## AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

**NOTE:** Individuals requesting Sign Language Interpretation may contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007 (212) 839-9435. Notice of any change to the date, time, or location of a Hearing will be published in the City Record at least five (5) days prior to the Hearing or in the case of an emergency, at least one (1) day prior to the Hearing. **Public comments received prior to the Hearing will be made a part of the record.**

**SMALL BUSINESS SERVICES**

### PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, January 12, 2012, 9:00 a.m., in Conference Room A of 150 Water Street, New York, N.Y. 10038-5302, for the purpose of hearing comments on Proposed Rule Amendments to: Rules for the Protection of the City Sewer System.

**BACKGROUND**

*Federal and State regulations require the Department of Environmental Protection to protect the sewer system, and, protect the flow of stormwater from sites, mitigate combined sewer overflows.*

### THE FINAL RULE

The Department of Environmental Protection is amending Chapter 31 of Title 15 of the Rules of the City of New York which regulates the construction, permitting, and inspection of sewer connections to the City sewer system. The final rule will effectively apply to development on medium to large size lots. Small development sites would likely not generate runoff in excess of sewer run-off requirements and therefore would be expected to comply with current sewer availability and connection application process requirements.

### SPECIFICALLY, THE FINAL RULE:

- *Sets forth a new performance standard which would require applicants to submit an alteration map for any horizontal building enlargement or subdivision of lots.*
- *Establishes that DEP will review Site Connection Plans and plans related to construction and treatment.*

### CONTRACTOR/ADDRESS

Staten Island Economic Development Corp.
900 Whitehall Street
Staten Island, New York, 10304

### SERVICE AREA

Staten Island

### AMOUNT

1114307

### SUMMARY

The proposed contractor was selected by means of a Competitive Sealed Proposal process, pursuant to Section 3-03 of the Procurement Policy Board Rules. A draft copy of the proposed contract is available for public inspection at the Department of Small Business Services, 110 William Street, 7th Floor, New York, N.Y. 10038, from January 3, 2012, to January 6, 2012, from 9:00 a.m. to 5:00 p.m., excluding holidays.

Anyone who wishes to speak at this public hearing should request a time by contacting the Department of Environmental Protection at 212-780-6700. Written requests to speak should be sent to Mr. David Williams, ACCO, Department of Small Business Services, 110 William Street, 7th Floor, New York, N.Y. 10038, or emailed to: gromonitorhelpdesk@nyc.gov.

### AGENCY RULES

**ENVIRONMENTAL PROTECTION**

**NOTICE**

NOTICE OF ADOPTION OF FINAL RULE

Department of Environmental Protection Promulgation of Chapter 31 of Title 15 Of the Rules of the City of New York Governing House/ Site Connections to the Sewer System

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY OF THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION by Section 24-503 of the Administrative Code of the City of New York, that the Department of Environmental Protection promulgates rules regarding the connection of buildings or structures to the City sewer system. These amendments were proposed and published in the City Record on September 29, 2011. A copy of the final holding was published on October 31, 2011, and written comments were accepted through November 30, 2011.

### Statement of Basis and Purpose

**Introduction**

New York City is adopting this new stormwater rule to reduce the adverse impacts on City sewers from runoff during rainstorms. New stormwater management systems into the City’s surrounding waterbodies affect attainment of Clean Water Act (CWA) standards. Varying precipitation patterns and associated flooding are increasing demand on the system, potentially limiting housing, business and other development. In response to those regulatory and weather trends, DEP has adopted a comprehensive, system-wide approach to reduce stormwater demands on the combined sewer system that includes source control (including green infrastructure), construction and system inspection of sewer connections to the City sewer system. DEP expects the rule to:

- slow the flow of stormwater from sites, mitigate combined sewer overflows, protect the sewer system, and,
- mitigate combined sewer overflows.

**Background**

Federal and State stormwater regulations continue to become more stringent, and the City expects new Municipal Separate Storm Sewer Systems (MS4) requirements to be published within the next year. Accordingly, the City will revisit this stormwater rule once MS4 obligations are settled in order to add new stormwater requirements for separately sewered areas. At that time the City will also review how sewer controls will be working in combined sewer areas.

### THE FINAL RULE

The Department of Environmental Protection is amending Chapter 31 of Title 15 of the Rules of the City of New York which regulates the construction, permitting, and inspection of sewer connections to the City sewer system. The final rule will effectively apply to development on medium to large size lots. Small development sites would likely not generate runoff in excess of sewer run-off requirements and therefore would be expected to comply with current sewer availability and connection application process requirements.

Specifically, the final rule:

1. *For a new development, the Stormwater Releasers Flow Rate will be the greater of 0.25 cubic feet per second (cfs) or 10% of the Allowable Flow, unless the Allowable Flow is less than 25 cfs, which case the Stormwater Releaser Rate shall be the Allowable Flow. (Allowable Flow means the stormwater flow from a development that can be released into an existing storm or combined sewer based on existing sewer design criteria.)*

2. *For Alterations, the Stormwater Releasers Flow Rate will be the greater of 0.25 cubic feet per second (cfs) or 10% of the Allowable Flow, unless the Allowable Flow is less than 25 cfs, which case the Stormwater Releaser Rate shall be the Allowable Flow. (Allowable Flow means the stormwater flow from a development that can be released into an existing storm or combined sewer based on existing sewer design criteria.)*

3. *Clarifies that the overall site runoff coefficient can be reduced by maximizing open spaces, infiltration, and other techniques.*

4. *Clarifies that stormwater management systems for developments that include multiple construction phases can be inspected by submitting to DEP for review and approval a master phased plan site connection application proposal.*

5. *Establishes that, for proposed open-bottom detention systems, DEP will review proposals for detention volume reductions through infiltration into soils. Such requests must be shown on Site Connection Plan/ applications and substantiated by:*

- soil borings taken at the location of the proposed system,
- a permeability test performed in sites to demonstrate that the existing soil below the site has a favorable rate of permeation.

### Establishes that DEP will review Site Connection Proposal applications and support stormwater management reductions through dedicated systems and within certain connections to reduce stormwater generated on the site.

### Clarifies that landowners and their successors must properly maintain on-site stormwater management systems, and therefore would be expected to comply with current stormwater availability and connection application process requirements.

### There are three changes in the Final Rule from the Proposed Rule which was published in September 2011:

- Language has been added to section 31-02 to clarify current practice with regard to the calculation of allowable flow in systems consistent with New York State regulations.

- The provision in section 31-03(a) regarding Allowable Flow has been deleted in its current form and to make the language in the rule and the Statement of Basis and Purpose consistent.

- Material to allow permeability tests to be performed at a laboratory located in Staten Island has been performed in sites is more accurate and reliable.

Section 1. Chapter 31 of Title 15 of the rules of the city of New York is amended to read as follows:

**CHAPTER 31 RULE GOVERNING HOUSESITE CONNECTIONS TO THE SEWER SYSTEM**

§31-01 Applicability and Scope.

(a) Applicability.

(1) This Rule applies to the certification of sewer availability and to the issuance of permits for the construction, alteration, repair or relay, plugging, unplugging, and abandonment of all sewer systems within the City.

(2) The portion of a new Sewer connection extending from the road to sewer main under the City street and for City capital sewer construction projects are not subject to this Rule and are covered by the standards and specifications for such projects.

(b) Definitions. For the purposes of this Rule, the following definitions shall apply:

Agency—Agency means an agency of the City.

Allowable sewer or drain—Allowable sewer or drain means existing or proposed sewer or drain line to which a Sewer connection is made.

Allowable sewer or drain may mean: a Sewer connection to any of the City’s drainage plans or an approved Drainage proposal, and is the approved outlet for the Sewer from the site of an existing or a proposed development.

Alteration map—Alteration map means a map showing proposed changes to an existing Sewer connection.


Applicant—Applicant means the Owner of an existing or a proposed development or his or her legally designated representative.

Applicant’s offering plan—Applicant’s offering plan means a proposal for development on series of documents setting forth the rights, privileges, and duties of a Site owner under Site connection proposals, and which is submitted to the New York State Department of Law in accordance with the requirements of Section 352-2 of the New York State General Business Law.

Approved outlet—Approved outlet means an existing or proposed sewer or drain connection that has been approved by the City.

As-built drawing or Record drawing—As-built drawing or “Record drawing” means a map or a drawing which represents the actual constructed state of a City sewer, or, sewer, or drain system, including changes in the system.


Available sewer or drain—Available sewer or drain means existing or proposed sewer or drain line which has sufficient capacity to accommodate a proposed development.

Block—Block means a tract of land bounded by consecutive intersecting streets.

Building—“Building” means a structure having a specific Block and Lot (or tax sub-lot). In general, a structure will be considered a Building if it has a separate entrance from an outdoor area.

RWSO, “RWSO” means the Bureau of Water & Sewer Operations of the City of New York.

Catch basin—“Catch basin” means a structure designed to collect and convey stormwater runoff from a parking lot or driveway, a Combined sewer, or an approved outlet by means of a catch basin connection pipe.

City, “City” means the City of New York.

City drainage plan—“City drainage plan” or “drainage proposal means a plan for the proper sewage and drainage of the City of New York, or any part thereof, prepared and adopted under Section 24-503 of the Administrative Code of the City of New York.
City map. "City map" means the City map referred to in Sections 198 and 199 of the City Charter.


Commissioner. "Commissioner" means the Commissioner of the Department of Environmental Protection.

Construction area. "Construction area" means a drainage area bounded by the line of subsoil stratums from which ground water flows to an existing stormwater or sanitary sewer or drain system.

Development affecting a drainage area. "Development affecting a drainage area" means any activity that causes an increase of runoff from a previously undeveloped area of a drainage area or that changes the flow of water on the surface or through, under, or around existing structures.

Division of Water Supply and Sewerage. "Division of Water Supply and Sewerage" means the Division of Water Supply and Sewerage of the Water Resources Bureau.

Emergency water service. "Emergency water service" means the re-routing of an existing Watercourse by either opening and continuously traveled street dedicated for public use, or by any other method approved by the Division of Water Supply and Sewerage of the Water Resources Bureau.

"Owner." "Owner" means a person, firm, corporation, company, association, society, institution or any other legal entity that, directly or indirectly, holds or controls, possesses or exercises control over, or assumes or accepts responsibility for, or incurs any obligations or easements compromising an existing or a proposed development.

Private drain. "Private drain" means a private sanitary, stormwater, or combined sewer/drain that is constructed in a Finally mapped street, a Record street, or an easement or proposed development requiring a Mapping action.

Private pump station. "Private pump station" means a pump station located, owned, and operated, and maintained by a private sewer collection facility for the purpose of receiving stormwater from a drainage area, or a storm, or a motorized vehicle, and discharges water therefrom.

Private sewer plan or private drain plan. "Private sewer plan" or "Private drain plan" means a construction plan for the installation of Private sewers or Private drains and appurtenances thereto.

Residential sewage. "Residential sewage" means household waste, swiming pool discharge, wash water, or similar water that is discharged to a Collection system.

Sanitary sewer. "Sanitary sewer" means a sanitary, stormwater, or combined sewer/drain that is designed and constructed in accordance with the requirements of the City drainage plan to serve a specific developer that is located in a Finally mapped street, a Record street, or an easement or proposed development requiring a Mapping action.

Sanitary sewer connection. "Sanitary sewer connection" means a Sewer connection which extends from the property line of a Building to an approved outlet.

"Sewer certification" or "Sewer availability certification" means a house connection proposal application or site connection proposal application to certify the adequacy of the existing abutting sewer to receive stormwater runoff and discharge.

Sewer connection. "Sewer connection" means the connection of any existing sewer or drain or an approved outlet.

Sewage. "Sewage" means any liquid, gaseous, or solid substance which is contributed, or which results from any process of manufacture, machining, trade, or business, or from the development or recovery of natural resources.

Sierra Club. "Sierra Club" means the Sierra Club, a 501(c)(3) organization.

Stormwater sewer. "Stormwater sewer" means a sewer which conveys storm water, including rainfall, and other non-sewered water, to a Sanitary sewer/drain or Combined sewer/drain.

Erosion. "Stormwater sewer erosion" means the destruction or removal of soil, vegetation, trees, or other natural watercourse.
(i) Self-certified applications filed with the DOB; or
(ii) Applications which are not required to be filed with
the DOB. Further runoff coefficient calculations shall be computed using the rational method for the total site area, with rainfall intensity and rate for the entire site determined in accordance with the rational method.

§ 31-03 Standards for Issuance of Permits.
(a) Permits.

(i) No person or Owner shall connect, to make use of, or
make an opening into any interceptor sewer, interceptor
collector, sanitary, storm, or combined sewer or drain, or
install, repair, relay or plug sewer connections, except upon
issuance of a permit consistent with the provisions of this
Rule. A sewer connection application shall be prepared
for the following:

(1) For sites with industrial waste discharge, the
application and reviewed by DEP.

(b) Authorization to Abandon Existing sewer
connections.

(i) Authorization to Abandon Existing sewer
connections shall be granted for the following:

(1) For sites with industrial waste discharge, the
application and reviewed by DEP.

(ii) for fee simple one, two or three family dwelling units,

(iii) existing buildings served by cesspools or septic
systems; and

(b) Authorization to Abandon Existing sewer
connections shall be granted for the following:

(i) Existing buildings served by cesspools or septic
systems; and

(ii) alterations performed on existing buildings, where
alterations result in the plugging of an
existing sewer connection in good working order.

§ 31-03 Stormwater performance standard for connections

(1) Stormwater performance standards shall be satisfied by:

(a) Separation of stormwater and sanitary sewers or drains;

(b) A notarized letter of intent from the owner
sufficing to substantiate the proposed
site storm flow. This letter shall be
submitted to the DEP or another entity having
jurisdiction.

(c) Signing and sealed certification from the filing
engineer or registered architect that the existing
sewer connection is in good working order.

(d) waterway allowable flow, as determined by the
Department of Environmental Protection.

(e) submit an application for a permit or permits to install
to the DEB or any other entity.

(f) The applicant's application shall be consistent with
the submission of the self-certified sewer certificate;

(g) a notarized letter of intent from the owner
sufficing to substantiate the proposed
site storm flow. This letter shall be
submitted to the DEP or another entity having
jurisdiction.
(a) sewer connections or for new catch basin connections. Permits for new manhole connections or for new catch basin connections shall be granted when:

(i) complies with all of the requirements in subparagraphs (i), (ii), (iii), (iv), (v), and (vi) of paragraph (1) of this subdivision;

(ii) for new catch basin connections, compliance with all requirements listed in subparagraphs (i), (iii), and (iv) of paragraph (1) of this subdivision;

(iii) presentation of a valid approved Builders Pavilion Plan, submitted for review and approval by the City, may be on file with the Bureau of Office of WBSO prior to issuance of the permit.

Permits and Conditions.

(1) Each permit shall be valid for a period not to exceed sixty (60) days from the date of issuance. An additional one time thirty (30) day extension may be granted upon written request by the Licensed Master Plumber expediting the project.

(2) After expiration of the permit period and any extension, the permit shall be required to be filed for new or permit and all paid fees required.

(3) If the work is not performed in accordance with the permit, the Bureau of WBSO may revoke the permit by the Commissioner for cause.

(f) Fees

All fees shall conform to the latest fee schedule published by the Water Board.

(g) Violations. It shall be a violation to perform any operation or work without a permit as required by this Rule.

[35-04] 111-05 Standards for Installation of Sewer Connections

(a) General Requirements. All new sewer connections shall be made in accordance with the following:

(b) Specific Requirements. All new sewer connections shall be made to be available existing sewers, drains, or outlets, upon the issuance of the permit.

(c) New sewer connections to existing sewer or drain shall be made in accordance with the following:

(i) Any new sewer connection shall have a minimum of four (4) feet of cover unless the DEP grants approval for a lesser depth of cover. A sewer or drain greater than forty-eight (48) inches in diameter and the existing sewer or drain is twenty-four (24) inches in diameter or larger;

(ii) A hole shall be core drilled with an approved core drilling machine to produce a smooth hole equal to the outside diameter of the new connection or drain with a quick setting two-part mix of epoxy adhesive that will harden in four (4) to seven (7) hours.

(iii) For sewer or drain connections greater than forty-eight (48) inches in diameter, the catch basin connections shall be installed in accordance with any approved house connection proposal.

(7) In cases where no spurs exist, or connection to an existing sewer infrastructure is not possible, the connection method described in subparagraph (i) shall be used.

Material in excess of seven (7) inches shall meet the following requirements:

(1) All proposed seepage basins, catch basins, and catch basin connections shall be installed in accordance with the Bureau of Water Board.

(c) Connections to support pipe or support of an existing sewer connection results in damage to defect or adjacent or connected sewer, the use of a Dutchman, in accordance with subparagraph (i) of this paragraph shall not be issued.

(2) The use of a Dutchman shall not be permitted.

(b) Specific Requirements.

(i) The inner top of the proposed sewer connection shall be no more than the lower inner top of the sewer.

(ii) For sewer connections to existing sewer or drain shall be in accordance with the latest DEP Sewer Design Standards, and shall be approved by an approved vendor.

(iii) No pre-cast manholes shall be installed on existing brick sewers.

(4) New sewer connections shall be made to be available existing sewers, drains, or outlets, upon the issuance of the permit.

(i) All new sewer connections shall be made to existing sewer or drain in accordance with the following:

(ii) Any new sewer connection shall have a minimum of four (4) feet of cover unless the DEP grants approval for a lesser depth of cover. A sewer or drain greater than forty-eight (48) inches in diameter and the existing sewer or drain is twenty-four (24) inches in diameter or larger;

(iii) A hole shall be core drilled with an approved core drilling machine to produce a smooth hole equal to the outside diameter of the new connection or drain with a quick setting two-part mix of epoxy adhesive that will harden in four (4) to seven (7) hours.

(iv) For sewer or drain connections greater than forty-eight (48) inches in diameter, the catch basin connections shall be installed in accordance with any approved house connection proposal.

(v) Should unanticipated field conditions necessitate a different method of construction than that shown on the certified sewer connection application, such method shall be submitted for review and approval by the DEP, prior to any work being performed.

(vi) All materials used for new sewer connections or replacement of existing sewer connections and appurtenances shall be approved by the DEP prior to installation.

(7) Where the proposed sewer connection is three (3) sections to be installed in the same day, or is to be installed in a period of time greater than twenty-four (24) hours, after which time, core drilling shall be made at intervals of not more than twelve (12) hours.

(8) The use of a Dutchman shall not be permitted unless such Dutchman is made at the order of the Mayor, pursuant to the rules and regulations of the DEP, and shall be subject to the approval of the DEP.

(9) Where the replacement or repair of an existing sewer or drain is needed, the connection method described in subparagraph (i) shall be used.

Material in excess of seven (7) inches shall meet the following requirements:

(i) All proposed seepage basins, catch basins, and catch basin connections shall be installed in accordance with any approved house connection proposal approved by the City and the latest DEP Sewer Design Standards, and shall be approved by approved vendors.

(ii) The certified house connection proposal or certified site connection proposal, with all pertinent supporting documents shall be on file with the Borough office of BWSO prior to issuance of the permit.

(iii) The inner top of the proposed sewer connection shall be no more than the lower inner top of the sewer.

(iv) The use of a Dutchman shall not be permitted.

(v) No pre-cast manholes shall be installed on existing brick sewers.

(b) Sewage Basins, Catch Basins and Catch Basin Connections.

(i) All proposed seepage basins, catch basins, and catch basin connections shall be installed in accordance with any approved house connection proposal approved by the City and the latest DEP Sewer Design Standards, and shall be approved by approved vendors.

(ii) All connections shall meet the following requirements:

(iii) All materials used for new sewer connections or replacement of existing sewer connections and appurtenances shall be approved by the DEP prior to installation.

(i) Any new sewer connection shall have a minimum of four (4) feet of cover unless the DEP grants approval for a lesser depth of cover. A sewer or drain greater than forty-eight (48) inches in diameter and the existing sewer or drain is twenty-four (24) inches in diameter or larger;

(ii) A hole shall be core drilled with an approved core drilling machine to produce a smooth hole equal to the outside diameter of the new connection or drain with a quick setting two-part mix of epoxy adhesive that will harden in four (4) to seven (7) hours.

(iii) For sewer or drain connections greater than forty-eight (48) inches in diameter, the catch basin connections shall be installed in accordance with any approved house connection proposal.

(iv) Should unanticipated field conditions necessitate a different method of construction than that shown on the certified sewer connection application, such method shall be submitted for review and approval by the DEP, prior to any work being performed.

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(8) The use of a Dutchman shall not be permitted unless such Dutchman is made at the order of the Mayor, pursuant to the rules and regulations of the DEP, and shall be subject to the approval of the DEP.

(9) Where the replacement or repair of an existing sewer or drain is needed, the connection method described in subparagraph (i) shall be used.

Material in excess of seven (7) inches shall meet the following requirements:

(i) All proposed seepage basins, catch basins, and catch basin connections shall be installed in accordance with any approved house connection proposal approved by the City and the latest DEP Sewer Design Standards, and shall be approved by approved vendors.

(ii) The certified house connection proposal or certified site connection proposal, with all pertinent supporting documents shall be on file with the Borough office of BWSO prior to issuance of the permit.

(iii) The inner top of the proposed sewer connection shall be no more than the lower inner top of the sewer.

(iv) The use of a Dutchman shall not be permitted.

(v) No pre-cast manholes shall be installed on existing brick sewers.