



New York City Department of Environmental Protection FY 14 Regulatory Agenda

In compliance with section 1042 of the New York City Charter, the following is the regulatory agenda for rules that the Department of Environmental Protection (DEP) anticipates it may promulgate during the fiscal year beginning July 1, 2013 and ending June 30, 2014. An approximate schedule for adopting the proposed rules and the name and telephone number of a DEP official knowledgeable about each subject area involved are listed below each section.

1. Construction Noise Mitigation Rules

When the New York City Noise Control Code was revised in 2004, it regulated construction noise through enforcement of “construction noise mitigation plans” that contractors are required to complete prior to beginning work. The specific requirements of the plans are set forth by rules that DEP promulgated in 2005. DEP seeks to update the rules regarding noise mitigation practices and requirements for street plates, jackhammers, and noise barriers. The amendments could include additional insulating material between street plates and the ground to further reduce noise, additional noise barriers for structures over 20 feet, and include additional technologies for mitigation of jackhammer noise during nighttime construction activities. Builders and contractors are the persons most likely to be affected by these amendments.

Reference: 15 RCNY §28-100 et seq.; NYC Administrative Code §24-219, Noise Mitigation Rules of the Noise Control Code and 34 RCNY §2-11(10) (e), Street Openings and Excavations.

Anticipated Schedule: to be promulgated in FY 2014
Contact: Russ Pecunies (718) 595-6531, DEP Legal Affairs

2. Air Code-related Rules

The upcoming revision of the Air Pollution Control Code may require DEP to promulgate rules that would give DEP flexibility in accommodating new and evolving technologies for reducing the emission of air contaminants. The potential rules could affect property owners, business owners, contractors, and equipment manufacturers and suppliers.



Reference: NYC Administrative Code Title 24, Chapter 1; 15 RCNY §2-06 et seq.

Anticipated Schedule: to be promulgated in FY 2014
Contact: Russ Pecunies, DEP Legal Affairs (718) 595-6531

3. Noise Code-Related Rules

The Noise Code does not regulate sound that emanates from a sound reproduction device that is used in the outdoor areas of commercial establishments after 10PM. DEP seeks to promulgate rules that will require noise mitigation practices and requirements to be used to reduce the noise from such devices. DEP anticipates that it may also promulgate a rule related to noise from generators.

Reference: 15 RCNY §34; NYC Administrative Code §24-244

Anticipated Schedule: to be promulgated in FY 2014
Contact: Russ Pecunies (718) 595-6531, DEP Legal Affairs

4. Water Meters and Service

The amendments under consideration would amend rules pertaining to permitting, installation, replacement, maintenance, testing and repair of water meters and water services and service connections. The changes are being proposed to reflect recent technological changes in water meter technology, the city's Automated Meter Reading System, and the Administrative (Building) Code; to address specification changes requested by the community of licensed plumbers and professional engineers; and to update requirements for permits for companies in the private sector performing meter tests. Affected parties include licensed plumbers and professional engineers.

Reference: 15 RCNY Chapter 20

Anticipated Schedule: to be promulgated in FY 2014
Contact: Tevin Grant, DEP Legal Affairs (718) 595-6530

5. Drilling and Excavation

In order to guarantee and protect the integrity of New York City's water supply and facilities, the New York City Department of Environmental Protection must set forth uniform standards for the application for and permitting of all drilling and/or excavation in close proximity to a Facility or shaft. Existing provisions of the Administrative Code mandate that the Commissioner of the Department of Environmental Protection protect New York City's water supply in general terms; this Rule would provide explicit protections. It will likely prescribe the specific standards for the



application for and permitting of drilling and/or excavation in close proximity to a Facility or shaft. The persons most likely to be affected are those who conduct drilling and/or excavation to a depth greater than 50' from ground surface within each of the lots located within the blocks listed in an attachment to the rule.

Reference: 15 RCNY [New chapter]; authorized by Section 1043 and subsection (b) of section 1403 of the New York City Charter and pursuant to Section 24-302 of the Administrative Code of the City of New York.

Anticipated Schedule: to be promulgated in FY 2014
Contact: Melinda Sherer, DEP Legal Affairs (718) 595-6613

6. Drought Conditions

Because of the age of the New York City water supply infrastructure and the need to have an adequate water supply during periods of weather-related drought and/or large conveyance infrastructure repair and/or failure, the Department of Environmental Protection has recognized the need to amend the Drought Emergency Rules, including the title of the rules. The rules will be amended to apply in all situations of water shortage (rather than only in drought situations), to further clarify the implementation of an emergency rate and to update the existing prohibitions to reflect our current conservation studies and understanding of water use by consumers. The persons most likely to be affected are all consumers of New York City water.

Reference: 15 RCNY Chapter 21

Anticipated Schedule: to be promulgated in FY 2014
Contact: Joya Cohen, DEP Legal Affairs (718) 595-6539

7. Asbestos Rules

In light of its recent experience in enforcing these rules and in light of feedback from the regulated community regarding how certain provisions are affecting their operations, the Department of Environmental Protection proposes to amend these rules to refine current provisions and to clarify that the rules have as their primary purpose protection of air quality. Affected parties include asbestos abatement contractors, air monitoring companies, and property owners.

Reference: 15 RCNY, Chapter 1

Anticipated Schedule: to be promulgated in FY 2014
Contact: Russ Pecunies, DEP Legal Affairs (718) 595-6531

8. Design and Construction of Private Water Mains



These rules are being amended to correspond to rules for private sewers, and will require builders or developers who construct private water mains in mapped streets at their own expense (and connect such water mains to City water mains or other private water mains) to transfer ownership of such mains to the City within a prescribed period of time. Affected parties include builders and developers.

Reference: 15 RCNY, Chapter 24

Anticipated Schedule: to be promulgated in FY 2014

Contact: Russ Pecunies, DEP Legal Affairs (718) 595-6531