



**Environmental
Protection**

New York City Department of Environmental Protection FY18 Regulatory Agenda

In compliance with section 1042 of the New York City Charter, the following is the regulatory agenda for rules that the New York City Department of Environment of Protection (DEP) anticipates it may promulgate during the fiscal year beginning July 1, 2017 and ending June 30, 2018. An approximate schedule for adopting the proposed rules and the name and telephone number of a DEP official knowledgeable about each subject area involved are listed below each section.

1. Construction Noise Mitigation Rules

A. Description

Rules regarding noise mitigation practices including requirements for street plates, jackhammers, and noise barriers.

B. Reasons

Update 2005 rules that set forth specific requirements for “construction noise mitigation plans” that contractors must complete prior to starting work.

C. Anticipated contents

The rule will establish additional requirements for the use of insulation between street plates and the ground, additional noise barriers for structures over 20 feet, and additional technologies for mitigation of jackhammer noise during nighttime construction activities.

D. Objectives

To further reduce noise during construction activities.



E. Legal basis:

NYC Charter Section 1403

F. Relevant local laws and rules:

NYC Administrative Code §24-219, 15 RCNY §28-100 et seq., 34 RCNY §2-11

G. Individuals and entities affected:

Builders and Contractors

H. Approximate Schedule:

4Q FY 2018

I. Agency Contact:

Russ Pecunies, DEP Legal Affairs, (718) 595-6531

2. Fireplaces

A. Description

Rule defining renewable fuel for fireplace usage and setting forth the emergencies in which a fireplace may be used as a primary source of heat.

B. Reasons

The 2016 Air Code revision added a new section 24-149.2 concerning fireplaces.

C. Anticipated contents

The rule will define renewable fuel that may be used for fireplaces and establish under what emergency conditions a fireplace can be used as a primary source of heat.

D. Objectives

Prevent air pollution from fireplaces.

E. Provide a summary of the legal basis for the proposed rule.



NYC Charter Section 1403

F. Relevant local laws and rules:

NYC Administrative Code §24-149.2

G. Individuals and entities affected:

Owners or occupants of residences with fireplaces

H. Approximate Schedule:

4Q FY 2018

I. Agency Contact:

Russ Pecunies, DEP Legal Affairs, (718) 595-6531

3. Emission Reduction Technology for Trade Waste Vehicles

A. Description

Rule to establish best available technology for the reduction of emissions from trade waste vehicles.

B. Reasons

The 2016 Air Code revision included a new section 24-163.11, which requires DEP to promulgate this rule by June 30, 2018

C. Anticipated contents

The rule will establish best available technology for the reduction of emissions from trade waste vehicles licensed by the Business Integrity Commission.

D. Objectives

Reduction of emissions from trade waste vehicles.

E. Provide a summary of the legal basis for the proposed rule.

NYC Charter Section 1403



Environmental Protection

F. Relevant local laws and rules:

NYC Administrative Code section 24-163.11

G. Individuals and entities affected:

Owners and operators of trade waste vehicles licensed by the Business Integrity Commission

H. Approximate Schedule:

4Q FY 2018

I. Agency Contact:

Russ Pecunies, DEP Legal Affairs, (718) 595-6531

4. Wood Burning Heaters

A. Description

Rule defining renewable fuel for wood burning heaters

B. Reasons

The 2016 Air Code revision added a new section 24-149.3 concerning wood burning heaters.

C. Anticipated contents

The rule will define what renewable fuels may be used in wood burning heaters.

D. Objectives

Reduce air pollution from wood burning heaters.

E. Provide a summary of the legal basis for the proposed rule.

NYC Charter Section 1403

F. Relevant local laws and rules:

NYC Administrative Code 24-149.3



Environmental Protection

G. Individuals and entities affected:

Owners of residences with wood burning heaters

H. Approximate Schedule:

4Q FY 2018

I. Agency Contact:

Russ Pecunies, DEP Legal Affairs, (718) 595-6531

5. Insulation Spraying

A. Description

Rule defining precautions construction companies must take during the spraying of insulation materials

B. Reason

The 2016 Air Code revision repealed existing requirements and provided for new requirements to be prescribed by rule.

C. Anticipated contents

The rule will set forth precautions required when spraying insulation materials.

D. Objectives

Prevent pollution from insulation spraying.

E. Provide a summary of the legal basis for the proposed rule.

NYC Charter section 1403

F. Relevant local laws and rules:

NYC Administrative Code 24-146(e)

G. Individuals and entities affected:



Environmental Protection

Construction companies

H. Approximate Schedule:

3Q FY 18

I. Agency Contact:

Russ Pecunies, DEP Legal Affairs, (718) 595-6531

6. Mobile Food Vending Units

A. Description

Rule defining alternative fuel requirements for mobile food vending units

B. Reasons

The 2016 Air Code revision added a new section 24-163.12 concerning mobile food vending units.

C. Anticipated contents

The rule will establish alternative fuel requirements in order to qualify for a waiver of the registration fee.

D. Objectives

Reduce emissions from food vending trucks.

E. Provide a summary of the legal basis for the proposed rule.

NYC Charter Section 1403

F. Relevant local laws and rules:

NYC Administrative Code 24-163.12

G. Individuals and entities affected:

Owners and operators of mobile food vending units



**Environmental
Protection**

H. Approximate Schedule:

4Q FY 2018

I. Agency Contact:

Russ Pecunies, DEP Legal Affairs, (718) 595-6531

7. Drilling and Excavation

A. Description

Uniform standards for the application for and permitting of all drilling and/or excavation in close proximity to critical infrastructure

B. Reason

Existing provisions of the Administrative Code mandate in general terms that the DEP Commissioner protect New York City's water supply; this rule would provide explicit protections.

C. Anticipated contents

The rule will set forth specific standards for the application for and permitting of drilling and/or excavation in close proximity to critical infrastructure

D. Objectives

To guarantee and protect the integrity of New York City's water supply and facilities

E. Provide a summary of the legal basis for the proposed rule.

NYC Charter Section 1403

F. Relevant local laws and rules:

NYC Administrative Code §24-302; 15 RCNY Chapter 34

G. Individuals and entities affected:



Environmental Protection

Engineers and contractors whose projects include drilling and/or excavation within the five boroughs of NYC

H. Approximate Schedule:

4Q FY 2018

I. Agency Contact:

Melinda Sherer, DEP Legal Affairs, (718) 595-6613

8. Water Shortage Rules

A. Description

Amendment of existing rules to apply in all situations of water shortage (including drought situations), to further clarify the implementation of an emergency rate and to update the existing prohibitions.

B. Reasons

Update the existing prohibitions to reflect current conservation studies and understanding of water use by consumers.

C. Anticipated contents

The rule will set forth an emergency rate and prohibitions and restrictions on water usage during periods of water shortage.

D. Objectives

Ensure an adequate water supply during periods of weather-related drought and/or large conveyance infrastructure repair and/or failure.

E. Provide a summary of the legal basis for the proposed rule.

NYC Charter Section 1403

F. Relevant local laws and rules:

15 RCNY Chapter 21



Environmental Protection

G. Individuals and entities affected:

All consumers of New York City water

H. Approximate Schedule:

4Q FY 2018

I. Agency Contact:

William Mirrer, DEP Legal Affairs (718) 595-6539

9. Design and Construction of Private Water Mains

A. Description

Rules for design and construction of private water mains.

B. Reasons

Establish rules for private water mains that are consistent with rules for private sewers.

C. Anticipated contents

The rules will establish requirements for those who construct private water mains in mapped streets at their own expense (and connect such water mains to City water mains or other private water mains) to transfer ownership of such mains to the City within a prescribed period of time.

D. Objectives

To ensure that private water mains are constructed to DEP standards and specifications.

E. Provide a summary of the legal basis for the proposed rule.

NYC Charter Section 1403

F. Relevant local laws and rules:

15 RCNY Chapter 23

G. Individuals and entities affected:



Environmental Protection

Builders and developers

H. Approximate Schedule:

4Q FY 2018

I. Agency Contact:

Susan Gordon, DEP Legal Affairs (718) 595-4260

10. Watershed - Revocable Land Use Permits

A. Description

Rules for issuance of revocable land use permits for NYC-owned land in nine upstate counties

B. Reasons

Give DEP greater discretion to allow acceptable activities on City-owned land without imposition of unduly burdensome insurance requirements.

C. Anticipated contents

The rule will remove the requirement for a bond for pump stations and add a new fee category for “lawn mowing or other small-scale uses incidental to residential dwellings.”

D. Objectives

Permit public use of land in the NYC watershed in upstate counties.

E. Provide a summary of the legal basis for the proposed rule.

NYC Charter Section 1403

F. Relevant local laws and rules:

15 RCNY Chapter 17

G. Individuals and entities affected:

Applicants for revocable land use permits for NYC-owned land in nine upstate counties



Environmental Protection

H. Approximate Schedule:

4Q FY 2018

I. Agency Contact:

May Chin, DEP Legal Affairs (845) 340-7204

11. Watershed – Rules for the Recreational Use of Water Supply Lands and Waters

A. Description

Rules for issuance of permits and permissions for certain commercial activities and additional uses on water supply property owned by the City of New York.

B. Reasons

Emphasize new recreational uses and further align property designations with beneficial use principles.

C. Anticipated contents

The rule will provide for permitting for new recreational uses such as trolling motors and for new Public Access Areas for East of Hudson water supply lands.

D. Objectives

To provide management strategies to manage/protect natural resources.

E. Provide a summary of the legal basis for the proposed rule.

NYC Charter Section 1403

F. Relevant local laws and rules:

15 RCNY Chapter 16

G. Individuals and entities affected:

Public interested in recreational use of water supply lands and waters

H. Approximate Schedule:



4Q FY 2018

I. Agency Contact:

William Mirrer, DEP Legal Affairs (718) 595-6539

12. Watershed – Watershed Regulations

A. Description

Update of certain wastewater sections of the *Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations).

B. Reasons

To conform to regulatory revisions made by the New York State Department of Environmental Conservation (DEC) and the New York State Department of Health.

C. Anticipated contents

The rule will amend requirements governing certain regulated activities in the New York City watershed including noncomplying regulated activities, subsurface treatment systems, holding tanks, stormwater pollution prevention plans, sewer systems, and variances.

D. Objectives

Protection of NYC water supply from contamination and pollution.

E. Provide a summary of the legal basis for the proposed rule.

NYC Charter Section 1403

F. Relevant state/local laws and rules:

15 NYCRR Chapter 18; Design Standards for Intermediate-Sized Wastewater Treatment Systems (effective March 5, 2014), and the New York State Department of Health Appendix 75-A revisions (effective February 2, 2010).

G. Individuals and entities affected:



Environmental Protection

Persons undertaking regulated activities in the New York City Watershed

H. Approximate Schedule:

4Q FY 2018

I. Agency Contact:

Robin Levine, DEP Legal Affairs (718) 595-6586

13. Community Right-to-Know Rules

A. Description

Update and revision of the Community Right-To-Know Regulations for entities involved in the processing, storage, handling, or use of hazardous substances, extremely hazardous substances, and regulated toxic substances.

B. Reasons

DEP promulgated these rules almost 25 years ago, and they contain many outdated and obsolete references.

C. Anticipated contents

Revisions to the Hazardous Substances List to conform to the current federal and state lists

D. Objectives

To protect the public from the dangers associated with hazardous substances.

E. Provide a summary of the legal basis for the proposed rule.

NYC Charter Section 1403

F. Relevant local laws and rules:

15 RCNY Chapter 41, §§ 24-703 and 24-706 of the New York City Administrative Code

G. Individuals and entities affected:

Owners of facilities where hazardous substances are stored.



H. Approximate Schedule:

4Q FY 2018

I. Agency Contact:

Russ Pecunies, DEP Legal Affairs, (718) 595-6531

14. Sewer Use Rules

A. Description

Revisions to “Use of the Public Sewers” rules, incorporating federal pretreatment standards and requirements, establishing sewer use limits and implementing the federal pretreatment program.

B. Reasons

Provide more clarity and specificity to the regulations in order to avoid confusion, promote higher rates of compliance, and facilitate DEP inspectors’ performance of comprehensive inspections.

C. Anticipated contents

Modifications to the definition section, the Best Management Practices for Non-Residential Direct and Indirect Dischargers of Grease to the Public Sewer System, and the rules regarding groundwater discharge permits.

D. Objectives

Reduce pollutants in stormwater runoff that discharge to the local waterbodies.

E. Provide a summary of the legal basis for the proposed rule.

Section 1403 of NYC Charter and section 24-523(e) of the NYC Administrative Code

F. Relevant local laws and rules:

15 RCNY Chapter 19

G. Individuals and entities affected:



Dischargers to the public sewer system.

H. Approximate Schedule:

4Q FY 2018

I. Agency Contact:

Russ Pecunies, DEP Legal Affairs, (718) 595-6531

15. MS4

A. Description

Rules that will give DEP new or additional authority to regulate certain sources of pollution in order to protect water quality and meet the City's obligations under the MS4 permit.

B. Reasons

New York State Pollutant Discharge Elimination System Permit for the NYC Municipal Separate Storm Sewer System (MS4), effective date August 1, 2015, requires DEP to have legal authority to regulate sources of pollution to the MS4.

C. Anticipated contents

Revision to Sewer Use Rules to address stormwater discharges; addition of rules related to regulation of industrial/commercial dischargers to the MS4.

D. Objectives

To comply with NYC's MS4 permit and regulate discharges to the NYC MS4 in order to reduce the discharge of pollutants to the NYC waterways.

E. Provide a summary of the legal basis for the proposed rule.

Section 1403 of NYC Charter, Chapter 5 of Title 24 of the NYC Administrative Code

F. Relevant local laws and rules:

Chapter 5 of Title 24 of the NYC Administrative Code

G. Individuals and entities affected:



Environmental Protection

Property owners, business owners, contractors and the public.

H. Approximate Schedule:

2Q FY 2018 (Sewer Use Rules); 4Q FY 2018 (Industrial/Commercial Rules)

I. Agency Contact:

Melinda Sherer, DEP Legal Affairs (718) 595-6613