

## **Attachment A - Analyses**

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### **PROJECT DESCRIPTION**

The New York City Department of Environmental Protection (NYCDEP) is proposing to promulgate "Rule Governing House/Site Connections to the Sewer System" as Chapter 25 of Title 15 of the Rules of the City of New York (RCNY). The Proposed Action would update and codify the existing regulations, standards, procedures, and practices used by applicants in determining availability and obtaining NYCDEP permission to connect to the sewer system.

The proposed Rule is appended to this Environmental Assessment Statement as Attachment 1.

### ***Existing Permitting and Approval Process***

Currently, property owners within New York City proposing to connect to a City sewer, a private drain, or an approved outlet to serve an existing or proposed development, or proposing to eliminate existing cesspools or septic tanks, must file a Sewer Availability Application (i.e., house/site connection application). The applications must be certified by NYCDEP or New York City Department of Buildings (NYCDOB) before the issuance of a permit for sewer connections. Requiring permits for connecting, making use of, or making an opening into any receptor sewer, interceptor collector, sanitary, storm, or combined sewer or drain, or installing, repairing, relaying or plugging sewer connections ensures that these actions are performed in a manner that does not adversely affect the sewer infrastructure and the environment. Permits are issued upon compliance with NYCDEP requirements and any other applicable federal, State, and local laws, rules, and standards. Work is required to be done by licensed plumbers, registered architects and professional engineers, and inspections are required to verify compliance with the terms of the permits.

The current existing permitting and approval process on sewer connections are set forth in the following 16 separate documents and codes.

1. City of New York City Charter Section 57-1403
2. New York City Administrative Code Sections 24-507, 24-508 and 24-5099
3. New York City Administrative Code Sections 27-910 and 28-701 (Construction Codes of the City of New York, Revised February 2008)
4. Criteria for Determination of Detention Facility Volume, Revised September 2006
5. Sewer Design Standards, Revised September 2008
6. Sewer Certification Form & Guidelines for Filling out the House Connection Proposal Form and Guidelines
7. Site Connection Proposal Form & Guidelines for Filling Out the Site Connection Proposal Form
8. Sewer Self Certification for the NYCDEP and Department of Buildings House Connection Proposal Form and Guidelines
9. Sewer Self Certification for the NYCDEP and Department of Buildings Site Connection Proposal Form & Guidelines for Filling Out the Sewer Self Certification Proposal Form
10. Certificate of Inspection – New sewer connection

11. Application for Permit to Install Single/Multiple premise(s) Sewer House Connection(s)
12. City of New York City Charter
13. Proposed Interim Regulations to Alleviate Delays of Sewer Installation Process
14. 1985 letter transmitted to the plumbing industry with interim rules and regulations governing permitted sewer work
15. New York City Water Board Water and Wastewater Rate Schedule Effective July 1, 2008
16. DDC flow acceptance letter to DEP

### **Proposed Action**

The Proposed Action would unify within a single comprehensive set of regulations the existing standards, procedures, and practices used by applicants and NYCDEP to complete the process of connections to the NYC sewer system. There would be no practical difference to the applicant in how an application for a connection would be considered by the city with the exception of a provision for a new variance procedure as described below.

In addition to codification of the existing regulations, standards, procedures, and practices the Proposed Action includes enactment of one new provision: a variance procedure. If an owner were to experience an exceptional economic, technological or safety hardship as a result of complying with provisions of the rule due to the owner's or the site's particular situation, the regulation would provide a formal opportunity to apply for a variance provided the owner were to demonstrate that the proposed alternative sewer connection plan were protective of the city infrastructure and the environment. Granting variances would not be expected to cause negative public health, safety, environmental or natural resource impacts because, in granting any variance, NYCDEP would impose, prior to approval, the conditions necessary to avoid these impacts.

### **No-Action Condition**

Without the adoption of the new regulations (the "No-Action condition"), the existing regulations would remain in force, with no practical difference in environmental effect. The regulations would remain a series of separate NYCDEP and New York City Department of Buildings (NYCDOB) directives that, while they are represented in many different documents, have the same basic requirements as the proposed regulations. In addition, under the No-Action, no appellate process would be available to provide variances for hardships.

## **PURPOSE AND NEED**

The purpose of the Proposed Action is to formalize and codify the requirements for sewer availability certification and permitting for the construction, alteration, repair or relay, plugging, unplugging, and inspection of all sewer connections and appurtenances. The current system of regulating the sewer connection activity is defined in a series of NYCDEP and NYCDOB directives that while comprehensive do not offer a user-friendly process. The action would allow for a standard permitting procedure for owners (any individual, firm, corporation, company, association, society, institution or any other legal entity that owns the property) proposing to connect to a City sewer, a private sewer, a private drain, or an approved outlet to serve an existing or a proposed development.

NYCDEP and NYCDOB sewer connection procedures are currently guided by a set of existing standards, procedures, practices, guidelines for site connection forms, correspondence, and other documentation. A consolidated set of regulations would allow for a standardized permit and approval process for applicants, as well as provide for improved enforcement and greater legal defensibility.

The existing regulations do not provide a variance process for sewer connections. The Proposed Action's inclusion of a variance process would provide an applicant a formal procedure for review of exceptional circumstances, thereby providing a method for the review and consideration of potential hardships, where warranted.

## **ENVIRONMENTAL ANALYSES**

In order to assess the potential environmental impacts that may result from implementation of the Proposed Action, this environmental review has been prepared in accordance with Article 8 of the Environmental Conservation Law establishing the State Environmental Quality Review Act (SEQRA) and its implementing regulations as set forth in 6NYCRR Part 617, and the New York City Environmental Quality Review (CEQR) process, as set forth in Executive Order 91 of 1977 and its amendments.

The action is a rule making procedure that would not represent a substantive departure from the way sewer connections are currently reviewed and approved and thus it would not result in substantial changes in proposed sewer connection projects' scope or environmental impacts. Based on this, screening analyses conclude that it would not have any potential significant adverse impacts in the following CEQR technical areas: land use; zoning; public policy; community facilities; open space; shadows; urban design and visual resources; neighborhood character; solid waste and sanitation; energy; traffic and parking; transit and pedestrians; air quality and odor; and noise.

The following analyses assess several other impact areas based on methodologies described in the *CEQR Technical Manual* (2001). Based on the analyses presented below, no potential significant adverse impacts are anticipated to result from the proposed action.

## **LAND USE, ZONING AND PUBLIC POLICY**

### **Threshold for Analysis**

According to the *CEQR Technical Manual*, a detailed assessment of land use is appropriate if the proposed action would result in a significant change in land use or would substantially affect regulation or policies governing land use, or if analyses requiring land use information are being performed in any other technical area. An assessment of zoning and related public policy is typically performed in conjunction with a land use analysis, since both are key elements in understanding whether and where land uses might change as the result of a proposed action.

### **Potential Land Use, Zoning and Public Policy Impacts of the Proposed Action**

The Proposed Action would prohibit the planting of trees directly above or within ten feet of any infrastructure facilities including, but not limited to, existing sewers and water mains to minimize damage to these facilities and potential for exfiltration. Tree planting is a key element of several sustainability initiatives described in Mayor Bloomberg's PlaNYC 2030 including New York City Department of Parks and Recreation's (NYCDPR) Million Trees Initiative and New York City Department of City Planning's (NYCDCP) Street Trees Zoning Text Amendment. In a similar manner, the City prioritizes the protection of its sewer and water infrastructure, as well as streets and adjacent uses from potential damages. As a result, new trees may be affected where sewer lines or water mains are located underneath parking lanes or sidewalks. However, this is well-established practice and, therefore, the Proposed Action would not result in potential incremental impacts.

## **SOCIOECONOMIC CONDITIONS**

### **Threshold for Analysis**

The *CEQR Technical Manual* indicates that a detailed socioeconomic analysis is appropriate if actions would create substantial socioeconomic changes within the area affected by the action, as typified by the following conditions:

- The action may directly displace residential populations
- The action may directly displace a substantial number of businesses or employees
- The action may result in substantial new development (200 units residential, 200,000 s.f. commercial space)
- The action may affect real estate market over a large area
- The action may adversely affect economic conditions of a specific industry

### **Potential Socioeconomic Impacts of the Proposed Action**

Adoption of the existing rules contained within the Proposed Action would not result in significant socioeconomic impacts to any area as:

- The action would not displace an existing use, either residential or commercial
- The action would not result in substantial new development
- No significant changes affecting real estate over a large area is likely to occur
- No adverse affect on a specific industry would occur

Owners currently follow the standards for sewer system connections, as required by jurisdictional agencies such as NYCDEP, NYCDOB, and the New York City Department of Transportation (NYCDOT). Therefore, codification of existing requirements would be anticipated to have a positive impact by increasing efficiency in the certification and permitting process.

The current fees for new sewer connections would remain the same. The fee for each sewer connection permit is \$200, and if multiple lots are connected to an internal sewer system, which in turn is connected to a City sewer, a \$200 permit fee is charged for each lot to be connected (it should be noted that sewer connection permit fee is in addition to the House Connection Proposal fee of \$200 per lot, or the Site Connection Proposal fee which is based on the area of development (\$325 minimum). As in the No-Action Condition, a permit fee would not be required for repair or replacement of existing sewer connections or spurs, or for relay of existing sewer connections to new points of connection, including the plugging of existing sewer connections.

Because new sewer connection fees account for a very small percentage of development costs, and they would remain the same as current fees, the Proposed Action would not be expected to result in significant socioeconomic impacts.

In addition, if an owner were to experience an exceptional economic, technological or safety hardship as a result of complying with provisions of the rule due to the owner's or the site's particular situation, the proposed rules and regulations would provide a formal opportunity to apply for a variance provided the owner were to demonstrate that the proposed alternative sewer connection plan were protective of the city infrastructure and the environment.

### **Conclusions**

In accordance with the *CEQR Technical Manual*, no additional socioeconomic analyses are required and no potential significant adverse impact is anticipated.

## **HISTORIC RESOURCES**

### **Threshold for Analysis**

The *CEQR Technical Manual* requires a detailed evaluation of a project's potential affect on archaeological resources if actions would potentially cause in-ground disturbance to an area not previously excavated. The *CEQR Technical Manual* also requires a detailed assessment of historical resources if a proposed action would result in an adverse effect on historic buildings, structures, objects, sites, or districts.

### **Potential Historic Resources Impacts of the Proposed Action**

The implementation of the proposed rule, the adoption of which would not result in changes to current practices, would not result in changes when compared to the No Action condition. In addition, work that could be conducted under the proposed rules would generally occur within previously disturbed areas, including roadbeds and areas adjacent to or within existing structures, or areas that are to be excavated, in accordance with all applicable federal, State, and local rules and standards, to facilitate construction of a new development.

In addition, it is not anticipated that possible work would affect historic resources since it is anticipated that work under the rule related to historic structures would be the replacement of existing sewer connections not located within property lines.

### **Conclusions**

In accordance with the *CEQR Technical Manual*, no additional historic or archaeological resources analyses are required and no potential significant adverse impact is anticipated.

## **NATURAL RESOURCES**

### **Threshold for Analysis**

The *CEQR Technical Manual* requires that a detailed evaluation of natural resources be prepared when there is either a direct or indirect disturbance of a significant, sensitive, or designated natural resource.

### **Potential Natural Resource Impacts of the Proposed Action**

Surface waters have the potential to be ultimately affected by sewer rules that pertain to discharge to sanitary, combined, and storm sewers. However, the adoption of the proposed sewer rules would not result in changes to current practices. Adoption of the proposed regulations would not therefore result in conditions that differ from the No-Action condition.

Under both the Proposed Action and the No-Action conditions, the existing rules specify that connection applications must fully disclose the nature of discharges, the method of disposal, and demonstrate availability of sewer capacity to handle said discharge. The proposed rules would, therefore, ensure that discharge to the sewer system would not exceed capacity, are not hazardous, and are, under most conditions, handled by a treatment facility.

The proposed rule would prohibit the planting of trees directly above or within ten feet of any infrastructure facilities including, but not limited to, existing sewers and water mains to minimize damage to these facilities and potential for exfiltration. Proposed trees may be affected where sewer lines or water mains are located underneath parking lanes or sidewalks. However, this is well-established practice and, therefore, the Proposed Action would not result in potential incremental impacts.

Specific material requirements for new sewer connections, such as concrete encasement, ductile iron piping, extra-strength clay pipe, and broken stone bedding, as accepted under current regulations, ensure that a connection would be sound and unlikely to cause or result in exfiltration.

Consistent with current practice, no backfilling of trenches would be permitted until a sewer connection is properly installed, inspected, and accepted by the sewer connection inspector to ensure connections are appropriate.

Furthermore, the Proposed Action would require compliance with all applicable federal, State, and local laws, rules, and standards. Sewer connections applied for under the Proposed Action would not be approved if anticipated to result in natural resource impacts.

### **Conclusions**

In accordance with the *CEQR Technical Manual*, no additional natural resources analyses are required and no potential significant adverse impact is anticipated.

## **HAZARDOUS MATERIAL**

### **Threshold for Analysis**

The *CEQR Technical Manual* requires that a detailed hazardous materials assessment be prepared when:

- Hazardous materials exist on site, and a proposed action would increase the potential for exposure, or
- A proposed action would introduce new activities or processes that use hazardous materials

### **Potential Hazardous Materials Impacts of the Proposed Action**

The Proposed Action specifies that, for sites with industrial waste discharges, approvals already mandated must be obtained from NYCDEP prior to certification. As in the No-Action condition, all sewer connection applications handling industrial waste discharges would undergo review by the Industrial Waste Section of NYCDEP, which must approve the handling of discharge prior to NYCDEP approval of an application.

The implementation of the proposed rule, the adoption of which would not result in changes to current practices, would not result in changes when compared to the No Action condition. Therefore, the Proposed Action would not result in potential exposure to hazardous materials while making sewer connections due to the codification of existing requirements that require compliance with all applicable federal, State, and local laws, rules and standards related to hazardous materials.

### **Conclusions**

In accordance with the *CEQR Technical Manual*, no additional hazardous materials analyses are required and no potential significant adverse impacts are anticipated.

## **WATERFRONT REVITALIZATION PROGRAM**

### **Threshold for Analysis**

Proposed actions subject to CEQR that are situated within the designated boundaries of New York City's Coastal Zone must be assessed for their consistency with the City's Waterfront Revitalization Plan.

### **Consistency of the Proposed Action**

As in the No-Action condition, the rules contained within the Proposed Action would remain consistent with the City's Waterfront Revitalization Plan (WRP). The proposed rule could potentially affect areas within the City's Coastal Zone as a result of new connections or modification of existing connections to the sewer system. However, it is not anticipated that the proposed rule or work permitted by the proposed rule would adversely affect the Coastal Zone or waterfront revitalization.

It is anticipated that although the rules would permit work within the Coastal Zone Boundary, the work would be done in conjunction with projects or development that have undergone WRP review and approval or that are associated with existing structures within the Coastal Zone. The proposed rules would only permit work on projects that comply with all applicable federal, State, and local laws, rules and standards. Therefore, it is not anticipated that the proposed rules would result in a significant adverse impact to the WRP.

### **Conclusions**

In accordance with the *CEQR Technical Manual*, no Waterfront Revitalization Program analyses are required and no potential significant adverse impacts are anticipated.

## **INFRASTRUCTURE**

### **Threshold for Analysis**

The *CEQR Technical Manual* requires that a detailed infrastructure assessment be prepared when:

- Actions would have an exceptionally large water requirement or discharges (greater than 1 million gallons/day), or are located in a portion of the system known to have limited supply capacity
- An action involving discharges may adversely affect treatment facilities
- Actions involve the construction of separate sewers or the establishment of a storm outfall.

### **Potential Infrastructure Impacts of the Proposed Action**

As in the No-Action condition, the rules within the Proposed Action account for the above items by:

- Requiring full computation of proposed discharges
- Requiring documentation for proposed method of disposal for a discharge
- Requiring certification of all connections by an NYCDEP inspector

Potentially adverse impacts on existing infrastructure would be further avoided because licensed plumbers and contractors would be required to perform any and all sewer connection work under the regulations and would be responsible for proper support, protection, and maintenance of all facilities encountered (identical to the No-Action condition). In addition, the proposed action, by consolidating and clarifying

rules and regulations would help make existing processes more efficient, thus benefiting the City, applicants and registered architects and professional engineers engaged in this work.

### **Conclusions**

In accordance with the *CEQR Technical Manual*, no additional infrastructure analyses are required.

## **CONSTRUCTION IMPACTS**

### **Threshold for Analysis**

The *CEQR Technical Manual* requires that proposed actions examine the following items, at minimum:

- Traffic-related construction induced impacts
- Air Quality construction induced impacts, particularly mobile source emissions from construction vehicles, and fugitive dust emissions
- Construction induced noise impacts

### **Potential Construction Impacts of the Proposed Action**

The maximum amount of excavation for a new sewer connection, which is dependent on the depth, width and length of the trench, is quite low: maximum depth is approximately fourteen (14) feet, maximum width (assuming sheeting) is approximately five (5) feet, maximum length (assuming a wide street) is approximately sixty (60) feet, and maximum excavation is approximately 4,200 cubic feet. Due to the small and temporary nature of a project to establish a new sewer connection, and because sewer connection permits are valid for only sixty (60) calendar days after issuance under the Proposed Action, with an additional thirty (30) day extension possibly allowed upon request, disruptive effects from the construction/installation of sewer connections would remain minimal and temporary and therefore would not be considered significant.

Additionally, the Proposed Action seeks to avoid construction-related traffic impacts. As in the No-Action condition, sewer connection applications for construction in streets would require a street opening permit from NYCDOT, a builder's pavement plan, and full plating of trenches during construction (covering). Additionally, regulations require that sewer applications be in accordance with the Mayor's Traffic Construction Committee traffic stipulations where weekend and/or night work is scheduled. As in the No-Action condition, sewer inspections with open trenches, particularly on weekdays, may be granted approval for alternative times based upon the traffic and work stipulations set forth by NYCDOT, other agencies having jurisdiction, or other unforeseen circumstance.

All construction would need to comply with federal, State, and City codes governing construction. No construction-related impacts are expected to occur.

### **Conclusions**

In accordance with the *CEQR Technical Manual*, no additional construction analyses are required and no potential significant adverse impacts are anticipated.

## **PUBLIC HEALTH**

### **Threshold for Analysis**

The *CEQR Technical Manual* requires an assessment of the probable public health impacts of a proposed action if the proposed action would:

- Result in air quality impacts
- Increase the public's exposure to heavy metals
- Disturb or impact ground water supply
- Result in an increase of the pest population
- Result in noise impacts to sensitive receptors

### **Potential Public Health Impacts of the Proposed Action**

The Proposed Action would not result in significant impacts to public health, in terms of air quality, exposure to heavy metals, increasing the pest population, impacting ground water, or noise since there is no change over the No Action condition.

As in the No-Action condition, the regulations included in the Proposed Action contain numerous safeguards to ensure public health:

- Full computation of proposed discharges by a professional engineer or registered architect must accompany all sewer connection applications
- Documentation for proposed method of disposal for a discharge by a professional engineer or registered architect must accompany all sewer connection applications
- All connections must be certified by an NYCDEP inspector
- The licensed plumbers and contractors that would perform any and all sewer connection work under the proposed action would be responsible for proper support, protection, and maintenance of all facilities encountered
- All industrial discharges must be certified by the Industrial Waste Section of NYCDEP
- Any proposed sewer connection to a private waste treatment facility must be approved by the Department of Health

Any proposed construction work would be short-term and temporary in nature. In addition, the Proposed Action would require compliance with all applicable federal, State, and local laws, rules and standards. Also, approvals for sewer connections applied for under the Proposed Action would not be approved if anticipated to result in public health impacts.

### **Conclusions**

In accordance with the *CEQR Technical Manual*, no additional public health analyses are required and no potential significant adverse impacts are anticipated.