

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 October 31, 2024. To participate in the public hearing, please follow these instructions:

Microsoft Teams

Join the meeting now

Meeting ID: 213 750 899 344

Passcode: DyyhBG

Dial in by phone

+1 347-921-5612,,261580815#

Phone conference ID: 261 580 815#

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. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? Yes, you must submit written comments by October 31, 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 October 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(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 2024.

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 certain standards for installation of sewer connections.

Section 1403(b-1) of the Charter of the City of New York provides that the Commissioner of Environmental Protection ("Commissioner") shall have charge and control over the location, construction, alteration, repair, maintenance and operation of all sewers including intercepting sewers and sewage disposal plants, and of all matters in the several boroughs relating to public sewers and drainage, and shall initiate and make all plans for drainage and shall have charge of all public and private sewers in accordance with such plans; and shall have charge of the management, care and maintenance of sewer and drainage systems therein." Title 24 of the Administrative Code of the city of New York, Chapter 5-Section 24-508 and 24-509 establishes that the DEP commissioner develops the rules related to the connections made to private and public sewers and drains.

The proposed amendments to Chapter 31 would add explicit connection configurations where none were defined previously, reconfigure how certain larger connections connect to sewers, prevent the creation of unnecessary structures in DEP facilities, and clarify certain rules currently enforced in accordance with standard practices.

The proposed amendments to §31-01 Applicability and Scope would add definitions for "bell," "protrusion" and "section."

The proposed amendments to §31-02 Sewer Availability Certification would:

- Clarify that for any site connection proposals where an existing, functional, connection is reused, that connection must be the minimum connection size as appropriate for the borough.
- Clarify that connections may not be larger than the sewers to which they are proposed to connect.
- Specify the assets that are available for sewer connections.
- Clarify that when a specific sewer connection is infeasible, the sewer is not available at that location.
- Clarify that DEP must make the determination about the connection feasibility.
- Specify that sanitary sewers within specific distances from properties are available for connection.

The proposed amendments to §31-04 Standards for Installation of Sewer Connections would clarify that connections may be reused for any property, not just those for site connection proposals for a 1-, 2-, or 3-family dwelling.

The proposed amendments to §31-05 Standards for Installation of Sewer Connections would:

- Clarify the general requirement that no connection to the sewer will result in any protrusion beyond the internal wall of the sewer.
- Specify the appropriate connection method for six (6) inch connections to six (6) inch sewers and eight (8) inch connections to ten (10) inch sewers, as the appropriate connection size had not previously been defined in the rules.
- Reconfigure when core drill-in connections are allowed to be made to sewers of varying sizes in order to allow for core drill-in connections where currently a manhole connection is required.
- Clarify that connections that are proposed to be larger than 16" require a chamber to be built on the sewer in accordance with DEP standards.
- Prohibit the building of new manholes on DEP sewers in close proximity to (i.e., within fifty (50) feet of) an existing manhole, except in extraordinary circumstances.

The proposed amendments to §31-07 Inspections clarify standards for approval of sewer connection work.

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. Section 31-01(b) of chapter 31 of Title 15 of the Rules of the City of New York is amended by adding new definitions of “bell,” “protrusion” and “section,” in alphabetical order, to read as follows:

Bell. “Bell” means the end of the pipe, which is larger than the rest of the pipe.

Protrusion. “Protrusion” means an extension of the sewer connection beyond the inner wall of the sewer.

Section. “Section” means the area of sewer pipe from existing bell to bell.

§ 2. Paragraph (6) of subdivision (b) of section 31-02 of chapter 31 of Title 15 of the Rules of the City of New York is amended to read as follows:

(6) All existing and proposed sewer connections shall be shown on the site plan and supporting documents. The minimum size of pipe for proposed or reused 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. The diameter of a sewer service connection may never be larger than the diameter of the sewer to which it is connecting.

§ 3. Section 31-02 of Chapter 31 of Title 15 of the Rules of the City of New York is amended by adding a new subdivision (c), to read as follows:

(c) (1) System Availability: The Department will determine the sewer availability based on the following requirements. The Department shall determine that connection is feasible if:

1. the sewer is considered a Department asset;
2. the sewer is of adequate capacity to receive all sewage flowing from the tributary area;
3. the sewer is in adequate physical condition to receive such flow;
4. no physical obstacles exist, between the boundaries of the lot or tract of land on which the building is located and the sewer, which would make connection to the sewer impracticable;
5. the sewer is located in the same drainage area as all or most of the lot or tract of land on which the building is located; and
6. no other factor reasonably related to the conveyance of flow from the building to the sewer would make such connection impracticable or undesirable as a proper means of sewage disposal.

(2) Sanitary flow: A public sanitary sewer or combined sewer for the purpose of conveying sewage, shall be deemed available to a one, two and three family dwelling, if a property line of such dwelling is within one hundred feet (measured along a street or right-of-way) of the sewer. A public sanitary sewer or combined sewer for the purpose of conveying sewage, shall be deemed available to a building in which plumbing fixtures are installed, except to a one, two and three family dwelling, if a property line of such building is within five hundred feet (measured along a street, or right-of-way) of the sewer.

(3) Storm flow: A public storm or combined sewer for the purpose of conveying stormwater shall be deemed available in accordance with Administrative Code 24-526.

§ 4. Paragraph (2) of subdivision (d) of section 31-04 of chapter 31 of Title 15 of the Rules of the City of New York is amended to read as follows:

(2) Reuse of Plugged Connection and Reuse of Existing Connection. [For one, two or three family dwellings, permits] Permits for unplugging and reuse of a plugged sewer connection, or reuse of an existing sewer connection will be issued upon:

§ 5. Subdivision (a) of section 31-05 of chapter 31 of Title 15 of the Rules of the City of New York is amended to read as follows:

(a) *General Requirements.* All new sewer connections shall [be in compliance] comply with this Rule. All work must be done in such a way that the connection to the sewer will not result in any protrusion beyond the internal wall of the sewer.

§ 6. Paragraph (7) of subdivision (d) of section 31-05 of chapter 31 of Title 15 of the Rules of the City of New York is amended to read as follows:

(7) In cases where no spurs exist, or connection to an existing spur is not feasible, one of the following methods shall be used:

(i) For six (6) inch diameter sewer connections to six (6) inch diameter sewers or drains, or eight (8) inch diameter sewer connections to eight (8) inch diameter sewers or drains; when connecting to clay sewers, three (3) sections of the existing sewer or drain shall be replaced with two (2) straight pipe sections and a central spur piece; when connecting to sewers or drains of other materials, minimum one section shall be replaced with three (3) shorter segments with minimum length of four (4) feet each.

(ii) For six (6) inch diameter sewer connections to eight (8) inch diameter sewers or drains, or eight (8) inch diameter sewer connections to ten (10) inch diameter sewers or drains, if the existing eight (8) or ten (10) 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)] two (2) feet in length of the existing sewer or drain on either side of the point of connection shall be encased in concrete [from the point of connection]. The concrete encasement shall follow Department sewer design standards. The concrete shall be allowed to set for forty-eight (48) hours, after which time, core drilling shall be performed.

(iii) Core drilling to install a spur into an existing sewer or drain shall only be performed with an approved coring machine. Such coring shall be made at the one (1) or two (2) o'clock or ten (10) to eleven (11) o'clock position as described in paragraph (9) of this subdivision (b). The cored portion of the sewer shall be retained and submitted to the Inspector. Core drilling shall only be permitted in the following circumstances:

(A) where the new sewer connection is six (6) inches in diameter and the existing sewer or drain is ten (10) inches in diameter or larger;

(B) where the new sewer connection is eight (8) inches in diameter and the existing sewer or drain is twelve (12) inches in diameter or larger;

(C) where the new sewer connection is ten (10) inches in diameter and the existing sewer or drain is [twenty-four (24)] fifteen (15) inches in diameter or larger[.];

(D) where the new sewer connection is twelve (12) inches in diameter and the existing sewer or drain is eighteen (18) inches in diameter or larger; and

(E) where the new sewer connection is fifteen (15) or sixteen (16) inches in diameter and the existing sewer or drain is thirty (30) inches in diameter or larger.

(iv) Any sewer connection ten (10) inches in diameter to existing sewers or drains less than 15 (fifteen) inches in diameter; or sewer connection twelve (12) inches in diameter [or larger] to existing sewers or drains less than [forty-eight (48)] eighteen (18) inches in diameter; or sewer connection fifteen (15) or sixteen (16) inches in diameter to existing sewers or drains less than thirty (30) inches in diameter, shall be made only to an existing or proposed manhole. For sewer connections larger than [eighteen (18)] sixteen (16) inches in diameter, the applicant shall submit a detail of the proposed method of connection

to the Department for review and approval, and a manhole must be constructed in accordance with Department standards to accommodate the connection. When a non-standard manhole is required, an additional Department review is required. No new manhole may be built on a Department sewer within 50' of an existing manhole without proof of substantial hardship.

§ 7. Paragraph (1) of subdivision (a) of section 31-07 of chapter 31 of Title 15 of the Rules of the City of New York is amended to read as follows:

(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 a[n] Department Inspector unless the Department accepts photographic or video verification that the work meets Department standards.

(2) For connection work in the vicinity of the sewer, all work must be done in such a way that connections to the sewer will not result in any protrusions beyond the internal wall of the sewer. The Department must be able to confirm by inspection during installation or by a permittee-provided photographic or televised inspection of the sewer, as required and specified by the department, that there are no protrusions into the sewer wall beyond the internal wall of the sewer.