

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to section 8001-01 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding individual private on-site sewage disposal systems.

This rule was first published on November 5, 2018 and a public hearing thereon was held on December 6, 2018.

Dated: 12-19-18

New York, New York



Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose of Rule

The rule amendment clarifies the scope of 1 RCNY § 8001-01(a). The rule currently prohibits the Department of Buildings (DOB) from issuing a permit for an onsite private sewage disposal system in connection with commercial and manufacturing uses that is discharging sewage without the admixture of certain industrial and other wastes and has a daily flow of less than 1,000 gallons per day, unless a permit from the New York State Department of Environmental Conservation (DEC) is presented.

The amendment makes clear that a DEC permit is only required if the sewage contains industrial or other wastes or if the total discharge is 1,000 gallons or more per day.

DOB's authority for this rule is found in sections 643 and 1043 of the New York City Charter and section 104.1 of the New York City Plumbing Code.

New material is underlined.
[Deleted material is in brackets.]

Section 1. Subdivision (a) of Section 8001-01 of Chapter 8000 of Title 1 of the Rules of the City of New York is amended to read as follows:

(a) Applicability and scope. This rule governs the construction and installation of new individual private on-site sewage disposal systems and alteration and maintenance of existing individual private on-site sewage disposal systems. This rule applies to on-site wastewater treatment systems serving residential (one- and two-family) and non-residential (other than one- and two-family) properties receiving less than 1,000 gallons of sewage per day [not mixed with] which does not include industrial wastes or other wastes as defined in the Code of Federal Regulations, the Clean Water Act, the Safe Drinking Water Act, the Insecticide, Fungicide and Rodenticide Act, the Toxic Substances Control Act, the New York State Environmental Conservation Law and the New York Code of Rules and Regulations.

Exception: Pursuant to ECL § 17-0803 and 6 NYCRR 750-1.4, the New York State Department of Environmental Conservation (DEC) has the authority to issue permits for a new or modified disposal system [for a commercial or manufacturing use] discharging any amount of sewage with the presence of such industrial waste or other wastes, or for a residential or non-residential use whose total discharge of sewage is 1,000 gallons or more per day. DOB will not issue a permit to construct and use [a new or modified disposal system for a commercial or manufacturing use discharging any amount of sewage or for a residential use whose total discharge of sewage is 1,000 gallons or more per day] any such system until a DEC State Pollutant Discharge Elimination System (SPDES) permit is provided to the department.