Administrator. These guidelines shall be designed to determine adherence to the relevant standards and criteria set forth in Federal, state and local environmental laws and regulations.

(c) The Administrator, within 30 working days after receipt of the information requested in subsection (b) (iii) of Section 3, shall submit to the agency reviewing the project and to the Mayor, or his designated representative, a written assessment of the project, based on the information submitted, that shall include the Administrator's opinion as to the following:

- (i) the probable impact, if significant, of the proposed project on air quality, water quality, noise levels, refuse disposal, sewage disposal or water supply;
- (ii) any standards or criteria of Federal, state and local environmental laws and regulations relating to air quality, water quality, noise levels, refuse and sewage disposal and water supply that the project would probably not satisfy, and
- (iii) any conditions that should be included in the approval or permit for the project to permit further evaluation of, or reduce or eliminate, any potentially significant adverse impact of the project on air quality, water quality, noise levels, refuse disposal, sewage disposal or water supply.

(d) An agency may grant the first approval or permit for a major permit provided that:

- (i) the project has been evaluated by the Administrator as not having a significant adverse impact on the environment; or
- (ii) the granting of the approval or permit is subject to the conditions set forth in the environmental assessment submitted by the Administrator; or
- (iii) such agency has given written notice 10 working days before granting approval to the Mayor, or his designated representative, and the Administrator setting forth its justification for granting the approval or permit; or
- (iv) the Administrator has not evaluated the project within the time periods specified herein and the agency has given 5 working days' written notice to the Administrator of its intention to issue the permit or approval after the 5 working day period has elapsed.

§ 4: Rules and Regulations.

The Administrator shall promulgate such Rules and Regulations as are necessary to implement this order.

§ 5: Effective Date.

This order shall take effect immediately.

JOHN V. LINDSAY, Mayor.