



Permit Controls for Environmental Conditions

Department of Environmental Services

City of Rochester , NY



Background

The City of Rochester (City) is using a permit control tool on some properties which have undergone environmental cleanups. At these properties, underground cleanup systems and some contaminants may remain in the ground after cleanup projects have been completed. The City's control tool, sometimes referred to as an environmental "Institutional Control," begins with a warning "flag" on the City's computerized building information system. This computer system is used by the City's Building and Zoning office when an individual applies for a permit. Activities requiring permits include new construction, alterations, fences, plumbing work, and demolition. The warning flag prohibits the issuance of a permit until a basic environmental review is completed. The environmental review ensures that the applicant is made aware of safety and environmental conditions at the property before site work begins. This permit flagging system is similar to the "One Call" system that is used to avoid damaging underground utilities during excavation projects.

If a proposed permit activity could disturb contaminated soil or groundwater or might damage a cleanup system, the City provides the permit applicant with existing environmental reports and guidance documents for the property. In some cases, the City refers the application to the New York State Department of Environmental Conservation (NYSDEC) for its review before approving the permit.

The environmental flagging process helps ensure that the permit applicant is aware of residual contamination at their site, but also provides technical assistance so that the applicant can prepare for and manage contaminated materials that might be encountered. Over the past eight years, the City's environmental flagging system has proven to be a highly effective institutional control.

“Quick Facts” about “Environmentally Flagged Properties”

What are they?

Flagged properties are parcels currently or formerly owned by the City of Rochester where environmental cleanups have been started or completed, but where precautions are needed to prevent the disturbance of remaining subsurface contamination or the disruption of cleanup systems. In the future, properties where the NYS Department of Environmental Conservation holds environmental easements will also be added.

Where are they?

There are more than 100 flagged properties in the City at eight cleanup sites. A list of these properties is attached to this brochure.

When does it matter?

Flagged properties are subject to an environmental review during the permit application process. This review determines if the proposed work could cause disturbance or release of contamination or damage cleanup systems that may be installed on the property.

Who is affected?

Property owners, contractors, and developers applying for permits to construct, demolish, or change the use of a flagged property. Permit applicants may be required to get DEC approval prior to permit issuance.

How does it work?

When a permit application is made for a flagged property, an initial review is performed by City permit and environmental staff to determine if the permit activity could cause an environmental problem. If a potential problem exists, environmental staff will discuss the issue(s) with the permit applicant, and

provide them with guidance documents regarding the contamination at the property. The applicant uses these documents, or may be required to formulate a site-specific plan to manage potentially contaminated materials that may be disturbed during the construction process. Special conditions will be added to the permit, and in some cases, the plan must be submitted to the NYSDEC for review and approval. Once formal NYSDEC approval is obtained, the permit application process continues.

Are site specific plans and NYS DEC approvals required for all permits?

Many permit activities not involving excavation or intrusions into the ground do not require plans and NYSDEC approval. You can call the City's Division of Environmental Quality (428-6523) before coming to City Hall to apply for a permit to see if your property is flagged and if special plans and approvals will be required.

Why do we care?

Properties with residual contamination are flagged to limit and to prevent activities that could result in the accidental discharge or disturbance of materials that may adversely affect the health and safety of construction workers, future building occupants, and the community.

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