

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 management of construction and post-construction stormwater sources (Title 15, chapter 19.1 of the Rules of the City of New York (“RCNY”).

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 Monday, July 1, 2024. To participate in the public hearing, please follow these instructions:

Microsoft Teams

Join the meeting now

Meeting ID: 225 027 909 625

Passcode: cZPqCu

Dial in by phone

+1 347-921-5612,,765304382#

Find a local number

Phone conference ID: 765 304 382#

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 July 1, 2024.

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 June 24, 2024.

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(b-1) of the New York City Charter ("City Charter") and section 24-553 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 2023.

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 management of construction and post-construction stormwater sources (Title 15, chapter 19.1 of the Rules of the City of New York ("RCNY")).

Section 1403(b-1) of the Charter of the City of New York provides that the Commissioner of Environmental Protection ("Commissioner") has "the power to administer and enforce provisions of law, rules and regulations relating to the management and control of discharges and runoff from public and private property, including but not limited to stormwater discharges, which may convey pollutants and other materials that may enter and have an adverse impact on the waters of the state." Title 24 of the Administrative Code of the city of New York, Chapter 5-A establishes stormwater management controls for construction projects to reduce the flow of stormwater runoff and water borne pollutants into sewers that empty directly into the waters of

the state or that overflow into such waters because of rain or snowmelt that exceeds the design capacity of wastewater treatment plants.

The proposed amendments to Chapter 19.1 would revise several Appendices to the NYC Stormwater Manual, which provide additional procedural and technical guidance to owners, developers and applicants.

The proposed amendments are minor corrections or clarifications made in Appendix D *Stormwater Management Practice Sizing Examples*, Appendix E *Site Design Example*, Appendix F *Controlled Flow Pump Workbook*, and Appendix G *Detention in Series Examples*.

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

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

**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 Stormwater Manual Appendices

REFERENCE NUMBER: DEP-98

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

May 3, 2024
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 Stormwater Manual Appendices

REFERENCE NUMBER: 2024 RG 052

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
Senior Counsel

Date: May 2, 2024