

Notice of Adoption of Final Rule

New York City Department of Environmental Protection

Notice is hereby given pursuant to the authority vested in the Commissioner of the Department of Environmental Protection (“DEP” or the “Department”) by section 1043 of the New York City Charter and section 24-334 of the Administrative Code that the Department promulgates and adopts a rule providing that DEP has the discretion to grant extensions to the 10-day period in which meter permits must be returned.

Statement of Basis and Purpose of Final Rule

The COVID-19 global pandemic caused financial instability for many small businesses in the City of New York. On January 4, 2022, in response to this crisis, the Mayor signed Executive Order 2 “Small Business Forward: Review and Reform of Compliance Costs on Businesses” (“EO2”). EO2 called for the reform of existing violations and penalties issued by several city agencies.

The Department of Environmental Protection was one of seven enforcement agencies which conducted a review of its existing violations that are most frequently enforced through the issuance of notices of violations, and to the extent practicable, identified those violations that could be repealed or modified to reduce regulatory burdens, increase equity, and support small businesses.

The New York City Department of Environmental Protection (“DEP” or “Department”) is amending subdivision (b) of Section 20-05 of its rules governing the use and supply of water (Title 15, Chapter 20 of the Rules of the City of New York (“RCNY”)), to give DEP the discretion to grant extensions of the 10-day period in which meter permits must be returned. In reviewing its most frequently issued violations, DEP determined that it would be appropriate to amend Section 20-05(b) to provide for situations in which the plumber needed additional time to return the meter permit.

The proposed rule was published in the City Record on November 30, 2022. A public hearing on the proposed rule was held on December 30, 2022. No comments were received.

Section 1403(a) of the New York City Charter and section 24-334 of the Administrative Code authorize the Department to make this rule.

New text is underlined.

The text of the rule follows:

Section 1. Paragraph (2) of Subdivision (b) of section 20-05 of Title 15 of the Rules of the City of New York is amended to read as follows:

- (2) Within ten (10) business days following the completion of any work for which a meter permit has been issued, the permit, carrying: (i) a certification of the date of completion of

the work, (ii) the final reading from the old meter (for replacements or repairs) and (iii) the meter manufacturer's accuracy test document for the new meter shall be returned to the Department. The Department may, in its discretion, grant an extension of the 10-day timeframe in which the permit must be returned, upon a submission by the permittee showing that there is a practical difficulty in complying with the 10-day timeframe and providing a timetable for return of the permit. A permit shall expire after 365 days for new construction work and after 30 days for meter replacements or first-time meter installations in existing buildings. If the work is to be performed after that time, the Licensed Master Plumber must apply for a permit extension before the original permit expires.