

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Environmental Protection (“Department” or “DEP”) is proposing to amend its rules governing house/site connections to the sewer system.

When and where is the hearing? The Department will hold a public hearing on the proposed rule amendments. The public hearing will take place at 11 am on January 10, 2022. To participate in the public hearing, please follow these instructions:

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 347-921-5612,,98510248#](tel:+1347921561298510248)

Phone Conference ID: 985 102 48#

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Department through the NYC rules web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to nycrules@dep.nyc.gov.
- **Mail.** You can mail written comments to the Department, Bureau of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to the Department, Bureau of Legal Affairs, at 718-595-6543.

- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 718-595-6531. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by January 10, 2022.

What if I need assistance to participate in the hearing? You must tell the Department's Bureau of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by postal mail or email to the addresses given above. You may also tell us by telephone at 718-595-6531. You must tell us by January 3, 2022.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Bureau of Legal Affairs.

What authorizes the Department to make these rules? Section 1043(a) of the New York City Charter ("City Charter") and section 24-523(e) of the Administrative Code of the City of New York authorize the Department to make these proposed rules which were included in the Department's regulatory agenda for fiscal year 2022.

Where can I find the Department's rules? The Department's rules are in Title 15 of the Rules of the City of New York.

What laws govern the rulemaking process? The Department must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose

The New York City Department of Environmental Protection (DEP or Department) proposes to amend its rules governing house/site connections to the sewer system (Chapter 31 of Title 15 of the Rules of the City of New York (RCNY)) to clarify language, update peak flow requirements, provide alignment with new construction/post-construction requirements, provide alignment with recent updates to the New York City Plumbing Code, and provide more detailed and

comprehensive information in order to make it easier for the regulated community to determine what needs to be done to attain compliance.

Background

New York City's 2012 house/site connection stormwater rule had the goal of reducing the adverse impacts on City sewers from runoff during rainstorms more severe than combined sewers are designed to handle. Sewer overflows, floods, and sewer backups can occur when excessive stormwater from impervious surfaces enters too quickly into the sewer system. The rule set forth a new performance standard, which applied to development in combined sewer areas of the City, allowing the City to more effectively manage stormwater runoff by prescribing standards for the permitting, construction and inspection of sewer connections to the City's combined sewer system.

Since adoption of this rule, the New York State Department of Environmental Conservation issued to the City a Municipal Separate Storm Sewer Systems (MS4) permit, which required the City to implement measures to reduce pollution in stormwater runoff from developments in the MS4 areas of the City (Chapter 19.1 of Title 15 of the RCNY, construction/post-construction stormwater management requirements), with the goal of protecting and improving water quality in the City's waterbodies.

The department is proposing these amendments to Chapter 31 of Title 15 of the RCNY as part of a unified approach to stormwater regulation, to be administered citywide, which will align Chapter 31 stormwater quantity and flow rate requirements with Chapter 19.1 construction/post-construction permitting program water quality requirements, encouraging re-development projects greater than or equal to 20,000 square feet (sf) to use green infrastructure to meet the requirements of both chapters, where feasible. These amendments will allow for reduction in combined sewer overflows and flooding, increase in green space, greater consistency across stormwater programs, flexibility in design options and improvements in water quality.

These amendments to Chapter 31 will update onsite stormwater volume requirements and maximum stormwater release rates for both combined and storm sewer systems and reference the New York City Stormwater Manual (Appendix to Chapter 19.1 of Title 15 of the RCNY) for applicable stormwater technical requirements, including stormwater management practice hierarchies and stormwater management practice selection checklists.

The proposed amendments to §31-01(b) Definitions would:

- Add a definition for "building drain" to align with the definition in the New York City Plumbing Code.
- Add a definition for "building sewer" to include both combined and sanitary sewers.

- Revise the definition of “detention system” to align with the Chapter 19.1 definition of “detention system.”
- Revise the definition of “house connection proposal” to limit applicability to plans for existing or proposed developments of one (1), two (2) or three (3) family dwelling units less than 20,000 sf in total site area connecting to a sewer that fronts the site.
- Revise the definition of “indirect discharge” to align with the Chapter 19.1 definition of “indirect discharge.”
- Delete the definition for “interceptor-collector,” and any references to this term.
- Revise the definition of “internal drain,” to clarify that such definition applies to any drainage system which is not located in a final mapped street, a record street or an easement under the jurisdiction of the DEP.
- Add a definition for “NYC Stormwater Manual.”
- Revise the definition of “non-plumbing work,” to reference new definition for “plumbing work.”
- Add a definition for “plumbing work.”
- Clarify the definition for “retention system” to align with expanded opportunities to apply volume managed through non-detention systems toward total stormwater volume requirements.
- Add a definition for “shared sanitary sewer connection.”
- Add a definition for “site.”
- Revise the definition for “site connection proposals” to be applicable to all plans other than those in house connection proposals.
- Add a definition for “stormwater management facility.”
- Add a definition for “stormwater volume requirement” to replace references to “required stormwater volume to be detained.”

The proposed amendments to § 31-02(b) Sewer Availability Certification/Specific Requirements would:

- allow self-certified sewer certification applications except in certain circumstances,

which would include applications for projects not filed with the Department of Buildings, for proposed developments where the sewer does not front the property but is available, and for proposed developments where storm or combined sewer extension is feasible.

- require certification applications to include a site plan, the stormwater volume requirement, the actual stormwater release rate from the site, and the maximum stormwater release rate.
- require computation of the stormwater release rate for connections in a combined or storm sewer system.
- provide that, if the department determines that the allowable flow is less than the maximum release rate outlined in 15 RCNY § 31-03(a)(1), then the maximum release rate will be equal to the allowable flow.
- clarify that lot numbers shall correspond to the most recent records supplied by the Department of Finance
- require site plans to be prepared in accordance with the latest standards and requirements of the Department, including Chapter 19.1 of Title 15 of RCNY and the stormwater technical requirements outlined in the NYC Stormwater Manual (Appendix to Chapter 19.1 of these rules).

The proposed amendments to § 31-03 Stormwater performance standard would:

- extend the stormwater performance standard's applicability to connections to the storm sewer system.
- set maximum stormwater release rates for both combined and storm sewer systems.

The proposed amendment to § 31-07 Inspections aligns with the New York City Plumbing Code and clarifies that the Department of Buildings will inspect the building drain(s) and the Department will inspect the building sewer(s).

The proposed amendments add a § 31-09 Effectiveness. Zoning map amendments potentially change the sewer hydraulics for the areas covered by rezoning. The unified stormwater rule is designed to maximize stormwater management during and post-construction and to reduce stormwater runoff from new and redevelopment sites to the drainage system, a smart growth strategy that utilizes the opportunity of redevelopment to retrofit the volume and pollutant loading from stormwater to benefit the drainage system and water quality.

Accordingly, DEP proposes to distinguish recently rezoned areas (after November 15, 2021 but before the effective date of this rule) by requiring sites taking advantage of that rezoning that have submitted any application for certification or have been issued a certification under the

rules in effect prior to the effective date of the rule, to submit a new application for certification in compliance with Sections 31-02 and 31-03 of this Chapter.

Material being deleted is shown below in [brackets] and material being added is underlined.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Subdivision a of section 31-01 of title 15 of the rules of the city of New York is amended by adding new definitions of “building drain,” “building sewer,” “NYC stormwater manual,” “plumbing work,” “shared sewer connection,” “site,” “stormwater management facility,” and “stormwater volume requirement,” to be placed in alphabetical order, and the definitions of “allowable flow,” “combined sewer connection,” “contributory drainage area,” “detention system,” “finally mapped street,” “house connection proposal,” “indirect discharge,” “internal drain,” “intercepting sewer,” “interceptor-collector,” “non-plumbing work,” “private drain,” “private sewer,” “record street,” “retention system,” “sanitary sewer connection,” “site connection proposal,” “stormwater release rate,” and “stormwater sewer connection” are amended to read as follows:

Allowable flow. "Allowable flow" means the storm flow from developments that can be released into an existing storm or combined sewer based on existing sewer design criteria [that can be released into an existing storm or combined sewer].

Building Drain. “Building drain” means part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside and that extends to the exterior face of the exterior building wall; or the outlet of the most downstream trap, private manhole, catch basin, detention tank, or similar fixture or equipment, and conveys the drainage directly to the building sewer or, in the absence of building sewer, to an approved place of disposal.

Building Sewer. “Building sewer” means part of the drainage system that extends from the end of the building drain or the outlet of the most downstream trap, private manhole, catch basin, detention tank or similar fixture or equipment and conveys the discharge to a public sewer.

[Combined sewer connection. "Combined sewer connection" means a Sewer connection which extends from the property line and conveys both Sanitary sewage and storm water runoff to a Combined sewer or drain.]

Contributory drainage area. "Contributory drainage area" means a drainage area bounded by the [ridge lines] ridgelines of the furthest boundaries from which flow reaches a point of discharge.

Detention system. "Detention system" means a [structure] system designed to [store] slow

and temporarily hold an accumulation of stormwater runoff and release it at a controlled rate [into an approved outlet sewer system of limited capacity].

[Finally] Final mapped street. "[Finally] Final mapped street" means a street as shown on the City map.

House connection proposal. "House connection proposal" means a plan showing proposed Sewer connection(s) to a City sewer, a Private sewer, a Private drain, or an approved outlet to serve Fee Simple One (1), Two (2) or Three (3) Family Dwelling Units less than 20,000 square feet in total site area, connecting to a sewer that fronts the site.

Indirect discharge. "Indirect discharge" means a discharge [into a City sewer, a Private sewer, or an approved outlet by means other than a direct discharge] from a private sewer to a public sewer, or a discharge to any street, gutter, pipe, channel, pumping station, catch basin, drain, waterway, or other conveyance leading to or connecting with a public sewer, including but not limited to the placement or abandonment of any substance which could reasonably enter a public sewer under the force of stormwater or other influence.

Internal drain. "Internal drain" means a drainage system [under the jurisdiction of the DOB and] which is not located in a Final Mapped street, a Record street or an Easement under the jurisdiction of DEP.

Intercepting sewer. "Intercepting sewer" or "Interceptor sewer" means a [sewer which] sewer that was built as part of the Treatment plant, which, during dry weather, receives the dry-weather flow from a number of transverse Sanitary or Combined sewers and conveys such Flow to a wastewater pollution control plant. During storms, it receives predetermined quantities of dry-weather flow mixed with stormwater and conveys combined sewage to a wastewater pollution control plant.

[Interceptor-collector. "Interceptor-collector" means an Intercepting sewer which also serves as a local Sanitary sewer.]

NYC Stormwater Manual. "NYC Stormwater Manual" (the "Manual") refers to the procedural and technical stormwater requirements set forth as an Appendix to Chapter 19.1 of this Title.

Non-plumbing work. "Non-plumbing work" means any work not referenced in the definition of "Plumbing Work" [as set forth in Section 28-401.3 of the Code], including excavation work, construction work or any other work not classified as [piping] plumbing work.

Plumbing work. "Plumbing work" means the installation, maintenance, repair, modification, extension or alteration of plumbing or piping system within a tax lot.

Private drain. "Private drain" means a private sanitary, stormwater, or combined drain that is constructed in a Final[ly] Mapped street, a Record street, or an easement and discharges into an approved outlet.

Private sewer. "Private sewer" means a private sanitary, stormwater, or combined sewer that is designed and constructed in accordance with the requirements of the City drainage plan to serve a specific development and is located in a [Finally]final mapped street, a Record street, or a sewer easement, and discharges into an approved outlet.

Record street. "Record street" means a street that appears on the Tax map of the City, but is not a [Finally] final mapped street.

Retention system. "Retention system" means a [structure] system designed to [store] _ capture an accumulation of stormwater runoff [and dispose of it onsite] on site through infiltration, evapotranspiration, storage for reuse, or a combination thereof.

[Sanitary sewer connection. "Sanitary sewer connection" means a Sewer connection which extends from the property line of a building and conveys only sanitary sewage to a sanitary sewer/drain or a combined sewer/drain.]

Shared sewer connection. "Shared sewer connection" means a sewer connection serving two or more tax lots.

Site. "Site" means the area that is being developed.

Site connection proposal. "Site connection proposal" means a plan showing proposed Sewer connection(s) from existing or proposed developments other than [Fee Simple of One (1), Two (2) or Three (3) Family Dwelling Units to a City sewer, a Private sewer, a Private drain, or an approved outlet] a House Connection Proposal.

Stormwater management facility. "Stormwater management facility" means a stormwater management practice serving a developed site and consisting of technology or strategies designed to reduce pollutants in stormwater runoff or reduce runoff rate or volume from the developed site through infiltration, retention, detention, direct plant uptake, filtration, or other method or treatment. Such term includes, but is not limited to, detention systems and retention systems.

Stormwater release rate. "Stormwater release rate" means the rate at which stormwater is released from a site, calculated in terms of cubic feet per second (cfs) [or as a percentage of the Allowable Flow, which is also calculated in terms of cfs].

[Stormwater sewer connection. "Stormwater sewer connection" means a Sewer connection, which extends from the property line of a Building and conveys stormwater runoff to a Storm sewer/drain, or Combined sewer/drain or an approved outlet.]

Stormwater volume requirement. “Stormwater volume requirement” means the minimum volume of stormwater required to be managed on the site.

§ 2. Section 31-02 of title 15 of the rules of the city of New York is amended to read as follows:

§ 31-02 Sewer Availability Certification.

(a) General Requirements.

Owners proposing to connect to a City sewer, a private sewer, a private drain, or an approved outlet to serve an existing or a proposed development must file a sewer certification application with the appropriate department of the City, in accordance with the following requirements:

- (1) For an existing or a proposed Fee Simple One (1), Two (2) or Three (3) Family Dwelling Unit less than 20,000 square feet in total site area, a House Connection Proposal for sewer availability certification shall be required. Stormwater management systems for developments that include subdivision of lots must be submitted to DEP for review and approval.
- (2) For all existing or proposed developments other than [Fee Simple One (1), Two (2) or Three (3) Family Dwelling Units] House Connection Proposals, a Site Connection Proposal for sewer availability certification shall be required and must be submitted to DEP. Stormwater management systems for developments that include multiple construction phases or subdivision of lots must be submitted to DEP for review and approval as a master/phased plan site connection application proposal.
- (3) For the elimination of existing cesspools [or], septic tanks, or shared sanitary connections for existing buildings other than [Fee Simple One (1), Two (2) or Three (3) Family Dwelling Units] House Connection Proposals, a Site Connection Proposal for sewer availability certification shall be required, unless the site has been granted a prior sewer availability certification.
- (4) All House Connection Proposals or Site Connection Proposals for sewer availability certification shall be prepared by, or under the supervision of, a professional engineer or registered architect licensed by the State of New York, and shall be submitted with the appropriate sewer certification application form. The signature and seal of a professional engineer or registered architect shall appear on each proposal.

(b) Specific Requirements.

- (1) A professional engineer or registered architect may self-certify the availability of sewers by using the appropriate self-certified sewer certification application, except as specified in paragraph [(3)] (2) of this subdivision.
- (2) [All sewer certification applications for new construction under the jurisdiction of the DOB may be submitted to the DEP or to the DOB. All other sewer certification

applications for construction that is not under the jurisdiction of the DOB and do not require DOB project identification number(s) (DOB PIN(s)) shall be submitted to the DEP.]

[(3)] A professional engineer or registered architect shall not self-certify sewer certification applications for the cases listed below. Such applications shall be submitted to the DEP for review and certification:

[(i)] Applications for projects not filed with DOB;

[(ii)] Applications for proposed developments where a sewer does not front the property, but is available;

[(iii)] Applications for proposed developments where a storm or combined sewer extension is feasible;

[(i)] [(iv)] Applications involving mapping actions;

[(ii)] [(v)] Applications for connection(s) to a proposed private sewer or private drain under construction by the applicant to serve a proposed development;

[(iii)] [(vi)] Applications for proposed developments to be constructed in staged phases;

[(iv)] [(vii)] Applications for proposed developments on part of a tax lot;

[(v)] [(viii)] Applications to connect to a sewer or drain where the flow discharged must pass through a private pumping station;

[(vi)] [(ix)] Applications for proposed developments which must utilize an easement through, or cross, adjacent properties, to gain access to an approved outlet;

[(vii)] [(x)] Applications for proposed developments on a site traversed by a watercourse, active ditch, or existing sewer easement;

[(viii)] [(xi)] Applications for proposed discharge of flow to a private drain not built in accordance with the City drainage plan and which is not owned by the owner(s) of the proposed development(s);

[(ix)] [(xii)] Applications to connect to sewers or drains discharging to a private sewage treatment plant;

[(x)] [(xiii)] Applications for proposed sanitary discharge to an interceptor sewer;

[(xi)] [(xiv)] Applications for proposed sanitary discharge to six (6) inch diameter

sanitary sewers or drains;

[(xii)] (xv) Applications for proposed discharge of site storm flow to a highway drain, Work Project Administration (WPA) sewer, Temporary Connection (TC), plumber's drain, watercourse diversion, or State arterial highway drain;

[(xiii)] (xvi) Applications for skewed connections or connections to stub extensions from existing manholes; and

[(xiv)] (xvii) Application for proposed developments in areas rezoned after June 1993.

[(4)] (3) All sewer certification applications shall contain the appropriate identification number(s) as issued by the DOB, except for:

- (i) [Self-certified applications filed with the DOB] Applications using DOB's self-certification process; or
- (ii) Applications which are not required to be filed with the DOB.

[(5)] (4) Sewer certification applications shall include a site plan that shows [show] the proposed sanitary discharge; [the proposed developed site storm flow]; stormwater volume requirement; the actual stormwater release rate from the site; and the maximum stormwater release rate, in accordance with the following:

(i) The stormwater technical requirements as outlined in the NYC Stormwater Manual.

[(i) Computation of allowable flow to be discharged into stormwater or combined sewers or drains shall be based on either the City drainage plan or an approved drainage proposal under which the existing sewers or drains were constructed.]

(ii) Computation of the stormwater release rate shall be in accordance with 15 RCNY § 31-03(a)(1) for connections in a combined or storm sewer system. In no case shall the maximum release rate exceed the allowable flow. If it is determined by DEP that the allowable flow is less than the maximum release rate outlined in 15 RCNY § 31-03(a)(1), then the maximum release rate will be equal to the allowable flow. Computation of allowable flow to be discharged into stormwater or combined sewers or drains shall be based on either the City drainage plan or an approved drainage proposal under which the existing sewers or drains were constructed.

[(ii) Developed site storm flow shall be computed using the rational method for the total site area, with rainfall intensity of 5.95 inches per hour and the weighted runoff coefficient (Cw) based on the site development.

A. DEP will provide runoff coefficients to be used in computing site storm flow.]

[B.] (iii) DEP will accept for review applications that minimize the runoff coefficient of the entire site by maximizing open areas, and areas with grass or vegetative cover, green roofs, permeable pavements with suitable infiltration, or other techniques based on the runoff coefficients published by DEP. Further runoff coefficient reductions must be substantiated by soil borings taken at the location of the proposed areas in addition to a permeability test performed in situ.

[C.] iv. Overall site runoff coefficients must not be decreased without the express written approval of DEP.

[(iii)] v. Applicants shall specify the method(s) of disposal of all developed site storm flow in conformance with the provisions of local laws governing such disposal.

[(iv)] vi. Sanitary flow discharged to sanitary or combined sewers or drains shall be computed based on the density development permissible under zoning designation for the proposed development in accordance with the most recent drainage design criteria of the DEP.

(5) Block and lot numbers shall correspond to the most recent records supplied by the DOF. Any applicant proposing to alter an existing block and/or lot layout shall submit to the [DOB] DEP a Tentative Lot Number(s) Request Form bearing the applicant's signature and seal and showing the proposed block or lot modifications. [Such forms shall be approved by the DOB.]

- (6) All existing and proposed sewer connections shall be shown on the site plan and supporting documents. The minimum size of pipe for proposed connections to the sewer system shall be an eight (8) inch pipe in the Borough of Manhattan and a six (6) inch pipe in all other Boroughs.
- (7) No horizontal bends for sewer connections shall be permitted outside the property lines of the project site.
- (8) All sewer connections shall be gravity connections. Single structures utilizing an internal ejector shall follow provisions of the New York City Building Code and shall connect to the sewer by gravity for such use. In cases where multiple structure developments use internal ejectors, the internal ejector system shall discharge into a pressure relief manhole within the property lines, and then flow into the existing sewer by a gravity sewer connection.

- (9) All site plans submitted to the DEP with sewer certification applications shall be prepared in accordance with the latest standards and requirements of the DEP, as indicated below:
- (i) Site plans shall be drawn to scale, and shall contain the original seal and signature of the filing professional engineer or registered architect.
 - (ii) All hydraulic computations, and the proposed method(s) of disposal for all sanitary and storm discharge, must be shown on the site plan.
 - (iii) Swimming pool(s) must be shown on the site plan, but are not reviewed as part of the sewer certification application(s). A separate approval for the discharge from swimming pools must be obtained from the DEP. All swimming pools must discharge to an internal sanitary system prior to discharge into the existing sewer or drain.
 - (iv) Computations and details for the stormwater management facilities [practices] proposed for the on-site retention and/or detention of stormwater runoff from the developed site necessary to ensure compliance with this rule and/or with Chapter 19.1 of this Title, must be shown on the site plan.
- (10) Subsoil boring logs and soil permeability testing information must be submitted, in accordance with the NYC Stormwater Manual, to substantiate any proposed on-site stormwater infiltration.
- (11) Any person constructing a new development abutting a waterway shall discharge its stormwater to that waterway. All direct discharges shall comply with all applicable laws and regulations.
- (12) For sites with industrial waste discharge, the applicant must obtain approval from the DEP for such discharge prior to the certification of the sewer certification application. For self-certified sewer certification applications, the approval for the discharge of industrial waste must be obtained prior to submission of the self-certified sewer certification application to the City.

§ 3. Section 31-03 of title 15 of the rules of the city of New York is amended to read as follows:

§ 31-03 Stormwater performance standard for connections to combined or storm sewer [system] systems.

(a) Stormwater release [rate] rates.

The following provisions apply to the issuance of permits for sewer availability certifications and connections to combined and storm sewer systems for new buildings and alterations as defined in the Construction/Plumbing Codes and related requirements for any horizontal building enlargement or any proposed increase in impervious surfaces.

(1) The maximum Stormwater Release [Rate] Rates [must be no more than the greater of 0.25 cfs or 10% of the Allowable Flow or, if the Allowable Flow is less than 0.25 cfs, no more than the Allowable Flow] are set forth in the following table.

<u>Sewer Type</u>	<u>Maximum Stormwater Release Rate</u>
<u>Storm Sewer System</u>	<u>1 cfs per acre or 0.046 cfs, whichever is greater</u>
<u>Combined Sewer System</u>	<u>0.1 cfs per acre or 0.046 cfs, whichever is greater</u>

(2) For applications where the site is part of a lot [Alterations], the stormwater release rate for the altered area must be no more than the stormwater release rate for the entire site, determined in accordance with subparagraph (1) above, multiplied by the ratio of the altered area to the total site area. No new points of discharge are permitted.

(3) For [proposed open-bottom detention systems] sites where stormwater management facilities other than detention systems are proposed, applicants [would] may be entitled to a reduction of the [required stormwater volume to be detained] stormwater volume requirement. [where stormwater will be infiltrated into the below soils provided that the applicant demonstrates to the satisfaction of the department that the existing soil surrounding and below the system has a favorable rate of permeation substantiated by soil borings taken at the location of the proposed system in addition to a permeability test performed in situ.] The NYC Stormwater Manual identifies eligible stormwater management facilities, which must provide a reliable reduction in peak runoff rates for large events, and sets forth methods for determining the amount of volume that may be reduced. Requests for any volume [credits] reduction must be shown on the site connection proposal application and reviewed by DEP and must be made in accordance with the NYC Stormwater Manual.

[(3) Applicants would be entitled to a reduction of the required stormwater volume to be detained where stormwater will be recycled for on-site uses provided that the department finds that the recycling system is independent and does not result in total site discharge to the sewer system greater than the Stormwater Release Rate at any time. Such recycling systems cannot be modified or disconnected, without the express written approval of DEP. This restriction applies to both current and future owners and other persons in control of the property.]

§ 4. Paragraphs (1) and (2) of subdivision (a) of section 31-04 of title 15 of the rules of the city of New York are amended to read as follows:

(1) No person or Owner shall connect to, make use of, or make an opening into any interceptor sewer, [interceptor collector,] or sanitary, storm, or combined sewer or drain; or install, repair, relay or plug sewer connections, except upon issuance of a permit consistent with the provisions of this Rule. No sewer connections shall be permitted to

any catch basin. Any such connection made without a permit shall be in violation of this Rule.

- (2) Permits for a new connection or connections shown on certified sewer certification applications shall be required for the following:
- (i) new developments;
 - (ii) alterations performed on existing buildings, where sewer availability certification is required by the DOB;
 - (iii) existing buildings served by cesspools, [or] septic tanks or shared sanitary connections to be connected to fronting sewers or drains; and
 - (iv) unplugging and reuse of a plugged sewer connection.

§ 5. Subparagraph (v) of paragraph (2) of subdivision (c) of section 31-04 of title 15 of the rules of the city of New York are amended to read as follows:

- (v) No sewer connection permit shall be issued without the presentation of a valid building construction permit or alteration repair application (ARA) from DOB or other required work permit from any other agency [Agencies] having jurisdiction.

§ 6. Paragraphs (2) and (5) of subdivision (d) of section 31-04 of title 15 of the rules of the city of New York are amended to read as follows:

- (2) [Unplug and Reuse or Reuse] Reuse of Plugged Connection and Reuse of Existing Connection. For one, two or three family dwellings, permits for unplugging and reuse of a plugged sewer connection, or reuse of an existing sewer connection will be issued upon:
- (i) compliance with all of the requirements listed in paragraph (1) of this subdivision (d); and
 - (ii) submission to the DEP of the following:
 - (A) notarized letter of intent from the owner requesting reuse of the plugged sewer connection or reuse of the existing sewer connection;
 - (B) signed and sealed certification from the filing professional engineer or registered architect that the existing sewer connection is adequate; and
 - (C) signed and sealed certification from the Licensed Master Plumber that such plumber has verified that the existing sewer connection is in good working order.

(5) Connections to an existing sewer for the purpose of eliminating cesspools, [or] septic systems or shared sanitary connections. Permits for sewer connections to an existing sanitary or combined sewer in order to eliminate cesspools, [or] septic systems or shared sanitary connections will be issued upon:

- (i) compliance with the requirements contained in subparagraphs (i), (ii), (iii), (iv), (v), and (ix) of paragraph (1) of this subdivision (d);
- (ii) for fee simple one, two or three family dwelling units, submission of approval from DOB to abandon the existing cesspool, [or] septic system or shared sanitary connection;
- (iii) for other than fee simple one, two or three family dwelling units, submission of:
 - (A) an approval from DOB to abandon the existing cesspool, [or] septic system or shared sanitary connection; and
 - (B) a certified site connection proposal from the appropriate department, as required by subparagraphs (i), (ii) and (v) of paragraph (1) of this subdivision (d).

§ 7. Subparagraph (ii) of paragraph (7) of subdivision (b) of section 31-05 of title 15 of the rules of the city of New York is amended to read as follows:

- (iii) For six (6) inch diameter sewer connections to eight (8) inch diameter sewers or drains, if the existing eight (8) inch diameter sewer or drain is not supported by a concrete cradle, the connection method described in subparagraph (i) of this paragraph (7) shall apply. For sewers or drains on concrete cradles, a minimum of four (4) feet in length of the existing sewer or drain shall be encased in concrete from the point of connection. The concrete shall be allowed to set for [twenty-four (24)] forty-eight (48) hours, after which time, core drilling shall be performed.

§ 8. Subdivision (a) of section 31-07 of title 15 of the rules of the city of New York is amended to read as follows:

(a) General Requirements.

(1) All sewer connections, including new connections, relays/repairs, plugs, catch basin and catch basin connections, and seepage basins shall be inspected and approved by an Inspector.

(2) DOB will inspect the building drain(s) and DEP will inspect the building sewer(s).

[2)] (3) A permittee shall be granted an inspection one business day following the request for such inspection.

[(3)] (4) Prior to commencing excavation for sewer connections, the permittee shall verify that the sewer or drain is not surcharged, obstructed, or damaged. If the sewer is surcharged, obstructed, or damaged, the permittee shall not perform any work and shall immediately notify the DEP.

[(4)] (5) No sewer connection or related work shall be inspected or approved by an Inspector unless the trench is open for any length of previously un-inspected work and all pipes, joints, and related work are visible. A suitable ladder affording safe access for such inspection shall be provided by the permittee. Trenches must conform to all applicable Rules, Regulations and laws regarding safety.

[(5)] (6) An Inspector is required to be present during any drill-in to a sewer or drain.

[(6)] (7) Any trench backfilled without completed inspection shall be re-excavated to the degree necessary as determined by the Inspector.

[(7)] (8) Inspections will be conducted Monday through Friday (except on holidays) between the hours of seven (7) A.M. and four (4) P.M. Exceptions to this requirement may be granted upon traffic and work stipulations set forth by the DOT or other entity having jurisdiction or for other unforeseen circumstances, at the discretion of the department.

[(8)] (9) No inspection shall be performed unless all permits and appropriate documentation required by the DEP are displayed at the work site. Such documentation shall include:

- (i) the certified house connection proposal or certified site connection proposal, with all pertinent supporting documents where required;
- (ii) the approved permit application and sewer connection permit;
- (iii) the street opening permit from the DOT or other entity having jurisdiction, and when a Builder's Pavement Plan has been required, an approved copy thereof;
- (iv) all approved shop drawings;
- (v) all Mayor's Traffic Construction Coordination Committee traffic stipulations, where weekend and/or night work is scheduled; and
- (vi) all applicable notarized affidavits regarding the reuse of existing connections.

§ 9. Chapter 31 of title 15 of the rules of the city of New York is amended by adding a new section 31-09 to read as follows:

§ 31-09 Effectiveness.

(a) The amendments to this chapter made by the rule that added this section do not apply to any site with a sewer availability certification issued prior to the effective date of such rule.

(b) Notwithstanding subdivision a of this section, a site that is within an area that was rezoned as a result of a zoning map amendment application filed by the Department of City Planning, that received final approval after November 15, 2021 but before the effective date of the rule that added this section, must comply with the requirements of the amendments to this Chapter made by such rule if such site seeks to develop a parcel of land pursuant to such rezoning. Where any application for certification for such a site was submitted or any certification for such a site was issued under the rules in effect prior to the effective date of the rule that added this section, the applicant may not proceed under that application for certification or issued certification and must submit a new application for certification in compliance with Sections 31-02 and 31-03 of this Chapter, as amended by the rule that added this section.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Rules Governing House and Site Connections to Sewer System

REFERENCE NUMBER: DEP-83

RULEMAKING AGENCY: Department of Environmental Protection

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

November 23, 2021
Date

NEW YORK CITY LAW DEPARTMENT

DIVISION OF LEGAL COUNSEL

100 CHURCH STREET

NEW YORK, NY 10007

212-356-4028

CERTIFICATION PURSUANT TO

CHARTER §1043(d)

RULE TITLE: Amendment of Rules Governing House and Site Connections to Sewer System

REFERENCE NUMBER: 2021 RG 059

RULEMAKING AGENCY: Department of Environmental Protection

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN

Date: November 23, 2021

Acting Corporation Counsel

