

DEAR BUSINESS OWNER:

This Guide provides information for businesses in New York City that must comply with local environmental regulations and permitting requirements including:

- ... **auto body shops**
- ... **auto repair shops**
- ... **dry cleaners**
- ... **electroplaters**
- ... **food service companies**
- ... **jewelry manufacturers**
- ... **metal fabricators**
- ... **printers**
- ... **restaurants**
- ... **surface coaters**
- ... **textile and dye shops**
- ... **woodworkers**

This Guide describes major Department of Environmental Protection (DEP) permit and non-permit environmental compliance requirements. It does not describe all of DEP's programs and requirements nor State and federal requirements. For example, beyond complying with DEP's air permitting requirements, electroplaters must also comply with federal regulations controlling the emission of Hazardous Air Pollutants (HAPs). Moreover, certain professionals are required to file DEP permit applications, etc., and businesses may have requirements under several DEP programs.

FURTHER ASSISTANCE:

DEP's Economic Development Unit-EDU (Dial 311): for compliance assistance on local regulations and pollution prevention assistance; and, copies of regulations.

New York State Department of Environmental Conservation (718-482-4900): for assistance on state requirements, permits, and compliance assistance.

United States EPA Region 2 Compliance Assistance Section Hotline (212-637-4050): for assistance on federal requirements and pollution prevention assistance.

FREE, CONFIDENTIAL ASSISTANCE ON STATE AIR REGULATIONS:

The Small Business Environmental Ombudsman (SBEO) 212-803-2288: located at the Empire State Development, is the small business advocate. The SBEO can provide information on complying with environmental regulations and assist businesses through the compliance process.

The Small Business Environmental Assistance Program (800-780-7227): located at the New York State Environmental Facilities Corporation, provides technical services to small businesses including compliance and permit assistance and technical advice on pollution prevention and control strategies.

To obtain information on the NYCDEP programs and permit requirements in this guide, please call the City's Non-emergency Government Information and Services Hotline 311 and you will be transferred to a DEP staff person who will assist you.



Michael R. Bloomberg, *Mayor*
Carter H. Strickland, Jr., *Commissioner*

Smart Business

A Guide to DEP
Environmental Regulations
and Permitting Requirements
for Businesses in New York City



WATER AND SEWER:

See *Administrative Code Title 24, Chapters 3 and 5, and Rules of the City of New York Title 15, Chapters 19, 20, and 42 (Appendix A)*.

- A water tap or wet connection permit along with a water meter permit is required for water service. A sewer connection permit is required for the discharge of wastewater and storm water into the City's sewers.
- Certain industrial and commercial facilities making a new sewer connection must submit a wastewater quality control application.
- Non-residential facilities (e.g. restaurants, food handling operations, hospitals, schools, day care and senior centers) should have grease interceptors. An amendment to the New York City Sewer Use Regulations provides for "Self Certification" of grease interceptors by a licensed New York State Professional Engineer or Registered Architect, with Affidavit of Completion by a licensed Master Plumber.
- "Significant Industrial Users" (SIUs) are required to obtain an industrial wastewater discharge permit. Non-SIUs may have to meet standards under a Commissioner's Order and Directive.
- Certain facilities may also require an oil/water separator, if their floor, trench or zip drain(s) lead(s) to public sewers.
- Owners of certain commercial or industrial properties are legally required to install an approved Backflow Prevention Device on all water service lines supplying their buildings to prevent contaminated and aesthetically objectionable water from flowing back into the public water supply. An initial test shall be performed to insure proper functioning of the device, and thereafter the device must be tested annually.

WATER CONSERVATION:

See *Rules of the City of New York Title 15, Chapter 20*.

- Businesses should regularly read their water meters and survey their operation for leaks. Leaks should be repaired as soon as possible.
- All air conditioning systems in excess of two tons must recirculate the cooling water.
- Washing sidewalks or watering lawns and gardens is prohibited between 11am and 7pm, and at all hours from November 1 through April 1. All hoses must have nozzles.

AIR:

See *Administrative Code Title 24, Chapter 1, and Rules of the City of New York Title 15, Chapters 1-5, 8-10, 12, and 14*.

- Boilers, based on their BTU rating, require either a registration or a work permit and certificate of operation.
- Industrial/commercial equipment such as dry cleaning machines, printers, spray booths, spray guns, degreasers, table saws and mechanically assisted tailpipe exhaust systems (unless used only for the NYS Vehicle Inspection and Maintenance Program) require a work permit and a certificate of operation.
- The certificate of operation is based on the information in the work permit and is issued only after passing a DEP field inspection.
- It is prohibited to cause emissions of air contaminants or odors potentially harmful to a person's health or comfort.
- Registrations and certificates of operation must be renewed every three years.

Vehicles:

- It is illegal to idle any vehicle's engine for more than three minutes (or more than one minute, if adjacent to a school), unless it is used to operate equipment such as a truck's lift gate or refrigeration unit.

NOISE:

See *Administrative Code Title 24, Chapter 2 (updated code, effective July 2007); and Rules of the City of New York Title 15, Chapters 6, 7; and 28, 29, 30 (added in 2007)*.

- Construction is allowed only on weekdays between 7am and 6pm. Variances may be issued by DOB and DOT allowing construction at other times. A noise mitigation plan is required for construction work.
- Certain kinds of equipment must be operated to ensure an acceptable noise level within a residence. It is unlawful to operate an air circulation device, e.g., air conditioner, fan, or exhaust system, such that the equipment raises the ambient noise level above 42 dB(A), when measured inside an affected residence.
- It is illegal to operate a sound reproduction device into or in a public area (e.g., a public street) for the purposes of attracting attention to merchandise or for other commercial purposes.
- A registration must be obtained from DEP prior to any exterior demolition activities.

HAZARDOUS MATERIALS AND SPILLS:

Community Right-To-Know:

See *Administrative Code Title 24, Chapter 7 and Rules of the City of New York Title 15, Chapter 41*.

Any facility that uses, stores, handles, or processes any hazardous substance listed on the New York City Community Right-to-Know Hazardous Substances List at or above its Threshold Reporting Quantity (TRQ), must file a completed Submission, which includes a Facility Inventory Form (FIF), MSDS for each reportable substance and Fee, on or before March 1st of every year. Any facility that uses, stores, handles, or processes any extremely hazardous substance (EHS), or regulated toxic substance, at or above the federally established Threshold Planning Quantity (TPQ) must file a Risk Management Plan (RMP) on or before March 1st of every year.

Hazardous Substances Emergency Response Law, "Spill Bill":

See *Administrative Code Title 24, Chapter 6 and Rules of the City of New York Title 15, Chapter 11*.

Any responsible person who knows or has reason to know of any release or spill of a hazardous substance or suspicious material is required to immediately contact the NYCDEP's Division of Emergency Response & Technical Assessment (DERTA), at 718-595-4646, and send written notification, by certified mail, within one week of the release, to DERTA, NYCDEP, 59-17 Junction Boulevard, 1st FL LR, Flushing, NY 11373-5108.

ASBESTOS:

See *Administrative Code Title 24, Chapter 1, and Rules of the City of New York, Title 15, Chapter 1*.

- In 2009, the City enacted a number of new laws to ensure that asbestos abatement is conducted safely. These laws impact the ways that asbestos projects are filed, inspected and approved. In addition, DEP created the Asbestos Reporting and Tracking System (ARTS), a new website for applicants to file abatement project notifications (ACP7) and other related forms. (See www.nyc.gov/dep/arts.)
- Under the new regulations, an ACP7 must be submitted through the ARTS system. The ACP7 requires an applicant to answer a series of questions regarding life safety issues to ensure compliance with applicable fire and building codes within the asbestos abatement work area. A positive response would result in the submission of a Work Place Safety Plan or construction documents to obtain an Asbestos Work Permit. (See section 1-26 of the above referenced Asbestos Rules.)
- Asbestos removal work must be done by a New York State Department of Labor (NYS DOL) licensed contractor and NYS DOL and DEP certified workers.