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9-29-2011
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NOTICE OF PUBLIC HEARING

SUBJECT: Opportunity to Comment on Proposed Amendments to Chapter 31 of Title 15 of the Rules Governing House/Site Connections to the Sewer System.

DATE/TIME: October 31, 2011
10AM -12PM

LOCATION: New York City Department of Environmental Protection
59-17 Junction Boulevard
6th Floor
Flushing, NY 11373

Contact: Belinda Pantina
(718) 595-6552

Proposed Rule Amendment

Pursuant to the authority vested in the Commissioner of the Department of Environmental Protection by Section 1043 and 1403(b) of the New York City Charter and Sections 24-507, 24-508, and 24-509 of the Administrative Code, the Department of Environmental Protection promulgates rules regarding house connections to the sewer system. The proposed rules were not listed in the Department of Environmental Protection fiscal year 2011 Regulatory Agenda. Please note that the proposed rules are new and therefore the text is underlined.

Instructions

Prior to the hearing, you may submit written comments about the proposed amendment by mail to:

New York City Department of Environmental Protection
Office of Legal Affairs
Attention: Charles Shamoon, Esq.
59-17 Junction Boulevard
19th Floor, Flushing, NY 11373

or electronically through NYC RULES at www.nyc.gov/nycrules by October 31, 2011.

To request a sign language interpreter or other form of reasonable accommodation for a disability at the hearing, please contact Belinda Pantina at the phone number shown above by October 17, 2011.

Summarized copies of the written and oral comments received at the hearing will be available

one week after the hearing between the hours of 9:00 A.M. and 5:00 P.M. at the

Department of Environmental Protection
Office of Legal Affairs
59-17 Junction Boulevard
19th Floor
Flushing, NY 11373

Statutory Authority

Section 24-509 of the Administrative Code of the City of New York declares that the commissioner of the Department of Environmental Protection shall prescribe how sewers or drains are opened, their form and size, as well as the material of which connections to sewers and drains are composed.

Section 1403(b) of the New York City Charter and Sections 24-507, 24-508 and 24-509 of the Administrative Code authorize the Commissioner to:

- regulate and control the location, construction, alteration, repair, maintenance and operation of all sewers, and of all matters in the several boroughs relating to public sewers and drainage,
- initiate and make all plans for drainage,
- have charge of all public and private sewers/drains in accordance with such plans, and
- have charge of the management, care and maintenance of sewer and drainage systems.

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 that are more severe than combined sewers are designed to handle and, to the greatest extent possible, maximize the capacity of these systems. Sewer overflows, floods, and sewer backups can occur when excessive stormwater from impervious surfaces enters too quickly into the combined sewer system. The new Stormwater Rule will allow the City to more effectively manage stormwater runoff from new developments and alterations in combined sewer areas by reinforcing, specifying and prescribing the methods and standards for the application, permitting, construction and inspection of sewer connections to the City sewer system. DEP expects the proposed rule to:

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

Background

Federal and State stormwater regulations continue to become more stringent, and discharges from combined sewer systems into the City's surrounding waterbodies affect attainment of Clean Water Act standards. In addition, changing precipitation patterns and

associated flooding are increasing demand on the system, potentially limiting housing, business and other development. In response to these regulatory and weather trends, DEP has adopted a comprehensive, system-wide approach to reduce stormwater demands on the combined sewer system that includes source controls (including green infrastructure), conveyance, capture, and treatment.

Federal and State regulation of the City's separate sewer areas also continues 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 any new stormwater requirements for separately sewered areas. At that time the City will also review how well stormwater controls are working in combined sewer areas.

The Proposed 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 proposed rule will effectively apply to development on medium to large size lots. Smaller development sites would likely not generate runoff in excess of stormwater rule requirements and therefore would be expected to comply with current sewer availability and connection application process requirements.

Specifically, the proposed rule:

- Sets forth a new performance standard which would apply to a new development or the alteration of an existing development in combined sewer areas of the City, as shown on the city sewer map which may be obtained at the respective local borough office of where the property/development is located:
 1. For a new development, the Stormwater Release 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 0.25 cfs, in which case the Stormwater Release 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 Release Rate for the altered area will be directly proportional to the ratio of the altered area to the total site area and no new points of discharge are permitted. (Alterations mean expansions of impervious surfaces or building footprints on a lot to greater than 20% of existing impervious surfaces.)
- Clarifies that the overall site runoff coefficient can be reduced by maximizing open space, infiltration, and other techniques.
- Establishes that, for proposed open-bottom detention systems, DEP will consider requests for detention volume reductions through infiltration into soils. Such requests must be

substantiated by:

1. soil borings taken at the location of the proposed system, and,
2. a permeability test performed in situ or at a laboratory to demonstrate that the existing soil below the system has a favorable rate of permeation.

Any volume reduction requests shall be shown on Site Connection Proposal applications and reviewed by DEP.

- Establishes that, within certain conditions, DEP will accept for review Site Connection Proposal applications that request detention volume reductions through dedicated systems to recycle stormwater generated on the site.
- Clarifies that landowners and their successors must properly maintain on-site stormwater management systems, file a deed restriction, and submit triennial certification of proper operation.
- Clarifies and conforms to Department of Buildings Administrative Code Section 28-408.1 by defining the scope of plumbing work.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

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 HOUSE/SITE 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 inspection of all Sewer connections and appurtenances.

(2) The portion of a new Sewer connection extending from the curb line to sewers built under New York 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 apply:

Agency. "Agency" means an agency of the City.

Allowable flow. "Allowable flow" means the storm flow from developments based on existing sewer design criteria that can be released into an existing storm [of] or combined sewer.

Allowable sewer or drain. "Allowable sewer or drain" means an existing sewer or drain built in accordance with a City drainage plan or an approved Drainage proposal, and is the approved outlet to receive Flow from the site of an existing or a proposed development.

Alteration map. "Alteration map" means a map showing proposed changes to the City map.

A.N.S.I. "A.N.S.I." means the American National Standards Institute.

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" or "Applicant's offering prospectus" means the set of legal documents setting forth the rights, privileges, and duties of purchasers of shares in the Applicant's proposed development, and which is submitted to the New York State Department of Law in accordance with the requirements of Section 352-e of the New York State General Business Law.

Approved outlet. "Approved outlet" means an existing storm, sanitary or combined sewer or drain built to receive flow from a development.

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, a Private sewer, or a Private drain and appurtenances.

A.S.T.M. "A.S.T.M." means the American Standards for the Testing of Materials, latest edition.

Available sewer or drain. "Available sewer or drain" means an existing fronting sewer or drain which has existing adequate capacity for use by an existing or 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.

BWSO. "BWSO" means the Bureau of Water & Sewer Operations or its successor.

Catch basin. "Catch basin" means a structure designed to collect and convey stormwater runoff to a Storm sewer, 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 plan" means a plan for the proper sewage and drainage of the City of New York, or any part thereof, prepared and adopted in accordance with 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.

Code. "Code" means the Administrative Code of the City of New York.

Combined sewage. "Combined sewage" means a combination of Sanitary sewage, industrial wastewater and stormwater runoff.

Combined sewer. "Combined sewer" means a sewer receiving a combination of sanitary and/or industrial wastewater and stormwater runoff.

Combined sewer connection. "Combined sewer connection" means a Sewer connection which extends from the property line and conveys both Sanitary sewage and storm water runoff to a Combined sewer or drain.

Commissioner. "Commissioner" means the Commissioner of the New York City Department of Environmental Protection.

Condominium association. "Condominium association" means the legal entity comprising the present and future unit-Owners of a condominium development and established in accordance with Article 9-B of the New York State Real Property Law.

Connection permit. "Connection permit" means a written authorization issued by the DEP to connect to an existing sewer or drain or an approved outlet.

Contractor. "Contractor" means an entity retained by the Owner/Applicant to construct a facility.

Contributory drainage area. "Contributory drainage area" means a drainage area bounded by the ridge lines of the furthest boundaries from which flow reaches a point of discharge.

DEP. "DEP" means the New York City Department of Environmental Protection or its successor Agency.

Detention [basin] system. "Detention [basin] system" means a structure designed to store an accumulation of stormwater runoff and release it at a controlled rate into an approved outlet sewer system of limited capacity.

Direct discharge. "Direct discharge" means a discharge by means of a sewer connection to a City sewer, a Private sewer, a Private drain, or an approved outlet fronting the property.

DOB. "DOB" means the New York City Department of Buildings or its successor Agency.

DOF. "DOF" means the New York City Department of Finance or its successor Agency.

DOT. "DOT" means the New York City Department of Transportation or its successor Agency.

Drainage proposal. "Drainage proposal" means a plan showing a proposed sewerage system to serve an existing or a proposed development and Contributory drainage area that does not conform to the City drainage plan.

Dwelling unit. "Dwelling unit" means one or more rooms in a Building that are arranged, designed, used or intended for use by one family.

Finally mapped street. "Finally mapped street" means a street as shown on the City map.

Flow. "Flow" means a continuous movement of storm water or wastewater.

Fronting. "Fronting" means an existing sewer or drain abutting an existing or proposed development.

Groundwater. "Groundwater" means any existing water in subsoil strata, including water from springs and natural underground streams, but excluding water from wells used for the delivery of potable or processed water.

Groundwater table. "Groundwater table" means the actual depth of ground water below surface.

Homeowners' association. "Homeowners' association" means the legal entity comprising the present and future homeowners/unit owners of a development.

House connection proposal. "House connection proposal" means a plan showing proposed Sewer connection(s) to a City sewer, a Private sewer, a Private drain, or an approved outlet to serve Fee Simple One (1), Two (2) or Three (3) Family Dwelling Units.

Indirect discharge. "Indirect discharge" means a discharge into a City sewer, a Private sewer, or an approved outlet by means other than a direct discharge.

Industrial waste. "Industrial waste" means any liquid, gaseous or solid substance, or a combination thereof, resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of natural resources.

Inspector. "Inspector" means a DEP or DOB sewer connection inspector.

Internal drain. "Internal drain" means a drainage system under the jurisdiction of the DOB and which is not located in a Final mapped street, a Record street or an Easement under the jurisdiction of the DEP.

Intercepting sewer. "Intercepting sewer" or "Interceptor sewer" means a sewer which, during dry weather, receives the dry-weather flow from a number of transverse Sanitary or Combined sewers and conveys such Flow to a wastewater pollution control plant. During storms, it receives predetermined quantities of dry-weather flow mixed with stormwater and conveys Combined sewage to a wastewater pollution control plant.

Interceptor-collector. "Interceptor-collector" means an Intercepting sewer which also serves as a local Sanitary sewer.

Legally designated representative. "Legally designated representative" means a Professional Engineer or Registered Architect licensed by the State of New York who represents the Owner in connection with a proposal, plan, or application.

Licensed Master Plumber. "Licensed Master Plumber" means a plumber licensed to perform plumbing work within the City by the City agency having jurisdiction over such licensing.

Lot. "Lot" means a tax lot as shown on the Tax map of the City.

Mapping action. "Mapping action" means a proceeding to change the City map pursuant to the New York City Charter.

Non-plumbing work. "Non-plumbing work" means any work not referenced in the definition of "Plumbing Work" as set forth in Section 28-401.3 of the Code, including excavation work, construction work or any other work not classified as piping work.

Opinion of dedication. "Opinion of dedication" means an opinion by the Corporation Counsel that a street is an open and continuously traveled street dedicated for public use.

Owner. "Owner" means any individual, firm, corporation, company, association, society, institution or any other legal entity that owns the property, appurtenances, and easements comprising an existing or a proposed development.

Private drain. "Private drain" means a private sanitary, stormwater, or combined drain that is constructed in a Finally mapped street, a Record street, or an easement and discharges into an approved outlet.

Private pumping station. "Private pumping station" means a privately owned, operated, and maintained wastewater collection facility required for the pumping of sanitary or stormwater runoff or Combined sewage to a Private force main.

Private force main. "Private force main" means a privately owned, operated and maintained pressurized pipe designated to receive the wastewater discharged from a Private pumping station and to convey it under pressure to a point of discharge.

Private sewage treatment plant. "Private sewage treatment plant" means a privately owned, operated and maintained wastewater collection facility located on private property that is used for the physical, chemical, and/or biological treatment of wastewater.

Private sewer. "Private sewer" means a private sanitary, stormwater, or combined sewer that is designed and constructed in accordance with the requirements of the City drainage plan to serve a specific development and is located in a Finally mapped street, a Record street, or a sewer easement, and discharges into an approved outlet.

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.

Record street. "Record street" means a street that appears on the Tax map of the City, but is not a Finally mapped street.

Repair/relay. "Repair/relay" means complete, substantial, or partial repair or replacement of any existing Sewer connection.

Retention system. "Retention system" means a structure designed to store an accumulation of stormwater runoff and dispose of it onsite.

Rule. "Rule" means all the standards and requirements of the DEP governing connection to the sewer system, as contained herein.

Runoff. "Runoff" means overland stormwater flow that is not absorbed into the ground.

Sanitary sewage. "Sanitary sewage" means bodily waste, swimming pool discharge, wash water, or similar waste which is discharged into a Sanitary sewer or a Combined sewer.

Sanitary sewer. "Sanitary sewer" means a sewer which conveys Sanitary sewage and/or industrial waste.

Sanitary sewer connection. "Sanitary sewer connection" means a Sewer connection which extends from the property line of a building and conveys only Sanitary sewage to a Sanitary sewer/drain or a Combined sewer/drain.

Seepage basin. "Seepage basin" means a drainage structure constructed in the street area designed to dispose of street storm water runoff collected by catch basins and catch basin connections at locations where storm or combined sewer do not exit.

Sewer certification. "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 site storm and sanitary discharge from a development.

Sewer connection. "Sewer connection" means that part of a sanitary, stormwater, or combined sewer disposal pipe which extends from the property line of a Building to an existing City sewer, a Private sewer, a Private drain, or an approved outlet under the jurisdiction of the DEP.

Sewer easement. "Sewer easement" means a nonpossessory interest in private property, which allows for the limited right to use the property that is designated for the construction and maintenance of a drainage facility such as a City sewer, a Private drain, a Watercourse, a Watercourse diversion, or related structures.

Site connection proposal. "Site connection proposal" means a plan showing proposed Sewer connection(s) from existing or proposed developments other than Fee Simple of One (1), Two (2) or Three (3) Family Dwelling Units to a City sewer, a Private sewer, a Private drain, or an approved outlet.

Special conditions. "Special conditions" mean and include, but is not limited to, the construction or use of a Private sewage treatment plant, a Private on-site pumping station, a private on-site Detention basin, a private Watercourse diversion by an open channel or closed piping, or a proposed development requiring a Mapping action.

Storm sewer. "Storm sewer" means a sewer which conveys only stormwater.

Stormwater. "Stormwater" means the excess water running off the surface of a drainage area during, and immediately following, a period of precipitation.

Stormwater release rate. "Stormwater release rate" means the rate at which stormwater is released from a site, calculated in terms of cubic feet per second (cfs) or as a percentage of the Allowable Flow, which is also calculated in terms of cfs.

Stormwater sewer connection. "Stormwater sewer connection" means a Sewer connection, which extends from the property line of a Building and conveys stormwater runoff to a Storm sewer/drain, or Combined sewer/drain or an approved outlet.

Tax map. "Tax map" means the Tax map of the City as defined and referred to in Section 11-203 of the Administrative Code of the City of New York.

Tentative lot. "Tentative lot" means a proposed tax lot as shown on the "Request to Real Property Assessment, Department of Surveying, Division for Tentative Lot Numbers".

Water Board. "Water Board" means the New York City Water Board.

Watercourse. "Watercourse" means a natural or artificial channel, a visible path or an active trench, which carries stormwater runoff from a Contributory drainage area.

Watercourse diversion. "Watercourse diversion" means the re-routing of an existing Watercourse by either open channel or closed piping.

Water service connection. "Water service connection"—The pipe from the street water main or other source of water supply to the building served.

(c) *Variances.*

(1) The DEP may grant a variance from one or more of the requirements of this Rule only upon:

(a) written request by the Applicant; and
(b) the presentation of adequate proof substantiating that compliance with the requirements of this Rule would impose an exceptional hardship.

(2) Every request for a variance shall:

(a) identify the specific provision(s) of this Rule for which a variance is sought;

(b) demonstrate that an exceptional economic, technological or safety hardship would result from compliance with the identified provision(s) and that the variance requested is the minimum necessary to afford relief; and

(c) demonstrate that the proposed variance would not result in any adverse impact on public health, safety, or welfare, the environment, or any natural resource(s).

(3) There shall be no variances granted from the bonding, insurance, or security requirements of this Rule.

(4) In granting variance, the DEP may impose specific conditions necessary to assure that the variance will have no adverse impact on public health, safety, or welfare, the environment, or any natural resource. Failure to comply with any condition of a variance shall be a violation of these rules.

§31-02 Sewer Availability Certification.

(a) *General Requirements.* Owners 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 must file a sewer certification application with the appropriate department of the City, in accordance with the following requirements:

(1) For an existing or a proposed Fee Simple One (1), Two (2) or Three (3) Family Dwelling Unit, a House Connection Proposal for sewer availability certification shall be required.

(2) For all existing or proposed developments other than Fee Simple One (1), Two (2) or Three (3) Family Dwelling Units, a Site Connection Proposal for sewer availability certification shall be required.

(3) For the elimination of existing cesspools or septic tanks for existing buildings other than Fee Simple One (1), Two (2) or Three (3) Family Dwelling Units, a Site Connection Proposal for sewer availability certification shall be required, unless the site has been granted a prior sewer availability certification.

(4) All House Connection Proposals or Site Connection Proposals for sewer availability certification shall be prepared by, or under the supervision of, a professional engineer

or registered architect licensed by the State of New York, and shall be submitted with the appropriate sewer certification application form. The signature and seal of a professional engineer or registered architect shall appear on each proposal.

(b) *Specific Requirements.*

(1) A professional engineer or registered architect may self-certify the availability of sewers by using the appropriate self-certified sewer certification application, except as specified in paragraph (3) of this subdivision.

(2) All sewer certification applications for new construction under the jurisdiction of the DOB may be submitted to the DEP or to the DOB. All other sewer certification applications for construction that is not under the jurisdiction of the DOB and do not require DOB project identification number(s) (DOB PIN(s)) shall be submitted to the DEP.

(3) A professional engineer or registered architect shall not self-certify sewer certification applications for the cases listed below. Such applications shall be submitted to the DEP for review and certification:

- (i) Applications involving mapping actions;
- (ii) Applications for connection(s) to a proposed private sewer or private drain under construction by the applicant to serve a proposed development;
- (iii) Applications for proposed developments to be constructed in staged phases;
- (iv) Applications for proposed developments on part of a tax lot;
- (v) Applications to connect to a sewer or drain where the flow discharged must pass through a private pumping station;
- (vi) Applications for proposed developments which must utilize an easement through, or cross, adjacent properties, to gain access to an approved outlet;
- (vii) Applications for proposed developments on a site traversed by a watercourse, active ditch, or existing sewer easement;
- (viii) Applications for proposed discharge of flow to a private drain not built in accordance with the City drainage plan and which is not owned by the owner(s) of the proposed development(s);
- (ix) Applications to connect to sewers or drains discharging to a private sewage treatment plant;
- (x) Applications for proposed sanitary discharge to an interceptor sewer;
- (xi) Applications for proposed sanitary discharge to six (6) inch diameter sanitary sewers or drains;
- (xii) Applications for proposed discharge of site storm flow to a highway drain, Work Project Administration (WPA) sewer, Temporary Connection (TC), plumber's drain, watercourse diversion, or State arterial highway drain;
- (xiii) Applications for skewed connections or connections to stub extensions from existing manholes; and
- (xiv) Application for proposed developments in areas rezoned after June 1993.

(4) All sewer certification applications shall contain the appropriate identification number(s) as issued by the DOB, except for:

- (i) Self-certified applications filed with the DOB; or
- (ii) Applications which are not required to be filed with the DOB.

(5) Sewer certification applications shall show the proposed sanitary discharge; the proposed developed site storm flow; [and] the allowable [storm] flow from the site; and/or the stormwater release rate from the site, in accordance with the following:

(i) Computation of allowable [storm] flow to be discharged into stormwater or combined sewers or drains shall be based on either the City drainage plan or an approved

drainage proposal under which the existing sewers or drains were constructed. Computation of the stormwater release rate shall be in accordance with Section 31-03(a)(1) for connections in a combined sewer system.

(ii) Developed site storm flow shall be computed using the rational method for the total site area, with rainfall intensity of 5.95 inches per hour and the weighted runoff coefficient (Cw) based on the site development.

A. DEP will provide runoff coefficients to be used in computing site storm flow.

B. DEP will accept for review applications that minimize the runoff coefficient of the entire site by maximizing open areas, and areas with grass or vegetative cover, green roofs, permeable pavements with suitable infiltration, or other techniques based on the runoff coefficients published by DEP. Further runoff coefficient reductions must be substantiated by soil borings taken at the location of the proposed areas in addition to a permeability test performed in situ or at a laboratory.

C. Overall site runoff coefficients must not be decreased without the express written approval of DEP.

(iii) Applicants shall specify the method(s) of disposal of all developed site storm flow in conformance with the provisions of local laws governing such disposal.

(iv) Sanitary flow discharged to sanitary or combined sewers or drains shall be computed based on the density development permissible under zoning designation for the proposed development in accordance with the most recent drainage design criteria of the DEP.

(6) Block and lot numbers shall correspond to the most recent records supplied by the DOF. Any applicant proposing to alter an existing block and/or lot layout shall submit to the DOB a Tentative Lot Number(s) Request Form bearing the applicant's signature and seal and showing the proposed block or lot modifications. Such forms shall be approved by the DOB.

(7) All existing and proposed sewer connections shall be shown on the site plan and supporting documents. The minimum size of pipe for proposed connections to the sewer system shall be an eight (8) inch pipe in the Borough of Manhattan and a six (6) inch pipe in all other Boroughs.

(8) No horizontal bends for sewer connections shall be permitted outside the property lines of the project site.

(9) All sewer connections shall be gravity connections. Single structures utilizing an internal ejector shall follow provisions of the New York City Building Code and shall connect to the sewer by gravity for such use. In cases where multiple structure developments use internal ejectors, the internal ejector system shall discharge into a pressure relief manhole within the property lines, and then flow into the existing sewer by a gravity sewer connection.

(10) All site plans submitted to the DEP with sewer certification applications shall be prepared in accordance with the latest standards and requirements of the DEP, as indicated below:

(i) Site plans shall be drawn to scale, and shall contain the original seal and signature of the filing professional engineer or registered architect.

(ii) All hydraulic computations, and the proposed method(s) of disposal for all sanitary and storm discharge, must be shown on the site plan.

(iii) Swimming pool(s) must be shown on the site plan, but are not reviewed as part of the sewer certification application(s). A separate approval for the discharge from swimming pools must be obtained from the DEP. All swimming pools must discharge to an internal sanitary system prior to discharge into the existing sewer or drain.

(iv) Computations and details for the management practices proposed for the on-site retention or detention of stormwater runoff from the developed site[, which exceeds the allowable flow,] necessary to ensure compliance with this rule must be shown on the site plan.

(11) Subsoil boring logs and soil permeability testing information must be submitted to substantiate any proposed on-site stormwater infiltration.

(12) Any person constructing a new development abutting a waterway shall discharge its stormwater to that waterway. All direct discharges shall comply with all applicable laws and regulations.

[(11)] (13) For sites with industrial waste discharge, the applicant must obtain approval from the DEP for such discharge prior to the certification of the sewer certification application. For self-certified sewer certification applications, the approval for the discharge of industrial waste must be obtained prior to submission of the self-certified sewer certification application to the City.

§ 31-03 Stormwater performance standard for connections to combined sewer system.

(a) Stormwater release rate. The following provisions apply to the issuance of permits for sewer availability certifications and connections to combined sewer systems for new buildings and for alterations that increase impervious surfaces on a lot by more than 20 percent.

(1) The Stormwater Release Rate must be no more than the greater of 0.25 cfs or 10% of the Allowable Flow or, if the Allowable Flow is less than 0.25 cfs, no more than the Allowable Flow.

(2) For Alterations, the stormwater release rate for the altered area must be no more than the stormwater release rate for the entire site, determined in accordance with subparagraph (1) above, multiplied by the ratio of the altered area to the total site area. No new points of discharge are permitted.

(3) For proposed open-bottom detention systems, DEP will consider requests for reduction of the required stormwater volume to be detained where stormwater will be infiltrated into the below soils. Such requests must be substantiated by soil borings taken at the location of the proposed system in addition to a permeability test performed in situ or at a laboratory to demonstrate that the existing soil surrounding and below the system has a favorable rate of permeation. Requests for any volume credits must be shown on the site connection proposal application and reviewed by DEP.

(4) DEP will consider requests for reduction of the required stormwater volume to be detained where stormwater will be recycled for on-site uses. The recycling system shall be independent and shall not result in total site discharge to the sewer system greater than the Stormwater Release Rate at any time. Such recycling systems cannot be modified or disconnected, without the express written approval of DEP. This restriction applies to both current and future owners and other persons in control of the property.

[§31-03] **§31-04 Standards for Issuance of Permits.**

(a) *Permits.*

(1) 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. No sewer connections shall be permitted to any catch basin. Any such connection made without a permit shall be in violation of this Rule.

(2) Permits for a new connection or connections shown on certified sewer certification applications shall be required for the following:

(i) new developments;

(ii) alterations performed on existing buildings, where sewer availability certification is required by the DOB;

(iii) existing buildings served by cesspools or septic tanks to be connected to fronting sewers or drains; and

(iv) unplugging and reuse of a plugged sewer connection.

(3) Plug permit(s) shall be required when an existing connection or connections are to be abandoned.

(4) Repair or relay permits shall be required for the repair or replacement of an existing sewer connection. Where realignment of the existing sewer connection or connections to new points of connection results in the plugging of an existing sewer connection or connections, no separate plug permit shall be required.

(5) Permits shall be required to install manholes on existing sewers or drains.

(6) Permits shall be required to install catch basins and catch basin connections outletting to existing sewers or drains, or an approved outlet.

(7) Permits shall be required to install seepage basins and catch basins outletting to such seepage basins.

(8) Any detention or retention system and any replacement of such a system proposed and implemented in order to comply with this rule must be properly maintained throughout the useful life of the system and maintenance records maintained, until replacement as approved by DEP. This obligation applies to current property owners, their successors, assigns, and other persons in control of the property, and shall be made binding in a deed restriction or other form satisfactory to DEP. Three years after the date of approval of a retention or detention system and every three years thereafter the operation of the system shall be inspected by a licensed professional engineer, a registered architect or a licensed master plumber. Such architect, engineer or master plumber shall submit certification to DEP that the system is free of debris and sediments, that its orifice is unobstructed and flowing and that the system is otherwise operating in compliance with this rule.

(b) General Requirements.

Sewer connection permits shall be required as follows:

(1) For a single structure on an individual tax lot fronting an existing combined sewer, a new sewer connection permit shall be required for each connection.

(2) For individual structures on one tax lot with individual combined sewer connections to an existing combined sewer or drain, a sewer connection permit shall be required for each individual combined connection. Where such structures have separate connections to separate sanitary and storm sewers, a new connection permit shall be required for each individual sanitary and/or storm sewer connection.

(3) For several individual structures on one tax lot sharing a common internal drain or drains connecting to existing combined sewers, one new sewer connection permit shall be required for each connection. Where such structures have common sanitary and storm internal drains for connection to separate sanitary and storm sewers or drains, a new sewer connection permit shall be required for each connection made to the sewers or drains.

(4) For individual structures on individual tax lots, which will share common internal drains owned, operated or maintained by a Homeowners Association, connections to existing combined sewers shall require a new sewer connection permit for each tax lot.

(5) Where individual structures on individual tax lots, which share common internal drains owned, operated and maintained by a Homeowners Association, connect to separate sanitary and storm sewers or drains, a sewer connection permit shall be required for each sanitary and storm sewer connection made to the common internal drains from each tax lot.

(c) Application Procedure.

(1) A certified house connection proposal or site connection proposal shall be required for all permits, except for the following:

- (i) plug permits;
- (ii) repair/relay permits;
- (iii) catch basin, catch basin connection, and manhole permits;
- (iv) catch basin, catch basin connection, and seepage basin permits; and
- (v) connection to an existing sewer for elimination of existing cesspool or septic tanks for fee simple one, two, or three family dwelling units.

(2) Prior to the issuance of a permit, applicants shall comply with the following requirements:

(i) Upon certification of a house connection proposal or site connection proposal by the DEP or DOB, the applicant's Licensed Master Plumber shall apply for the required sewer connection permits at the DEP's water and sewer records office.

(ii) If the Licensed Master Plumber retains a subcontractor, that subcontractor is only authorized to conduct non-plumbing work. All plumbing work must be done by the Licensed Master Plumber or persons under the direct employment and continuing supervision of the Licensed Master Plumber. If work is to be done by a subcontractor, said subcontractor must be identified on the application and an affidavit of authorization must be executed by the Licensed Master Plumber. The authorization shall specify the location and work to be done and shall state that the work is being done under the supervision of the Licensed Master Plumber. Such authorization and responsibility will be effective for the duration of the permit. If coring is to be done as part of the work, it shall be performed by the Licensed Master Plumber, or his/her authorized designee.

(iii) Only a Licensed Master Plumber may apply for a permit to install new catch basins, catch basin connections, and manholes on existing sewers or drains.

(iv) A Licensed Master Plumber or a Contractor may apply for a permit or permits to install seepage basins, catch basins, and catch basin connections outletting to such seepage basins.

(v) No sewer connection permit shall be issued without the presentation of a valid building construction permit or alteration repair application (ARA) from DOB or other Agencies having jurisdiction.

(vi) No permits shall be issued to install new catch basins, catch basin connections, seepage basins, or manholes on existing sewers or drains until an approved builder's pavement plan has been submitted.

(d) *Permit Issuances.*

(1) Prior to the issuance of any permit for sewer connection, applicants must submit the following to the DEP:

(i) the appropriate permit application form and, if applicable, an affidavit by the Licensed Master Plumber authorizing a subcontractor to perform non-plumbing work;

(ii) a certified house connection proposal or site connection proposal application;

(iii) a valid street/sidewalk opening permit from the DOT or other entity having jurisdiction;

(iv) proof of payment of the appropriate permit fee to the Water Board;

(v) proof of compliance with all conditions set forth in the certified house connection proposal or site connection proposal application form;

(vi) a letter of authorization from the Owner to retain a Licensed Master Plumber;

(vii) except for a single structure condominium development, which is exempt from this requirement, a declaration of covenants and restrictions establishing a Homeowners Association or a declaration of condominium recorded at the appropriate City Register's or County Clerk's Office and a letter issued by the New York State Attorney General accepting the offering plan/prospectus for filing; or a "No- Action Letter" issued by the New York State Attorney General and reviewed by the Legal Counsel of the DEP;

(viii) easement documents, declaration of maintenance and deed restrictions approved by the Legal Counsel of the DEP and recorded at the office of the County Clerk.

(ix) proof of compliance with all other conditions that may be set forth by the City and with all applicable Federal, State, and Local Laws, Rules and Regulations.

(2) Unplug and Reuse or Reuse. For one, two or three family dwellings only, permits for unplugging and reuse of a plugged sewer connection, or reuse of an existing sewer connection will be issued upon:

(i) compliance with all of the requirements listed in paragraph (1) of this subdivision (d); and

(ii) submission to the DEP of the following:

(A) a notarized letter of intent from the owner requesting reuse of the plugged sewer connection or reuse of the existing sewer connection;

(B) signed and sealed certification from the filing professional engineer or registered architect that the existing sewer connection is adequate; and

(C) signed and sealed certification from the Licensed Master Plumber that such plumber has verified that the existing sewer connection is in good working order.

(3) Plug Permit for plug of an existing sewer connection will be issued upon:

(i) compliance with the requirements contained in subparagraphs (i), (iii), (iv), (vi) and (ix) of paragraph (1) of this subdivision (d);

(ii) presentation of a notarized letter of intent from the Owner to plug the existing sewer connection and to retain a Licensed Master Plumber for this purpose; and

(iii) verification of the existence of the sewer connection to be plugged.

(4) Repair or Relay of Existing Sewer Connections. Permits for repair/relay of existing sewer connections will be issued upon compliance with the requirements in subparagraphs (i), (iii), and (ix) of paragraph (1) of this subdivision (d);

(5) Connections to an existing sewer for the purpose of eliminating cesspools or septic systems. Permits for sewer connections to an existing sanitary or combined sewer in order to eliminate cesspools or septic systems will be issued upon:

(i) compliance with the requirements contained in subparagraphs (i), (ii), (iii), (iv), (v), and (ix) of paragraph (1) of this subdivision (d);

(ii) for fee simple one, two or three family dwelling units, submission of approval from DOB to abandon the existing cesspool or septic system;

(iii) for other than fee simple one, two or three family dwelling units, submission of:

(A) an approval from DOB to abandon the existing cesspool or septic system; and

(B) a certified site connection proposal from the appropriate department, as required by subparagraphs (i), (ii) and (v) of paragraph (1) of this subdivision (d).

(6) New manholes on existing sewers or drains for new sewer connections or for new catch basin connections. Permits for new manholes to be placed on existing sewers for new sewer connections or for new catch basin connections will be issued upon:

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

(ii) for new catch basin connections, compliance with all requirements contained in paragraph (7) of this subdivision (d).

(7) New catch basins, catch basin connections, and seepage basins. Permits for new catch basins, catch basin connections, and seepage basins will be issued upon:

(i) compliance with the requirements contained in subparagraphs (i), (iii), (iv), and (ix) of paragraph (1) of this subdivision (d); and

(ii) presentation of a valid approved Builders Pavement Plan. A Builders Pavement Plan, approved by the City, must be on file with the Borough office of BWSO prior to issuance of the permit.

(e) *Terms and Conditions.*

(1) Each permit shall be valid for a period not to exceed sixty (60) calendar 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 explaining reasons for the delay.

(2) After expiration of the permit period and any extension, the permittee shall be required to file for a new permit and pay all required fees.

(3) Any permit issued by the DEP pursuant to this Rule may be revoked by the Commissioner for cause.

(f) *Fees.*

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

(2) All fees shall be paid to the Water Board.

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

[§31-04] **§31-05 Standards for Installation of Sewer Connections.**

(a) *General Requirements.* All new sewer connections shall be in compliance with this Rule.

(b) *Specific Requirements.*

(1) Sewer connections may be made to available existing sewers, drains, or approved outlets, upon the issuance of a permit.

(2) New sewer connections shall have a minimum of four (4) feet of cover unless the DEP grants approval for a lesser cover. No cover above a sewer connection less than two and a half (2.5) feet shall be permissible. Sewer connections with less than three (3) feet of cover must be encased in concrete.

(3) Connections to sewers supported by piles must be ductile iron pipe Class fifty-six (56), on broken stone with push on joints. The thickness of the broken stone bedding shall be a minimum of nine (9) inches.

(4) Where the replacement or repair of an existing sewer connection results in damage or defect to adjacent or connected facilities, the Commissioner, upon being notified of such damage or defect, may order the Licensed Master Plumber to investigate and effect any repairs to the adjacent or connected facilities that may be required at such plumber's own expense. Representatives of adjacent or connected facilities shall be mailed copies of the Commissioner's order.

(5) Catch basin connections to storm or combined sewers of forty-eight (48) inches in diameter or smaller shall be made to existing or new manholes. For sewers larger than forty-eight (48) inches in diameter, the catch basin connections shall be made to existing manholes, if available, or directly to the sewer. Details of all other methods of connections shall be reviewed and approved by the DEP. All work must be in accordance with any Builders Pavement Plan, approved by the City.

(6) New sewer connections shall be made to existing spurs fronting the property.

(7) In cases where no spurs exist, or connection to an existing spur is not feasible, one of the following methods of connection shall be used:

(i) For six (6) inch diameter sewer connections to six (6) inch diameter sewers or drains, three (3) sections of the existing sewer or drain shall be replaced with two (2) straight pipe sections and a central spur piece.

(ii) For six (6) inch diameter sewer connections to eight (8) inch diameter sewers or drains, if the existing eight (8) inch diameter sewer or drain is not supported by a concrete cradle, the connection method described in subparagraph (i) of this paragraph (7) shall apply. For sewers or drains on concrete cradles, a minimum of four (4) feet in length of the existing sewer or drain shall be encased in concrete from the point of connection. The concrete shall be allowed to set for twenty-four (24) hours, after which time, core drilling shall be performed.

(iii) Core drilling to install a spur into an existing sewer or drain shall only be performed with an approved coring machine. Such coring shall be made at the one (1) or two (2) o'clock or ten (10) to eleven (11) o'clock position as described in paragraph (9) of this subdivision (b). The cored portion of the sewer shall be retained and submitted to the Inspector. Core drilling shall only be permitted in the following circumstances:

(A) where the new sewer connection is six (6) inches in diameter and the existing sewer or drain is ten (10) inches in diameter or larger;

(B) where the new sewer connection is eight (8) inches in diameter and the existing sewer or drain is twelve (12) inches in diameter or larger;

(C) where the new sewer connection is ten (10) inches in diameter and the existing sewer or drain is twenty-four (24) inches in diameter or larger.

(iv) Any sewer connection twelve (12) inches in diameter or larger to existing sewers or drains less than forty-eight (48) inches in diameter shall be made only to an existing or proposed manhole. For sewer connections larger than eighteen (18) inches in diameter, the applicant shall submit a detail of the proposed method of connection to the DEP for review and approval.

(8) Core drilling. Core drilling shall be performed in accordance with the following requirements:

(i) Clay or Cement Sewers or Drains. A six (6) inch thick concrete encasement on top and bottom of the existing sewer or drain for a minimum of four (4) feet length along the existing sewer shall be provided. The concrete encasement shall be allowed to set for a minimum of twenty-four (24) hours before the core drill may be performed.

(ii) Brick Sewers or Drains. A three (3) inch concrete encasement with six (6) by six (6) w2.9/w2.9 wire mesh over the top half of the sewer for a minimum of four (4) feet along the length of the sewer shall be provided. The concrete encasement shall be allowed to set for a minimum of twenty-four (24) hours before the core drill may be performed.

(9) Installation of a spur on the existing sewer or drain shall be performed in accordance with the following requirements:

(i) A hole shall be core drilled with an approved core drilling machine to produce a smooth hole equal to the inside diameter of the sewer connection. A tap saddle/tee made of cast iron shall be installed and bonded to the existing sewer or drain with a quick setting two-part mix of epoxy adhesive that will harden in four (4) to seven (7) hours.

(ii) A hole shall be core drilled with an approved core drilling machine to produce a smooth hole equal to the outside diameter of either a Dutchman (short piece of pipe with belt) or the outside diameter of a neoprene rubber tee fitting, which shall be placed in the

drilled hole and held in place by a tampered plastic insert. The sewer connection shall fit into the open end of the tee fitting and be held in place by a mechanically tightened steel band.

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

(c) *Materials.*

(1) The materials used for new sewer connections or replacement of existing sewer connections and appurtenances shall meet the following requirements:

(i) Extra strength vitrified clay pipe (ESVP), conforming to A.S.T.M. C-700 on six (6) inch concrete cradle, class forty (40), for sewer connections up to and including an eighteen (18) inch diameter;

(ii) Ductile iron pipe (DIP), Class fifty-six (56) with push-on joints, conforming to A.N.S.I. specification on broken stone bedding conforming to A.S.T.M. C-33, size sixty-seven (67);

(iii) Pre-cast Reinforced Concrete Pipe (PCRP) Class three (3) or higher on six (6) inch concrete cradle conforming to A.S.T.M. Class thirty five (35) for sewer connections of a twenty-four (24) inch diameter and larger ;

(iv) Extra heavy cast iron soil pipe (EHCI) on broken stone bedding conforming with A.S.T.M. Class thirty-three (33), size sixty seven (67).

(2) Materials differing from those described in paragraph (1) of this subdivision (c) shall not be issued without written approval of the DEP. The burden of establishing the suitability of the material shall be with the applicant.

(d) *Manhole Connections.*

(1) The inner top of the proposed sewer connection shall not be lower than the inner top of the sewer. The invert of the proposed sewer connection shall be at least three (3) inches above the bench elevation at the manhole wall. The invert of the proposed sewer connection shall not be more than four (4) feet above the spring line (1/2 the diameter) of the sewer.

(2) The use of pre-cast manholes on existing sewers or drains shall be in conformance with the latest DEP Sewer Design Standards, and shall be supplied by an approved vendor.

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

(e) *Seepage Basins, Catch Basins and Catch Basin Connections.*

(1) All proposed seepage basins, catch basins, and catch basin connections shall be installed in accordance with any Builders Pavement Plan approved by the City and the latest DEP standards and requirements, and shall be supplied by approved vendors.

(f) *Trench Excavation.*

(1) Prior to performing any excavation, the permittee shall give notice to the New York City & Long Island One Call Center in accordance with 16 NYCRR Part 753.

(2) Excavations, trenching, and shoring as required, shall be in conformance with sections 23 and 53 of the New York State Industrial Code, and all other applicable Federal, State, and Local Laws, Rules and Regulations.

(3) Permittees shall comply with all requirements of the DOT or other entity having jurisdiction.

(4) The permittee shall properly support, protect, and maintain all facilities encountered.

(5) Rock excavation for proposed sewer connections shall be made in compliance with applicable sections of the DEP's Standard Specifications.

(6) The maximum width of a sheeted trench shall be in accordance with DEP Sewer Design Standards.

(g) *Backfilling.*

(1) Backfilling and pavement restoration shall be in compliance with the Standards and Requirements of the DOT or other entity having jurisdiction.

(2) No backfilling shall commence until the sewer connection, seepage basin, catch basin and catch basin connection has been properly installed, inspected and accepted by the Inspector.

(3) If the work is not accepted by the Inspector, the permittee shall make the trench safe, including plating in as required by the DOT or other entity having jurisdiction.

§31-06 Tree plantings adjacent to existing water and sewer infrastructure.

(a) *Specific requirements.* When planting trees, the separation distance shall not be less than:

(1) six feet center to center from distribution mains; (2) eight feet center to center from mains greater than twenty inches in diameter; or

(3) four feet from the sheeting area for sewers.

(b) *Variations.* Variations from these requirements may be granted in cases where the minimum separation distances cannot be physically met and, subject to DEP approval, where additional root protection systems are proposed. In no case may a tree be planted directly above a water main or a sewer.

[§31-05] §31-07 Inspections.

(a) *General Requirements.*

(1) All sewer connections, including new connections, relays/repairs, plugs, catch basin and catch basin connections, and seepage basins shall be inspected and approved by an Inspector.

(2) A permittee shall be granted an inspection one business day following the request for such inspection.

(3) Prior to commencing excavation for sewer connections, the permittee shall verify that the sewer or drain is not surcharged, obstructed, or damaged. If the sewer is surcharged, obstructed, or damaged, the permittee shall not perform any work and shall immediately notify the DEP.

(4) No sewer connection or related work shall be inspected or approved by an Inspector unless the trench is open for any length of previously un-inspected work and all pipes, joints, and related work are visible. A suitable ladder affording safe access for such inspection shall be provided by the permittee. Trenches must conform to all applicable Rules, Regulations and laws regarding safety.

(5) An Inspector is required to be present during any drill-in to a sewer or drain.

(6) Any trench backfilled without completed inspection shall be re-excavated to the degree necessary as determined by the Inspector.

(7) Inspections will be conducted Monday through Friday (except on holidays) between the hours of seven (7) A.M. and four (4) P.M. Exceptions to this requirement may be granted upon traffic and work stipulations set forth by the DOT or other entity having jurisdiction or for other unforeseen circumstances, at the discretion of the DEP.

(8) No inspection shall be performed unless all permits and appropriate documentation required by the DEP are displayed at the work site. Such documentation shall include:

(i) the certified house connection proposal or certified site connection proposal, with all pertinent supporting documents where required;

(ii) the approved permit application and sewer connection permit;

(iii) the street opening permit from the DOT or other entity having jurisdiction, and when a Builder's Pavement Plan has been required, an approved copy thereof;

(iv) all approved shop drawings;

(v) all Mayor's Traffic Construction Coordination Committee traffic stipulations, where weekend and/or night work is scheduled; and

(vi) all applicable notarized affidavits regarding the reuse of existing connections.

(b) *Certificate of Inspection.*

(1) A certificate of inspection shall be issued for each permit granted by the DEP upon:

(i) successful completion of an inspection; and

(ii) compliance with all applicable requirements in sections 31-04, [and]31-05, and 31-07 of this Rule.

(2) For sewer certifications with multiple permits, a certificate of inspection shall be issued for each unit.

(3) No certificate of inspection shall be issued unless all sewer work shown on the certified house connection proposal or site connection proposal has been completed and inspected.

[§31-06] §31-08 **Repair Order.**

(a) *General Requirements.*

(1) When a sewer house connection, private pumping station, private sanitary ejector, private sanitary force main house connection, or a private force main is found to be leaking, inoperative or defective at a particular premises, the DEP shall issue a repair order to the Owner of such premises. The repair order shall instruct the Owner to make all necessary repairs and otherwise comply with the requirements of such order within 30 days of the date of issuance of such order, except when the DEP determines that there is an immediate danger to public health, property or to the environment, in which case such order may provide that repairs shall be made immediately upon issuance of such order. For purposes of this section, "ejector" shall mean a mechanical device used to pump or eject sewage.

(2) If the Owner has not complied with the repair order in the period allowed, the DEP shall shut off the water service tap/wet connection of the premises. All repair work concerning a sewer connection shall be performed by a Licensed Master Plumber, as provided herein.

(3) If an Owner believes that a repair order has been issued in error or that exigent circumstances exist such that shutting off the tap/wet connection of the premises would result in extreme hardship, the Owner may apply by letter to the Commissioner who shall make a final determination as to whether the repair order was issued in error or whether exigent circumstances exist warranting an abeyance of issuance of the repair order.

(4) A Licensed Master Plumber shall obtain a sewer connection repair permit prior to performing work pursuant to a repair order on a sewer connection or in compliance with sections [25-03]31-04(a)(4) and [25-05]31-08(a) of this Rule. Upon completion of all necessary repairs by the Licensed Master Plumber and approval by the DEP, a Licensed Master Plumber shall obtain a tap/wet connection permit to restore the water service.

(5) When the water service is shut off by the DEP, the Owner must engage a Licensed Master Plumber to assume responsibility for the excavation over the tap or wet connection. If the Owner fails to engage a Licensed Master Plumber, the water service will remain shut off, the excavation will be backfilled, and the street will be properly restored.

§ 2. This rule shall take effect six months after it is effective in accordance with the requirements of the city administrative procedure act except that the definitions of "code"

and “non-plumbing work” as added by section 1 of this rule and the amendments to subdivisions (c) and (d) of section 31-04 of Title 15 of the Rules of the City of New York as renumbered and amended by section 1 of this rule shall take effect immediately upon their effectiveness in accordance with such act.

§3. If any provision of this rule or its application to any particular person or circumstance is held invalid, the remainder of this rule and its application to other persons and circumstances shall not be affected thereby.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Governing Stormwater Drainage

REFERENCE NUMBER: 2011 RG 057

RULEMAKING AGENCY: Department of Environmental Protection

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN

Date: September 23, 2011

Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1526**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Rules Governing Stormwater Drainage
REFERENCE NUMBER: DEP-3
RULEMAKING AGENCY: DEP**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco Navarro
Mayor's Office of Operations

September 26, 2011
Date

☛s29