

## New York City Department of Environmental Protection

### Notice of Public Hearing and Opportunity to Comment on Proposed Rule

**What are we proposing?** The Department of Environmental Protection (“DEP”) is proposing to amend the Rules Governing the Use & Supply of Water (Title 15, Chapter 20 of the Rules of the City of New York) to provide that DEP has the discretion to grant extensions to the 10-day period in which meter permits must be returned.

**When and where is the hearing?** DEP will hold a public hearing on the proposed rule online. The public hearing will take place at 11 am on December 30, 2022. To participate in the public hearing, please follow these instructions:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 214 573 736 267

Passcode: HtGUwv

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 347-921-5612,,765324809#](#)

Phone Conference ID: 765 324 809#

**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 website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov).
- **Mail.** You can mail written comments to the Department of Environmental Protection, Bureau of Legal Affairs, 59-17 Junction Boulevard, 19<sup>th</sup> Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to DEP’s Bureau of Legal Affairs, at 718-595-6543.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules 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 December 30, 2022.

**What if I need assistance to participate in the hearing?** You must tell DEP’s Bureau of Legal Affairs if you need a reasonable accommodation because of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You

may also tell us by telephone at 718-595-6531. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by December 23, 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.

**What authorizes the Department to make these rules?** Section 1403(c) of the New York City Charter (“Charter”) and section 24-334 of the Administrative Code of the City of New York authorize the Department to make these proposed rules. These proposed rules were not included in the Department’s regulatory agenda for this Fiscal Year as they were not contemplated at the time of publication of the agenda.

**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 Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the Charter.

### **Statement of Basis and Purpose**

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”) proposes to amend 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.

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

New text is underlined.

The text of the proposed 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 the 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.

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

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

**RULE TITLE: Amendment of Rules Governing Use and Supply of Water**

**REFERENCE NUMBER: DEP-93**

**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, 2022  
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 Use and Supply of Water

**REFERENCE NUMBER:** 2022 RG 909

**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  
Acting Corporation Counsel

Date: November 23, 2022