**SW 4: SEND RAINWATER TO WATERWAYS**

*Rules of the City of New York (Department of Environmental Protection)*
Proposal developed by the Site & Site Stormwater Committee

**Summary**

**Issue:**
Most properties located on the waterfront direct their rainwater into the sewer system, which contributes to more frequent combined sewer overflows during storms.

**Recommendation:**
Require waterfront properties to treat and discharge rainwater into the adjacent water body, unless it is technically infeasible.

**Proposed Legislation, Rule or Study**

*Amendments to the Rules of the City of New York:*

1. Add a new paragraph (j) to Section 19-02 of Title 15 as follows:

   (j) For properties located adjacent to tidal waterways, permits for the discharge of stormwater into public sewers shall require, at a minimum, a finding by the Commissioner that it is not feasible to discharge all or part of the site's stormwater into the adjacent waterbody in compliance with the requirements of the Army Corps of Engineers and New York State Department of Environmental Conservation and the New York State Department of Environmental Conservation.

**Supporting Information**

**Issue – Expanded**
Excess stormwater is an important environmental and health issue in New York City due to the incidence of combined sewer overflows. Sites situated next to water bodies could entirely eliminate their burden on the sewer system by discharging stormwater directly into the water body.

Sending stormwater directly to waterways is already a common practice with the Department of Environmental Protection, though it is not yet formalized in code.

**Environmental & Health Benefits**
Redirection of waterfront runoff results in a reduction of combined sewage overflow (CSO) that in turn reduces the risk of exposure to disease-causing bacteria and viruses.

This proposal was found to have a low positive environmental impact per building and to impact a small number of buildings. It was thus given an environmental score of 1.

This proposal was found to have no significant positive health impact.

**Cost & Savings**
As described in the Executive Summary, Bovis Lend Lease prepared cost estimates for each Task Force proposal in the context of well-defined construction projects in specific buildings. Where possible, members of the Technical Committees prepared savings estimates for some of these projects and buildings. These cost and savings estimates are presented in the February 1st draft version of Appendix A. The innate uncertainty in how construction and operation will vary from one building to another, the complexity of the Task Force proposals, and the wide range of applications in which the proposals may be realized mean these figures are truly estimates.

This proposal was estimated to lower capital costs if implemented.
Precedents
As noted above, DEP has permitted many sites to discharge their stormwater directly into waterways. Projects where this has occurred include the following: 184 Kent Avenue (Brooklyn), 155 West Street (Brooklyn), Ferry Point Park (Bronx), Bronx River Greenway (Bronx), Silvercup (Queens), Fresh Kills (Staten Island) and Baker Field (Manhattan).

LEED
For existing buildings, projects must meet LEED EB-WE prerequisite 2 Discharge Water Compliance which concerns protecting natural habitat, waterways and water supply from pollutants carried by building discharge water. Under Option A, if regulated by EPA National Pollution Discharge Elimination System (NPDES) Clean Water Act requirements, a project must demonstrate NPDES permit compliance including use of any required oil separators, grease interceptors and other filtration for in-building generated discharges and proper disposal of any wastes collected. Under Option B, if the facility is not regulated by a NPDES Permit, this prerequisite is achieved.

Since this proposal requires that all discharges into waterbodies comply with the requirements of NYSDEC, the recommendations will assist in achieving LEED EB credits.

Implementation & Market Availability
There are no known implementation issues for this proposal. The technology and materials required to support the redirection of stormwater runoff are widely available.

Notes
The federal Clean Water Act requires all municipal, industrial and commercial facilities that discharge wastewater or stormwater directly from a point source into a water of the United States to obtain a National Pollutant Discharge Elimination System (NPDES) permit. All permits are written to ensure the receiving waters will achieve their Water Quality Standards. In order for this proposal to be implemented, the method of discharge must comply with existing NPDES permits.