NEW YORK CITY WATER BOARD

WATER AND WASTEWATER RATE SCHEDULE

PROPOSED TO BE EFFECTIVE JULY 1, 2012

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INTRODUCTION

This Water and Wastewater Rate Schedule of the New York City Water Board sets forth the rates, charges, fees and other service charges for services furnished, rendered or made available by the water and wastewater systems of the City of New York. All water and wastewater charges are the legal responsibility of the property owner. For information on paying charges, please visit www.nyc.gov/DEP.

PART I – DEFINITIONS

As used herein:

"Access" means the ability to inspect a Customer's water and/or wastewater service and premises in order to ensure the accuracy of charges and includes, but is not limited to, the ability to inspect, test, install, repair or upgrade water meters, remote and automated meter reading devices and any appurtenant system equipment.

"AMR" or Automated Meter Reading Device means a DEP-approved transmitter wired to the water meter to read the meter and monitor consumption.

"Apartment" means that portion of a building consisting of one or more rooms and occupied by one or more persons as a Dwelling Unit, separate and set apart from other rooms or groups of rooms within a building. This classification includes and applies to maisonette apartments, apartment houses, studio apartments, duplex apartments, kitchenette apartments and dormitories.

"Attributed Consumption Charges" means charges imposed on a property based on attributed consumption as calculated in Part V – Section 3.C of this Rate Schedule.

"Authorized Representative" means any individual or organization specifically authorized pursuant to a valid 'Letter of Authorization' to represent a property owner in connection with water and wastewater billing for a specific property and the accounts related to that property's bills,

"BCS" means the Bureau of Customer Services of DEP, which may be contacted online at www.nyc.gov/DEP, by telephone at (718) 595-7000, at a borough office, or by mail to: DEP/BCS Customer Service, P.O. Box 739055, Elmhurst, NY 11373-9055.

"Bill Date" means the date a bill was issued on DEP's billing system.

"Bill Period" means number of days listed as "Days" on a water and wastewater bill signifying the "to" and "from" dates that service was provided.

"Billing Programs" means all of the programs specified in Part IV – Billing Programs.

"Boarder, Roomer or Lodger" means a person residing within a household who pays a valuable consideration for residence and who does not occupy the space within the household as an incident of employment.

"City" means the City of New York.

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

"Complete Application" means a written submission in which all requested information is provided, that is signed by the Customer and notarized, and is accompanied by all other information and documentation required by the Commissioner. If an application is incomplete, program eligibility will be evaluated based on criteria in effect as of the date the customer submits a complete application.

"Con Edison" means the Consolidated Edison Company of New York, Inc. or any successor corporation or entity acceding to the wholesale distribution of steam to retail customers in the City.

"Customer" means a current property owner or Authorized Representative of a current property owner.

"Delinquent Charges" means charges for which payment has not been received by the Water Board by the Due Date.

"Denial of Access" means the failure of a Customer to provide and/or facilitate Access to DEP in response to a notice that required Access in a time and in a manner acceptable to DEP.

"DEP" means the Department of Environmental Protection of the City of New York and its authorized agents.

"Deputy Commissioner" means the Deputy Commissioner of the DEP Bureau of Customer Services, or designee.

"Dishonored Payment Charge" means a charge applied to a customer account due to a payment returned unpaid for any cause.

"DOB" means the New York City Department of Buildings.

"DOF" means the New York City Department of Finance.

"Due Date" means the date full payment must be received by the Water Board and is shown as 'Payment Due By' on the face of the bill.

"Dwelling Unit" means the separate residences of a premises. The number of separate residences is determined by the Certificate of Occupancy or Use or other acceptable records of the City. Where necessary, DEP may inspect the premises to determine the number of separate residences to be used for billing purposes.

"Effective Date" means the date a resolution is adopted by the Water Board or the date otherwise explicitly specified as the 'Effective Date' in this Rate Schedule or in the authorizing resolution approved by the Water Board.

"Executive Director" means the Executive Director of the New York City Water Board.

"Fiscal Year" or "FY" means the period from July 1 through June 30.

"Flat-Rate Account Reconciliation" means a review of flat-rate billing to validate the fixture and/or billing unit count and to determine that an account is appropriately billed.

"HPD" means the New York City Department of Housing Preservation and Development.

"Late Payment Charges" or "LPC" means interest charges applied to Delinquent Charges.

"Letter of Authorization" or "LOA" is an original, specific authorization on file with DEP signed by the owner of the premises and notarized, designating an individual or organization as the Authorized Representative. If such LOA fails to state a specific end date, DEP will deem it to expire one year from the date of notarization. A valid LOA must contain a statement that the owner hereby rescinds any previously issued LOA. In cases where an owner has authorized multiple representatives, DEP shall deem the latest filed LOA to be valid, superseding any earlier dated LOA(s).

"Low-consumption Commercial Unit" means a unit in which water will be used primarily by employees for sanitary purposes with projected annual consumption of less than 63,000 gallons. Commercial units with laundry, medical, food or beverage-related businesses are specifically excluded.

"Metered Premises" is a property or premises that is metered at the point of entry of each water service pipe or at a location approved by the Commissioner.

"Rate Schedule" means this New York City Water Board Water and Wastewater Rate Schedule Effective July 1, 2012.

"Regulated Rate" means the rate per million gallons of water supplied to users outside of the City for water supplied that does not exceed the allowance quantity established in accordance with Section 24-360 of the Administrative Code of the City of New York.

"Residential Premises" means a property or premises that is classified as a private dwelling or as a Class A multiple dwelling under the New York State Multiple Dwelling Law.

"Retail Steam Customers" means persons, firms and entities that purchase, directly from Con Edison, steam sold and distributed by Con Edison.

"Retail Steam Customer Discharges" means discharges to the City's Wastewater System at any property served by the Steam System resulting from the condensation of delivered by Con Edison. Retail Steam Customer Discharges shall not include any System Discharges.

"Room" means that portion of an Apartment or dwelling legally constructed so that it may be used for separate occupancy by one or more persons.

"Service Connection" means a service pipe connecting a property or premises to a water main. Property owners are responsible for maintaining service connections.

"Standard Wastewater Allowances" means the list of Wastewater Allowances in Part III – Section 7.D.

"Steam System" means the system owned and operated by Con Edison to distribute steam to properties in the City.

"Steam System Discharges" means any discharges to the City's Wastewater System from the condensation of steam distributed by Con Edison at any point along the route of the Steam System up to the property line of properties receiving steam from such Steam System.

"Stormwater" means that portion of precipitation that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils or the retentive capacity of surface features and which flows or will flow off the site by surface runoff.

"Wastewater Allowance" is a percentage discount that applies to wastewater charges that otherwise would be assessed on a property or premises.

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

"Water Supply System" and "Wastewater System" mean, respectively, the water system and wastewater system of the City of New York.

PART II – WATER RATES AND CHARGES

Charges for water furnished by the Board to any premises will be computed in proportion to the water furnished as ascertained by meter, subject to minimum service charges, unless stated otherwise in this Rate Schedule. Charges apply unless the water tap has been destroyed in the street or shut off at the connection to the water main, by either DEP or a licensed plumber pursuant to valid permits, disconnecting water service to the premises. Water rates and charges included in this Part II do not include wastewater service charges, which are set forth in Part III.

Section 1. Metered Water

A. The charge for water billed on the basis of metered consumption is $3.39 per one hundred cubic feet. One hundred cubic feet is approximately seven hundred forty-eight gallons.

B. The minimum charge imposed for water service is $0.46 per day per water meter within a Bill Period. The minimum charge will be imposed for any Bill Period in which charges based on actual consumption and computed in accordance with Section 1.A above are less

than the minimum charge. There is no minimum charge for fire sprinkler system water meters.

C. Use of Average Daily Flow

If a water meter registers incorrectly, stops registering, or is removed or bypassed for any cause or reason, a charge for water will be imposed for water consumed during that period of time based upon the consumption measured by an accurately functioning meter for a representative period of time either prior to or subsequent to the period of meter failure as reasonably determined by DEP, at the appropriate rates in effect for that period, except for accounts subjected to Attributed Consumption Charges pursuant to Part V – Section 3.

D. Estimated Bills

If DEP cannot read the meter or if the meter reading appears questionable, DEP may issue estimated bills based on previous consumption or other reasonable criteria. If not paid when due, estimated bills are subject to authorized Late Payment Charges and all collection enforcement options.

E. Any property with metered water charges is not permitted to return to water charges based upon unmetered rates or upon any fixed-rate Billing Program, unless otherwise authorized.

Section 2. Unmetered Water

Unmetered water rates apply to premises both wholly or partly unmetered, and not billed on the basis of the Multiple-family Conservation Program or on metered consumption. Rates are per year unless otherwise indicated.

A. Frontage Rates

A minimum charge for frontage accounts shall consist of Item 1 – Front width of building, which includes the first story, one toilet, one bathtub or shower and one Dwelling Unit. A premises will be subject to the minimum frontage charge if the premises is vacant and sealed, from the date of discovery by DEP or the date certified by another agency of the City of New York, provided that no such adjustment shall exceed the four-year complaint filing period.

Property owners are responsible for notifying DEP of any removal or replacement of a water-consuming fixture. As a general rule, DEP will impose fixture charges through the date the Customer notifies DEP in writing of the removal or replacement of a water-consuming fixture, as confirmed by DEP inspection. An exception to the general rule is permitted where fixture charges are different than the substantiated fixture profile. A substantiated fixture profile can be demonstrated only by (i) submission by the Customer to DEP of a valid Certificate of Occupancy which indicates a fixture profile different from DEP billing records, as confirmed by DEP inspection, or (ii) submission by the Customer to DEP of a valid work permit issued by DOB that indicates the nature and date of stated physical changes made to the property or its water consuming fixtures, as confirmed by DEP inspection. DEP will correct fixture charges based on a substantiated fixture profile from the date of issuance of

the Certificate of Occupancy or completion of work indicated in (i) or (ii) above, provided that no such adjustment shall exceed the four-year complaint filing period.

The annual frontage rates are as follows:

1. Front width of building, which includes the first story, one toilet, one bathtub or shower and one Dwelling Unit.

16 feet and under	$142.16
Over 16 feet to 18 feet	177.72
Over 18 feet to 20 feet	213.29
Over 20 feet to 22 ½ feet	248.76
Over 22 ½ feet to 25 feet	284.22
Over 25 feet to 30 feet	355.45
Over 30 feet to 37 ½ feet	426.47
Over 37 ½ feet to 50 feet	497.61
Each additional ten (10) feet or part thereof	71.18

2. Each story in excess of one per building. 35.55

3. Rear building on any lot or lots with front building thereon, each twenty-five (25) feet front or fraction thereof. 177.72

   Note: A corner-lot building must pay the rates for front width and stories of building.

B. Extra Dwelling Unit Rate

Each Dwelling Unit in excess of one Dwelling Unit per building. $162.70

C. Boarder, Roomer or Lodger Rate

Each Room in a building or Apartment available for occupancy by a Boarder, Roomer or Lodger, in excess of the two (2) Rooms permitted a family, in addition to the Dwelling Unit charge, per person, per Room. $23.76

D. Fixture Charges and Miscellaneous Rates

1. Ash lift. Thirty-can or less capacity per day. $106.61

   Each additional thirty-can lift or fraction thereof. 71.18

2. Bathtub or shower in excess of one (1) per building, or shower not installed over bathtub, or "sitz" bath, in excess of one (1) per building. 106.61

3. Bathtub located in a kitchen of a Dwelling Unit that has no other Room containing a bath. 47.36

4. Bathtub, in barber shop, public house and bathing establishment.	177.72
5. Bathtub or shower, outdoors, comprising a section of piping with or without spray attachment, located outside of a building.	177.72
6. Bakery. Each oven.	284.22
7. Barbershop, beauty, hairdressing and manicuring parlor. Up to and including three (3) chairs or tables.	284.22
Each additional chair or table.	35.55
8. Barge. Water for domestic use only.	177.72
9. Boat – Motorboat. Tank capacity (rates given are per month):	
3,000 gallons or less	266.65
3,001- 6,000 gallons	533.12
6,001-12,000 gallons	888.47
over 12,000 gallons	Use Steamboat Rate (below)
10. Boat – Steamboat. Tank capacity (rates given are per month):	
12,000 gallons or less	888.47
12,001 to 20,000 gallons	1,332.82
20,001 to 30,000 gallons	1,776.91
30,001 to 40,000 gallons	2,221.25
40,001 to 60,000 gallons	2,665.30
60,001 to 100,000 gallons	3,533.73
11. Boiler, permanent, when used exclusively for a purpose not covered by any other fixture charge. Per horsepower.	76.80
12. Café, restaurant, and bar or any store similarly used.	
For each sink.	177.72
For each bar.	355.45
For each pump where the use of water is required.	1,776.91
13. Café, luncheonette, lunch counter, restaurant, or other place where food is served for consumption on the premises.	284.22
14. Compressor (portable). For water used by a compressor of any gasoline-operated apparatus with a return cooling circulating system (rates given are per month).	35.55

15. Dentist. Each fountain cuspidor.	35.55
16. Fire line or sprinkler system, in a building. Per tap or connection:	
Each 1½-inch or smaller	35.55
Each 2-inch	71.18
Each 3-inch	106.61
Each 4-inch	142.16
Each 5-inch	177.72
Each 6-inch	213.29
Each 8-inch	284.22
17. Florist or conservatory.	284.22
18. Fountain, ornamental or display.	177.72
19. Garage, connected to the City water supply, located in a building, capacity not more than three cars.	35.55
20. Hose connection, faucet, or other plumbing fixture attached to the inside or outside of a building or located at any point on a lot, for garden or lawn watering or street, sidewalk or step washing. Each.	177.72
21. Hospital business charge per each floor and area where there is a separate business, including lunch counters, gift shops, newspaper and magazine stands, employee cafeterias, etc.	284.22
22. Hospital developing tank located in a reception room, per faucet.	284.22
23. Ice machine or air conditioning unit, per quarter ton. Air conditioning units requiring a minimum rate of flow of water greater than one-half (½) gallon per minute must be metered	177.72
a. If equipped with an approved water conserving device, per quarter ton.	26.64
b. Air conditioning equipment with rated capacity in tons will be charged pro rata from date of installation to date of metering, per year, per quarter ton.	177.72
c. Such units, when equipped with an approved water conserving device, will be charged pro rata from the date installed to the date when the supply is metered, per year, per quarter ton.	26.64

d. Air conditioning apparatus not equipped with a refrigerating unit or using water for other than refrigerating uses, for the cleaning or conditioning of the air, for the period between the time the unit is installed and the date when the supply is metered:

Less than one-half (½) gallon per minute	142.16
½ gal. and up to but not including 1 gal./min.	177.72
1 gal. and up to but not including 2 gal./min.	533.12
2 gal. and up to but not including 3 gal./min.	710.75
3 gal. or more per minute, per gallon or fraction thereof.	355.45

24. Laundry. Each washtub, washing machine or apparatus for washing clothes located in a hospital or the common area of a Residential Premises. 284.22

25. Laundry. Each washtub, washing machine or apparatus for washing clothes located within an individual Apartment or intended for use by one Dwelling Unit. 54.20

26. Photograph gallery. Each faucet or outlet. 284.22

27. Soda or mineral water fountain. One sink or glass washing spray. 284.22

    Each additional sink or glass washing spray. 106.61

28. Soda, mineral or carbonic water manufacture. Each machine or apparatus (retail). 355.45

29. Steam presser. For each boiler serving steam to a presser in a tailoring or other establishment where garments are pressed. 71.18

30. Store. For each store or other independent portion of a building used for business purposes:

Hot and cold water available.	284.22
Hot water only or cold water only available.	142.16

31. Swimming pool, swimming tank, plunge bath or wading pool. Where located within building or heated so as to be usable on a year-round basis, per each ten (10) cubic feet or fraction thereof. 35.55

32. Swimming pool, swimming tank, plunge bath or wading pool. Where located outdoors and not heated so as to be usable on a year-round basis or where located within structures other than buildings but not so as to be usable on a year round basis:

Less than two thousand five hundred (2,500) cubic feet.	177.72
Each additional ten (10) cubic feet or fraction thereof.	11.81

Note: Where a swimming pool, swimming tank, plunge bath or wading pool is conducted as a business enterprise and admission charged, the supply must be metered.

33. Testing of standpipe or other fire line within buildings, per test. 35.55

34. Toilet or urinal in excess of one (1) per building.

Ultra low flow toilet, as approved by the Commissioner.	32.53
All other fixtures.	71.18

35. Unmetered water used in the operation of any machine, apparatus or other facility not previously specified, including hospital fixtures, is charged per hundred (100) cubic feet of water. 3.39

36. Water motor. Where the capacity is not greater than one-hundredth (1/l00th) horsepower. 71.18

Section 3. Failure to Install a Meter or Remote

An annual surcharge will be imposed equal in amount to 100% of the last annual unmetered water charge when a Customer fails to install a meter or a remote reading device. The surcharge will be applied from July 1, 2000 until the date the installation takes place and, where a meter is installed by a private plumber, the permit for the work has been returned to DEP.

Section 4. Municipalities outside of the City of New York

The Regulated Rate for water supplied to users outside the City from either the Croton or Catskill/Delaware systems that is within the allowance quantities set forth in Section 24-360 of the Administrative Code of the City of New York will be adopted by the Board on or about June 15, 2012.

The rate and charge for water provided to users outside of the City that exceeds the allowance quantities will be equal to the rate and charge for water set forth in Section 1- Metered Water Rates.

Section 5. The City of New York

Water is supplied to City properties in accordance with the terms set forth in section 1045-(j) (5) of the New York City Municipal Water Finance Authority Act.

PART III – WASTEWATER RATES AND CHARGES

Section 1. General Provisions

The owner of any property connected or required to be connected to the Wastewater System, including but not limited to property connected with the Wastewater System by means of a private sewer or drain, and any person benefiting from the use of, or services furnished, rendered or made available by the Wastewater System, whether or not the owner of any property connected or required to be connected to such system, shall pay a wastewater charge for the use of, or services furnished, rendered or made available by the Wastewater System. In instances where a property is required to be connected and has not connected, charges will be assessed retroactive to the date that the property was required to be connected. In instances where a new sewer is installed, charges will be assessed six months after notification that the new sewer has been installed and made available. In instances where a property has connected to the Wastewater System, charges are assessed from the date of connection.

Section 2. Property Supplied by Water Supply System

The wastewater charge for any property supplied with water from the Water Supply System is one hundred fifty-nine percent (159%) of the charges for water supplied to that property from the system, including any surcharges, unless otherwise provided in this Rate Schedule.

Section 3. Property Supplied with River or Well Water

The wastewater charge for property supplied with river water or water from private wells is one hundred fifty-nine percent (159%) of the amount that would be charged for the quantity of water supplied from such sources if the water were supplied from the Water Supply System at the rates charged for water supplied to Metered Premises. The Customer must install an accurately functioning water meter approved by the Commissioner to measure the quantity of water supplied from such sources. If necessary, the Commissioner may estimate the quantity of water supplied from such sources and compute the wastewater charge on the basis of the estimated quantity. If property supplied with river water or water from private wells is also supplied with water from the Water Supply System, the wastewater charge for the property is the sum of the charge computed in accordance with this section and the charges computed in accordance with Section 2 of this Part III.

Section 4. Stormwater on Parking Lot not Supplied with Water Supply System, Well or River Water

An annual wastewater charge for Stormwater of $0.0576 per square foot of property area shall be assessed on all parking lots, where Stormwater may enter or drain into the Wastewater System from such lot, that are not supplied or ancillary to an adjacent use that is supplied with water from the Water Supply System, a river or a well. Parking lots are outdoor spaces or uncovered plots of ground that have the capacity to hold five or more motor vehicles and are used to accommodate, store, or keep any motor vehicle. Any such lot which has implemented Stormwater management practices specified by the Board shall be exempt from any wastewater charge for Stormwater upon approval by DEP.

Section 5. Miscellaneous Discharges

Any person or entity or the owner of any property who introduces water or wastewater into the Wastewater System, other than that originating from water provided by the Water Supply System, private wells, river water or Stormwater, shall pay a sewer use fee equal to the greater of:

A. $419.00; or,

B. If the discharge is introduced into a sanitary or combined sewer and could flow to a treatment plant, 159% of the amount that would be imposed if the discharge originated from water provided by the Water Supply System; or,

C. If the discharge is introduced into a storm sewer or other facility such that it does not receive treatment services, 38% of the amount that would be imposed if the discharge originated from water provided by the Water Supply System.

The Commissioner may estimate the quantity of such water or wastewater introduced into the Wastewater System and compute a charge based upon the estimated quantity.

Section 6. Property Served by a Private Wastewater Treatment Plant That Does Not Discharge into the Sanitary or Combined Sewage Network

The wastewater charge for a property that discharges wastewater that is partially or fully treated by a private wastewater treatment plant that in turn discharges treated wastewater into either a storm sewer, water body, culvert or stream is thirty-eight percent (38%) of the charges for water supplied to the property from the Water Supply System. In the case of a property where water supply is provided by a private well or river water, the wastewater charge will be equal in amount to thirty-eight percent (38%) of the charge that would have been assessed for the quantity of water from such source if the water were supplied from the Water Supply System at the rates charged for water supplied to Metered Premises. This section does not apply to instances where treated or untreated wastewater is discharged to the Wastewater System for treatment.

Section 7. Wastewater Allowances for Commercial or Industrial Property

A. Wastewater Allowances – General

Water consumption that is exclusively used for a commercial or industrial purpose and separately metered, where the process is such that water supplied is not discharged entirely into the Wastewater System, may be eligible for a Wastewater Allowance in accordance with the provisions of this Section.

A process is eligible for a Wastewater Allowance if the water supply to the process is fully metered to the satisfaction of DEP. DEP may require the installation of sampling or gauging instruments or approved wastewater discharge meters, if, in the opinion of the

Commissioner, the equipment is necessary to verify or monitor flows or discharges for the purpose of determining actual charges or allowances. The owner is responsible for the cost of such meters or instrumentation, their installation and their maintenance. Owners shall maintain these meters to ensure that the meters or instrumentation are registering accurately within industry standards.

A Wastewater Allowance previously granted will be revoked if any delinquent charge remains unpaid after written notice of the delinquency is provided to the Customer by DEP or the Board. If a Wastewater Allowance is revoked due to a delinquency, any reinstatement will be prospective only effective as of the date full payment is received.

B. Application for Wastewater Allowances

1. A Wastewater Allowance will be granted upon satisfaction of the following conditions:

    a. The Customer files a Complete Application, which includes proof satisfactory to the Commissioner that the system is metered and that the meter is functioning properly; and,

    b. The written application includes, among other items that the Commissioner may specify, a copy of all required licenses necessary for business operation; and,

    c. DEP, determines that the application is a Complete Application and that the Customer is eligible for the Wastewater Allowance in accordance with this Section; and,

    d. For such property, DEP determines that there are no delinquent water or wastewater charges or real property taxes.

2. DEP may reject any application that, at the time of filing, is missing one or more items of information or documentation that is required in order to make the application a Complete Application.

3. A Customer whose application has been rejected in accordance with paragraph (2) above may re-file the application upon inclusion of the information or documentation that DEP previously determined to be missing.

C. Term of Wastewater Allowances

Upon receipt by DEP of a Complete Application and a determination that the Customer is eligible for a Wastewater Allowance, DEP will, by written notice to the Customer, grant the allowance, which will be prospective only, starting from the date the Complete Application was filed with DEP, and such Wastewater Allowance will expire two years from such date. The Customer must apply for renewal of a Wastewater Allowance by submitting a written application before the expiration of the two-year period.

D. Standard Wastewater Allowances

The following Standard Wastewater Allowances are authorized for any property that can demonstrate, to the satisfaction of the Commissioner, that its commercial purpose or process and predominate water use is consistent with the classification indicated for the allowance.

A property is not permitted to have more than one Standard Wastewater Allowance applied simultaneously to a single meter. If a Customer requests more than one Standard Wastewater Allowance per meter, the Customer must comply with Section E of this part, Exceptions to Standard Wastewater Allowances.

	Business or Water Use	Allowance
1.	Air Conditioning and Refrigeration (Metered) *See Note 1*	85%
2.	Bakeries (Wholesale): Manufacturers of biscuits, pies, pastries, bread, etc.	40%
3.	Beverages: Soda and Soft Drink Manufacturers	15%
4.	Breweries	30%
5.	Building Construction and Sanitary Purposes (Metered)	90%
6.	Carpet and Rug Cleaning	20%
7.	Cemeteries	50%
8.	Chemical Industry (Flavoring Extractors)	20%
9.	Condiment Manufacturers: Pickles, Relishes, etc.	20%
10.	Confectioners (Wholesale)	10%
11.	Dry Cleaning Plants and Establishments	5%
12.	Florists (Wholesale and Greenhouses)	50%
13.	High Pressure Boilers (for power only)	10%
14.	Ice Cream Manufacturers (Wholesale)	10%
15.	Ice Manufacturers (Wholesale)	85%
16.	Industrial Wiping Cloth Plants	10%
17.	Launderettes *See Note 2*	5%
18.	Laundries (Flat Finish) *See Note 2*	10%
19.	Laundries (Wet Wash and Combination) *See Note 2*	20%
20.	Meat (Wholesale): Processing, Packing and Slaughtering	10%
21.	Metal Products (Finished)	5%
22.	Paint, Varnish and Glue Manufacturers	10%

	Business or Water Use	Allowance
23.	Plastic Products Manufacturers	10%
24.	Textile: Yarn, Fur Dyers, Shrinkers and Spongers	25%

Note 1: Air conditioning or refrigeration systems of 25 tons and more, using recirculated water, will be authorized a Wastewater Allowance only when the system is metered to the satisfaction of the Commissioner. The allowance, if authorized, will be 85% of the registered volume based on an assumed 15% of water discharged into the Wastewater System for blow-down or bleed-off. This allowance also applies to Residential Premises.

Note 2: Launderettes are defined as establishments who service a predominately residential population using primarily coin-operated washers and dryers, which either allow customers to do their own washing or drying, or offer drop-off and pick-up service; Laundries (Flat Finish) are defined as establishments that perform pressing (flat finishing) exclusively; Laundries (Wet Wash and Combination) are defined as establishments that do washing or drying exclusively for commercial customers.

E. Exceptions to Standard Wastewater Allowances

Exceptions to the Standard Wastewater Allowances may be authorized in accordance with the provisions of this Section 7.E.

1. An exception to the Standard Wastewater Allowances will be granted upon satisfaction of the following conditions in addition to satisfaction of those conditions required for the Standard Wastewater Allowances:

    a. The Customer must include a certification by a professional engineer licensed to practice in the State of New York, as to the amount of fluid and solid material discharged to the Wastewater System (including wastewater from all sources, such as well water or river water), the amount of water absorbed by the process (and therefore not discharged), and all supporting data and analysis. In addition, such data and analysis must demonstrate any periodic or seasonal variations (including but not limited to maximum and minimum quantities) in process absorption.

    The certification must also include:

        i. A complete detailed description of all connections of the property and the commercial or industrial processes with the Wastewater System, and with all private sewers or drains discharging into the Wastewater System or otherwise; and,

        ii. If the property or process is connected to or utilizes wastewater disposal facilities other than those of the Wastewater System, a complete detailed description of the facilities; and,

iii. A complete listing and description of every source of water supplied or connected to the property or process indicating flow at maximum demand; and,

iv. A written statement that the applicant and owner of the property or process, and the subject property or process, are in full compliance with all rules and regulations of DEP, the New York State Department of Environmental Conservation and the U.S. Environmental Protection Agency with respect to the use and supply of water and use of the Wastewater System, that any previously cited violations have been satisfied by compliance with the relevant regulation, and that all penalties associated therewith have been paid; and,

v. A statement disclosing the names and business addresses of all persons having ownership interest in the property or enterprise doing business at the subject premises. If the property or process is owned or operated by a corporation, the certificate(s) of incorporation must be provided. And,

b. Upon review of the application, DEP determines that the application is a Complete Application and that the Customer is eligible for the exception to the Standard Wastewater Allowance; and,

c. For such property, DEP determines that there are no delinquent water or wastewater charges or real property taxes.

2. Upon receipt by DEP of a Complete Application for an exception to the Standard Wastewater Allowances and a determination that the Customer is eligible for the exception, DEP will, by written notice to the Customer, grant the exception, which will be prospective from the date of DEP's determination. All such allowances shall be rounded to the nearest percentage value evenly divisible by five. An exception to the Standard Wastewater Allowances will expire two years from the date of DEP's determination unless a renewal application is submitted to DEP. A renewal application must include a certification of a professional engineer licensed to practice in the State of New York that states:

a. no new uses of water, or changes in the property or process, or in the discharge volume have occurred; and,

b. the original certification supplied to DEP is an accurate representation of current and anticipated conditions at the premises; and,

c. the original certification is available for inspection by DEP.

Section 8. Steam Condensate Discharges

A wastewater charge shall be imposed for steam condensate discharges into the Wastewater System related to the distribution and sale of steam as an energy source.

A. Charges for Retail Steam Customer Discharges

The person or entity who shall be assessed and liable for the payment of wastewater charges for Retail Steam Customer Discharges shall be the Retail Steam Customer purchasing the steam that results in such discharges.

The wastewater rate set forth in Section 2 of this Part III shall be applied to a calculated volume of water consumption that represents steam condensate discharges to the Wastewater System. Such volume shall be determined from steam consumption data of the steam provider, which will be converted from thousand pounds of steam ("Mlbs") to one hundred cubic feet equivalent units of water by dividing the Mlbs units of steam consumed by 6.2422 and multiplying by the following percentages based on Retail Steam Customer Classification:

1. Steam Classification-1 (SC1-Small Users): 90%

2. Steam Classification-2 (SC2-Large Commercial): 67%

3. Steam Classification-3 (SC3-Large Residential): 76%

In cases where the actual discharge of steam condensate to the Wastewater System differs significantly from the proportions established above for each customer's classification, an application for an alternative allowance may be submitted to DEP under Part III, Section 7.E hereof, Exceptions to Standard Allowances.

B. Charges for Steam System Discharges
The entity who shall be assessed and liable for the payment of wastewater charges for Steam System Discharges shall be Con Edison. The wastewater charges shall be equal to 6.3% of all charges for Retail Steam Customer Discharges.

PART IV – BILLING PROGRAMS

Section 1. General Provisions

The following conditions apply to all Billing Programs in this Part IV:

A. Accounts that are delinquent will not be eligible for any Billing Programs until the Customer pays the total amount due in full or enters into a payment agreement with DEP to pay the total amount due. If the terms of a valid payment agreement are subsequently violated, any benefits received under a discretionary billing program after the date of such agreement will be withdrawn and the account's billing will revert to its original status.

B. Premises in violation of the Certificate of Occupancy or Use, as determined by DOB, are not eligible until the violation is corrected. Upon correction of the violation, the Billing Program's benefit will only apply from the date of correction. There will be no retroactive application of benefits for the period during which the premises was in violation.

C. Credit balances resulting from the application of a Billing Program will be refunded only if the entire credit balance will not be used under normal service usage within one year of the date of application of the Billing Program and the credit balance is not the result of a conversion to or from the MCP.

D. Information on Billing Programs may be obtained from BCS online at www.nyc.gov/DEP, by telephone at (718) 595-7000, at a borough office, or by mail to: DEP/BCS Customer Service, P.O. Box 739055, Elmhurst, NY 11373-9055. Requests for Billing Programs must be made in writing.

Section 2. Multiple-family Conservation Program (MCP)

A. Definitions

As used in this Section, the following terms have the respective meanings below:

"Energy Star" means the program co-sponsored by the U.S. Environmental Protection Agency and the U.S. Department of Energy regarding water and energy efficiency standards for appliances.

"Substantial Leak(s)" means a water leak from:

1. A toilet;
2. Any water plumbing fixture that is measured from ten to fifty gallons per day (GPD) and will cost $250 or less to repair;
3. Any water plumbing fixture that is measured at fifty GPD or greater; or
4. Water service lines between two or more buildings in a housing complex.

"WaterSense" means the U.S. Environmental Protection Agency program that involves the testing and certification of high-efficiency toilets, faucets and showerheads.

B. Program Overview

The Multiple-family Conservation Program ("MCP") provides qualified multiple-family housing of four or more Dwelling Units with billing based on a fixed charge per unit in lieu of billing based on metered charges. The program objective is to promote water conservation in multiple-family housing, while giving Customers control over their water and wastewater costs. At the discretion of the Commissioner, buildings with substantial increases in water consumption caused by unaddressed leaks or waste may be expelled from the program.

C. Annual Charge per Unit

The fixed charges for water and wastewater services are assessed for the Fiscal Year and are payable on the first day of such year as follows:

1. Dwelling Unit $894.15
2. Low-consumption Commercial Unit $736.13
3. Boarder, Roomer or Lodger Unit $253.56
4. MCP charge(s) shall be prospective from the date of enrollment.
5. Any Wastewater Allowance, including but not limited to air conditioning and refrigeration allowances, that was previously authorized for a property shall be discontinued coincident with the effective date of the MCP charge(s).

D. Eligible Property Types

1. Residential-only, multiple-family properties of four or more Dwelling Units per building are eligible for the MCP.
2. Mixed-use properties with combined residential and commercial use that is measured by an entire premise meter may be eligible for the program if:
   a. The predominant use of the property is residential, and
   b. i. The commercial water use is by Low-consumption Commercial Unit(s), or
      ii. Any commercial unit that is not a Low-consumption Commercial Unit is metered and billed on a separate DEP account.

   Note: If more than one commercial tenant needs to be metered, one separate meter must be used for all such commercial tenants together; except that, if the commercial tenants are not in reasonable proximity to each other and installing an individual meter for each tenant will be prohibitively expensive, the owner may make a written request for a variance. The variance request shall include a schematic sketch that illustrates the incoming water service, the branch piping to the commercial tenants, and the commercial tenant meter locations and connections.
3. Newly constructed or substantially renovated properties that are in compliance with City building codes may be eligible for this program if the multiple-family building is and will be subject to rent regulation and rent limitations under the laws of New York State or Federal regulations.

E. General Requirements

1. DEP-approved meter(s) and AMR device(s) must be installed and accurately registering consumption for the entire property, or the property must be in compliance with the requirements of Section G.2. At the Customer's expense, DEP may also require the Customer to install and maintain a meter on the makeup-line of a boiler to monitor condensate or return water leaks.

2. The Customer must:

    a. Provide DEP Access to the property;

    b. Allow DEP to perform interior leak detection surveys, which may be based on a random sample of at least 25% of the units, and to distribute and post notification flyers prior to the leak survey;

    c. If a housing complex of three or more buildings, allow DEP to complete a perimeter leak detection survey, which is an inspection of the underground service lines that connect buildings within a multiple-building complex to one another and the street main;

    d. Maintain all water using plumbing fixtures, the building shut-off valve and major piping in good working order; and

    e. Promptly repair any Substantial Leaks;

    f. Not become more than 90 days delinquent on any billed charges.

3. Any property failing to meet the program requirements may be removed from the MCP, and the account will be converted to meter-based billing or, if applicable, Attributable Consumption Charges.

F. High-efficiency Fixture Requirements

For an existing property to be eligible for the MCP, at least 70% of each type of the building's fixtures (i.e., toilets, showerheads and faucets) must be high-efficiency. For new construction or a substantial renovation, WaterSense-certified fixtures must be installed in all units.

1. For all fixtures installed prior to July 1, 2012, the requirements are as follows:

    a. Toilets must:
        i. Use a maximum of 1.6 gallons per flush; or

        ii. According to DEP's records, have been installed pursuant to DEP's original Toilet Rebate Program.

b. Showerheads must be a high-efficiency type with a fixed restrictor that allows for no more than 2.5 gallons per minute as measured at the showerhead.

c. Faucets shall flow at 2.5 gallons per minute or less either through the design of the faucet or by the installation of a "tamper-resistant" aerator.

2. After July 1, 2012, all new fixtures installed in existing buildings or new construction must be WaterSense certified. Additionally, in every unit that becomes vacant and does not already have WaterSense-certified fixtures, the Customer shall replace all fittings and fixtures with WaterSense-certified fixtures.

3. High-efficiency replacement parts must be used in any repairs. For gravity-flush toilets, refill devices that will not refill the tank unless the toilet is flushed or devices that shutoff the water supply if a leak occurs are strongly recommended, along with a replacement-compatible flapper that is warranted for corrosion resistance for at least five years. Replacement faucets must be washerless (ceramic disk or cartridge models).

4. Any building with a common area laundry room shall ensure that all washing machines are Energy Star-rated for high-efficiency. If they are not, all common area washing machines must be replaced with Energy Star-rated machines at the end of the normal replacement cycle if the machines are owned by the Customer or at the time of the next contract award, renewal, or extension, if such machines are provided by a vendor. If the building allows occupants to have their own clothes washers, the building shall place a rider on all future leases and lease renewals requiring that all new clothes washers be Energy Star-rated for high-efficiency, unless the Customer demonstrates to the satisfaction of the Commissioner that such lease rider is legally impermissible. If the building is a cooperative or condominium, this policy shall be implemented by amending the cooperative or condominium bylaws or other appropriate mechanism. This implementation of work or policy, as applicable, is required by June 30, 2015.

5. Fixture Replacement Program
   A property that is metered to the satisfaction of DEP with an AMR device installed may be eligible for a future voucher-based fixture replacement program that will be designed to incentivize fixture replacements. This program is scheduled to be available in Fiscal Year 2013 to Customers who are automatically enrolled in the MCP.

G. Automatic Enrollment

1. All qualifying properties billed for service through June 30, 2012 on the basis of Part II – Section 2, Part VI – Section 6 or Part VI – Section 7 of the New York City Water Board Water and Wastewater Rate Schedule Effective July 1, 2011 that have not had charges imposed on the basis of Part II – Section 3 of such rate schedule will automatically be enrolled in the MCP if the property has four or more Dwelling Units. Such properties will be converted to the MCP fixed-charge for services starting July 1, 2012.

2. Properties automatically enrolled pursuant to this section will be granted a grace period to install DEP-approved meter(s) and or AMR device(s) until the earlier of

a. 45 days after receiving a notice to meter from DEP or an authorized DEP contractor, or

b. January 1, 2014.

Properties that fail to install required meter(s) and AMR device(s) by the earlier of 45 days after receiving a notice to meter from DEP or an authorized DEP contractor or January 1, 2014 will be removed from the MCP and automatically converted to Attributed Consumption Charges.

3. Properties automatically enrolled pursuant to this section will be granted a grace period of until June 30, 2015 to comply with the high-efficiency fixture requirements of Section F.2. Properties that fail to meet all of the high-efficiency fixture requirements by June 30, 2015 will be automatically converted to meter-based billing or, if applicable, Attributed Consumption Charges as of July 1, 2015.

H. Enrollment Pursuant to Application

1. Application Process
Customers, who are not enrolled pursuant to Section 2.G above, must submit a Complete Application on the enrollment form prescribed by DEP, including a copy of the Certificate of Occupancy and the laundry room contract showing expiration or renewal date, if applicable. If an application is being submitted by an Authorized Representative, the Letter of Authorization must include specific authorization to select the billing basis for that property. A separate application and Letter of Authorization must be submitted for each building. DEP will approve or reject applications upon review for completeness and conformance with all eligibility requirements of the MCP. For any Complete Application, DEP shall be allowed a period of time not to exceed four weeks between the receipt of a Complete Application and the issuance of a reply letter, which will note DEP's determination of the property's eligibility.

2. Accepted Application
The Customer will be enrolled in the MCP from the date of DEP's acceptance letter.

3. Rejected Application
Applications are subject to rejection for circumstances, including but not limited to the following:
   a. The application is missing information or documentation, contains illegible printing, or lacks an appropriate signature or notarization.
   b. The building is not metered or does not have an AMR device.
   c. The property's water/wastewater account is not current with respect to payment of charges due, and the Customer has not executed a valid installment payment agreement.
   d. The property is not predominantly residential.
   e. The property switched from the MCP to metered billing within the past two years.

f. High-use commercial tenants are not metered to the satisfaction of the Commissioner.
g. The installation standards for high-efficiency fixtures have not been met.

4. Provisional Acceptance and Qualification
If an application is not rejected, it may be provisionally accepted, and MCP charges will commence as of the date of the provisional acceptance if the applicant completes all outstanding requirements within the compliance timeframe indicated in the provisional acceptance letter.

I. Conversion to and from the MCP Fixed Charge

Customers are solely responsible for analyzing their properties and determining which billing method is best suited to their specific circumstances. Neither DEP nor the Water Board makes any claim with regard to whether meter-based billing or the MCP will produce the lowest charge for a Customer. Neither DEP nor the Water Board will be liable for any financial loss incurred by a Customer's choice.

1. Electing Metered Billing
A Customer may elect to convert to meter-based billing at any time. To do so, the Customer must initiate the conversion process by submitting DEP's Election of Meter Billing form to DEP/BCS Customer Service, P.O. Box 739055, Elmhurst, NY 11373-9055. Meter based charges will be effective upon DEP's obtaining a meter reading to establish the initial consumption baseline on the meter and confirming that the meter is registering accurately. If an Election of Meter Billing form is submitted when a meter is not installed or operating to the satisfaction of the Commissioner, the conversion will be effective on a prospective basis only from the date an approved meter is subsequently installed and read by DEP.

2. Mandatory Metered Billing Period
Any property that has converted to meter-based billing by election or because of expulsion from the MCP shall not be eligible to convert back to the MCP for two (2) years from the start date of metered billing.

Any property returning to the MCP fixed charge after a period of metered billing shall submit a new Complete Application.

J. Conservation Monitoring

Customers with AMR devices installed may sign-up for DEP's online leak notification system to help identify leaks. Also, DEP may monitor or audit each building's water consumption through AMR or periodic direct inspection to ensure that conservation requirements are being met, and water usage is being reasonably controlled by the Customer. A Customer's failure to repair a Substantial Leak(s) will be deemed sufficient grounds to deny the property continued eligibility for the MCP. In addition, DEP may issue notices of violation, which may result in the assessment of fines and penalties.

For each property in the MCP, DEP will establish an estimate of expected consumption based on reasonable consumption for a premises of its size and occupancy. Properties that demonstrate recurring consumption in excess of the expected consumption will be notified. If the owner fails to reduce consumption following such notification, the building will be audited or inspected to survey for leaks, waste and compliance with MCP requirements. If a leak(s) is found, the owner will be notified and required to repair the leak(s) within a timeframe indicated in the notice.

Consumption greater than a property's expected consumption that is accompanied by one or more of the following conditions, shall be deemed sufficient grounds to deny the property continued eligibility for the MCP:

1. Failure to allow DEP Access to the premises;
2. Failure to remain in compliance with any MCP requirement;
3. Failure to repair a Substantial Leak(s);
4. Failure to take actions to reduce water consumption as directed by DEP;
5. Failure to report to DEP material changes in commercial use.

Section 3. Innocent Purchaser

DEP is authorized to cancel water and wastewater charges in limited situations for the benefit of an "Innocent Purchaser." To qualify for "Innocent Purchaser" status:

A. The property transfer must be an "arm's length" transaction; and,

B. Charges for a Bill Period occurring before the earlier of the meter reading or flat-rate account reconciliation in connection with a transfer of property ownership and the property transfer date are billed to the account after the property transfer date ("qualifying charges"); and,

   1. If a metered account, the meter reading in connection with a transfer of property ownership must have been properly requested and paid for at a borough office of BCS at least 30 days prior to the property transfer date; or,

   2. If a flat-rate account, a flat-rate account reconciliation must have been properly requested and paid for at a borough office of BCS at least 30 days prior to the property transfer date.

C. If a purchaser qualifies as an "Innocent Purchaser", DEP will cancel the qualifying charges.

D. The Customer must request "Innocent Purchaser" status in writing within 18 months of the date of the original bill.

E. The provisions of this section shall not apply where the culpable conduct of the Customer prevents or impedes DEP from securing a meter reading or inspection of the premises.

Section 4. Cap on Metered Charges

A. Residential Premises receiving metered water and wastewater service is eligible to have its metered water and wastewater charges limited to a maximum amount, as set forth in this Section. The maximum metered charge applies to all routine domestic use of water and wastewater service. This provision will not apply to premises that have excessive water use related to a leak, irrigation, commercial processes or recreational activities. A proportional cap for an account receiving only water service may be determined with reference to the rate in effect during the period covered by a specific bill. A mixed-use premises that has both residential and commercial use, with a DEP-approved meter on the entire commercial use, may receive a cap on metered charges only for the separately metered residential portion of the premises.

B. A metered Residential Premises is eligible to have a maximum metered charge ("Bill Cap") imposed for water and wastewater services if the following conditions are met:

1. The Customer has permitted DEP or DEP's duly authorized contractor to perform a leak and waste inspection, residential water survey or water audit, and the inspection, survey or audit indicates that no leak or waste condition exists at the premises; and,

2. The Customer has provided and/or facilitated Access to the property to DEP; and,

3. If the premises is a multiple dwelling as defined by the New York State Multiple Dwelling Law, then the building manager or owner must have participated in the Water Conservation Seminar sponsored by DEP and HPD, if required by DEP; and,

4. At least 70% of the toilets at the premises are low-consumption toilets.

C. Bill Cap: The maximum metered charge for any qualified Residential Premises is $2,028.71 per year for the first Dwelling Unit and $1,351.96 per year per additional Dwelling Unit.

D. The Customer must request in writing a cap on metered charges within 18 months of the date of the original bill.

Section 5. Forgiving Charges Due to Extraordinary Leaks or Disasters

A. A Customer is eligible under the terms of this section for partial forgiveness of an unusually high metered water and wastewater charge assessed on a premises if:

1. The unusually high charge was assessed on the basis of the Board's metered rate schedule; and,

2. The unusually high water and wastewater charge is due to a burst pipe or service line, or a leak where the Customer reasonably could not be expected to detect the burst pipe or leak, or have a fair chance to repair it, provided that the leak was not due to the failure of a maintainable plumbing fixture, including but not limited to toilets or faucets, or the unusually high charge was due to a disaster or emergency that was declared by the Mayor

of the City of New York or recognized by resolution of the Water Board, or resulted from a fire or other natural disaster outside the control of the Customer; and,

3. The Customer has submitted proof in the form of an itemized dated bill from a licensed plumber, or a similarly verifiable document, evidencing that the burst pipe, service line or other leak has been repaired; and

4. The Customer has permitted DEP or DEP's duly authorized contractor to perform a leak and waste inspection, residential water survey or water audit and the inspection, survey or audit indicates that no leak or waste condition exists at the premises; or, if the inspection, survey or audit indicates that a leak or waste condition exists, the leak or waste condition is corrected within ten (10) days of notification and the Customer submits a report from a licensed plumber that the leak or waste condition was corrected.

5. The unusually high charge results from an average daily flow (ADF) that is:

    a. At least 200% of the ADF of the most recent representative metered bill based on comparable usage and actual readings for the premises; or,

    b. If the most recent representative bill is based on the Board's unmetered water rates, the ADF of the unusually high charge is at least 200% of the previous flat-rate charge for the premises adjusted to cover a number of days equal to the number of days covered by the unusually high charge, and adjusted to reflect rate increases; and,

6. The difference between the unusually high bill and any new bill issued in accordance with this Section is equal to at least $778.15 annualized.

B. A premises meeting the above conditions is eligible for partial forgiveness of the unusually high water and wastewater charge calculated as follows:

1. The unusually high bill will be canceled and a new bill issued in the amount of one half of the unusually high bill, provided however, that no bill issued will be less than 150% of the charge calculated by multiplying the ADF of the most recent representative bill by the number of days in the period covered by the unusually high bill, and multiplying that consumption by the metered water and wastewater rates in effect during the period covered by the unusually high bill, except as provided in the meter bill cap or the initial meter bill cap program;

2. If the previous bill for the premises was based on the Board's unmetered water rates, the new bill will be issued in the amount of one half of the unusually high bill, provided however that no bill issued will be less than 150% of the previous flat-rate charge for the premises adjusted to cover the number of days in the period covered by the unusually high metered bill, and adjusted to reflect rate increases;

3. In the event a premises was fully or partially vacant during the previous period and the previous ADF does not represent reasonable expected consumption for the premises,

DEP may adjust the ADF of the previous period to reflect typical per Dwelling Unit consumption, or may use the ADF of as much as the prior three-year period to represent the expected consumption for the premises, whichever is higher.

C. Forgiveness of a water and wastewater charge will be granted only once to the same Customer for the same premises in any two-year period.

D. Nothing contained in this section precludes a Customer from being eligible for the meter bill cap or the initial meter bill cap program.

E. The Customer must request application of the Leak Forgiveness Program in writing within 18 months of the date of the original bill.

Section 6. Comprehensive Water Reuse Program

A. Definition and Program Requirements

A Comprehensive Water Reuse Program is reserved exclusively for buildings that have a Comprehensive Water Reuse System ("CWRS"). A CWRS Building means a residential, commercial or mixed-use building located within the City of New York meeting the criterion for either "Blackwater Systems" or Greywater/Recycled Water Systems" as shown below, plus the requirements of conditions 3 through 6 below, as demonstrated to the satisfaction of DEP:

1. "Blackwater Systems" A wastewater treatment system that captures and treats sanitary wastewater and recycles it within the building for non-potable use in toilet flushing and for air conditioning and refrigeration. The wastewater treatment system must at all times meet each of the following criteria.

    a. The CWRS has a collection tank that DEP determines is adequately sized to meet the recycled water supply requirements of the building.
    b. The collection tank is equipped with a trap that separates floatable and heavy debris typically found in wastewater.
    c. The collection tank has attached to it a separate, secondary treatment process that provides for sediment removal, color normalization and disinfections.
    d. The building does not discharge the floatables, debris and sediment collected in a., b., and c. above into the Wastewater System, or into any other method of disposal approved by DEP, at any time of recorded precipitation in the City or whenever sewage flow in the drainage district in which a CWRS building is located is being bypassed.
    e. A storage reservoir for the treated water is attached to the secondary treatment process. This storage reservoir supplies the non-potable demands of the building.
    f. A plumbing system, separate and apart from the plumbing system for the potable water supply for the building is attached to the storage reservoir.
    g. The building also captures and detains storm water for at least 24 hours or captures and recycles storm water.

2. "Greywater/Recycled Water Systems" A water recycling system that captures and treats greywater and stormwater or stormwater and district steam condensate and recycles it within the building for non-potable use in toilet flushing, for air conditioning and refrigeration or other approved non-potable purposes. "Greywater" is defined as wastewater from lavatories, showers and clothes washers unless further limited by DOB and/or the Department of Health. The wastewater treatment system must at all times meet conditions "a," "c," "e," and "f" listed in "1."

3. The building demonstrates an aggregate annual reduction in demand for potable water of at least 25% as compared to non-CWRS buildings of similar size and use. A baseline of 60 gallons per person per day shall be used for residential buildings and 10 gallons per employee per day for indoor use in an office building. Baselines for other occupancies may be proposed for review by an applicant.

4. The building is metered on all Service Connections to the Water Supply System as well as on all service lines from the storage reservoir.

5. The building is equipped with low consumption plumbing fixtures, as follows:

    a. All toilets are DEP-approved models and flow at no more than 1.28 gallons per flush, and urinals shall flush at no more than 0.5 gallons per flush;
    b. All showerheads flow at no more than 2.0 gallons per minute (gpm) as measured at the showerhead;
    c. All faucets flow at no more than 2.0 gpm, except that lavatory faucets in non-residential occupancies shall flow at no more than 1 gpm and shall be equipped with automatic controls that prevent flow for more than 15 seconds without repeated activation; and
    d. All washing machines meet the criteria of no more than 6.0 gallons per cubic foot of machine capacity ("water factor").

6. The building complies with all requirements of other governmental agencies having jurisdiction over the design, construction and operation of its water and wastewater systems, including DOB, the New York City Department of Health, New York State Department of Health, Department of Environmental Conservation and, if appropriate, the U.S. Environmental Protection Agency. All required construction and operating permits from such agencies must have been obtained.

B. Water Conservation Incentives for CWRS Buildings

1. Subject to the terms and limitations of this Section B and Section C below, upon a determination by DEP that a CWRS Building application is complete and that the building in question is eligible by meeting all of the criteria defining a CWRS Building as set forth in Section A above, a CWRS Building will be provided with the following rate incentives:

a. Metered Water Rate Concession – The charge for water measured by the meter supplying water subject to the CWRS is $2.55 per one hundred cubic feet provided.

b. Exception to Standard Wastewater Allowances – All CWRS Buildings, irrespective of whether the building is residential, commercial or mixed-use may be granted an Exception to the Standard Wastewater Allowances utilizing the procedures contained within Part III, Section 7.E of this Rate Schedule. DEP's grant to the CWRS Building of this Exception to the Standard Wastewater Allowances in no way means that the CWRS Building is entitled to a Standard Wastewater Allowances as well. In addition, DEP's grant of this Exception to the Standard Wastewater Allowances to residential and mixed-use properties that qualify as a CWRS Building in no way means that other residential and mixed-use properties that do not qualify as a CWRS Building may be granted any other Exceptions to the Standard Wastewater Allowances, unless otherwise explicitly stated in this Rate Schedule.

2. The incentives enumerated in this Section B are prospective only, from and after the date of approval by DEP of a Complete Application. In no event will DEP grant any benefits under this program retroactively.

3. The continuation of the incentives enumerated in this Section B is expressly conditioned on:

    a. The building's continued eligibility as a CWRS Building; and,

    b. The payment in full, on or before the Due Date, of all water and wastewater charges billed by the Water Board to the CWRS Building.

4. If, at any time,

    a. DEP determines that either (i) the building in question no longer is a CWRS Building, or (ii) the owner of the building has failed to pay in full by the Due Date any water or wastewater charges billed to the CWRS Building by the Water Board, or

    b. DEP, after giving reasonable advance notice to the owner or its duly authorized agent, is denied Access to inspect the building in question for the purpose of determining whether the building continues to be eligible as a CWRS Building or to confirm any of the statements or representations made by the owner in the application for incentives hereunder, or

    c. DEP, after giving reasonable advance notice to the owner or its duly authorized agent, is denied Access to read any meter or meters at the building in question, the Water Board may, in addition to any other rights or remedies available to it at law or in equity, terminate the incentives provided to such building under this Section

B, by written notice to the building owner or its duly authorized agent, specifying the date of termination.

C. Application Procedures

A building is eligible for the Comprehensive Water Reuse Program if:

1. The building meets all of the specific eligibility criteria set forth in the definition of a CWRS Building in this Section;

2. The owner of a CWRS Building has filed a Complete Application with DEP, on such forms and conditions as DEP prescribes; and

3. The CWRS Building has been approved for eligibility in writing by DEP.

The application must be executed by the owner of the property. No application will be accepted that is executed by a consultant, attorney or other agent for the owner.

PART V – MISCELLANEOUS FEES AND CHARGES

Section 1. Service Line Protection Program

The Water Board expects to offer a water and sewer service line protection program to its residential Customers with a water service line of 2" or less beginning in Fiscal Year 2013. Customers will have the option of purchasing water and/or sewer service line coverage and will be billed for such coverage at the following annual rates, prorated from the date of enrollment:

A. Water Service Line Protection Policy: up to $47.88

B. Sewer Service Line Protection Policy: up to $95.88

Terms of the program will be pursuant to the offering documents.

Section 2. Dishonored Payment Charge

A charge of $20.00 will be imposed on each account where a payment is returned unpaid for any cause.

Section 3. Denial of Access, Theft of Service and Attributed Consumption Charges

A. Denial of Access Charges

DEP requires Access to inspect a premises and to install, repair, replace or upgrade water meters and remote reading and AMR devices in order to ensure the accuracy of charges rendered for services received and to ensure that all Customers are billed appropriately and in proportion to other Customers in accordance with this Rate Schedule. It shall be the Customer's responsibility as a condition of service to facilitate Access to a premises at a time

and in a manner acceptable to DEP. If a Customer fails to provide and/or facilitate Access as required by DEP, Denial of Access charges shall be imposed.

1. Denial of Access Notice Procedure

   If a Customer fails to facilitate Access as required by DEP, DEP may issue a first written notice to the Customer that requires the Customer to facilitate Access to DEP within a fixed period of time. This first written notice shall be sent by regular mail to the Customer, any party registered with DEP to receive third party notification or copies of quarterly bills or delinquency notices, and the property owner's address registered with DOF and HPD, if different from the DEP registered address. If Access has not been facilitated by the expiration date set forth in the first written notice, the account will be subject to the imposition of a non-refundable Denial of Access Account Administration Fee.

   The owner will be notified of the imposition of the Denial of Access Account Administration Fee through the issuance of a second written notice sent by regular and certified mail to the Customer and other recipients noted above. This second notice will cite the charge and require that the Customer facilitate Access to DEP within an additional fixed period of time. If a Customer fails to facilitate Access by the expiration date set forth in the second written notice, the account will be subject to the imposition of Attributed Consumption Charges from the expiration date of the second written notice to the date the Customer facilitates Access in a manner acceptable to DEP.

   The bill containing Attributed Consumption Charges and a third written notice requiring the Customer to facilitate Access to DEP within a fixed period of time will be sent by regular and certified mail to the Customer and other recipients noted above. The third written notice will advise the Customer that if Access is not provided and/or facilitated by the expiration date set forth in this third notice, the account will be subject to any and all enforcement options available to DEP, including those noted in this Rate Schedule or the Water Board's Regulation Number 3 – Denial of Access.

2. Denial of Access Account Administration Fee
   DEP shall impose a Denial of Access Account Administration Fee of $250 on each account when a Customer fails to facilitate Access as required by DEP in a first written notice; and,

3. Attributed Consumption Charges
   DEP shall impose Attributed Consumption Charges for each applicable service where a Customer fails to provide and/or facilitate Access as required by DEP in a second written notice.

B. Theft of Services Charges

Where a Determination of Theft of Services has been made by DEP pursuant to Water Board Regulation Number 4 – Theft of Services, DEP shall impose:

1. Theft of Services Account Administration Fee of $650 for each account; and,

2. Attributed Consumption Charges for each applicable service. The account's charges will be adjusted retroactively based on DEP's determination. The Attributed Consumption Charges will continue until the Theft of Services Cease and Desist Order is complied with as confirmed by DEP inspection.

C. Attributed Consumption

Attributed Consumption will be based on the predominant usage as set forth below:

1. Fully or Predominately Residential Service
   A predominately residential service means a service where DEP has reasonably determined that 50% or more of the water consumption is residential. In such case, Attributed Consumption Charges will be based on an annual consumption rate of 200,000 gallons per year for the first residential unit and 170,000 gallons per year per unit for each additional unit after the first unit. In predominately residential service buildings, DEP may assign a residential unit equivalency or equivalencies for the commercial units at the premises in calculating the building's total units.

2. Fully or Predominately Non-Residential Service
   In cases where DEP has determined that service at the property is fully or predominately non-residential, Attributed Consumption Charges will be imposed on each applicable service based on the meter size, or if there is no authorized meter installed, the rate will be based on the size of the meter that DEP would require to be installed on the service line. If neither the meter nor the service line size is known to DEP, DEP may estimate the service line and meter size most likely to be installed based on the size and usage of the premises.

Meter Size	Attributed Consumption Rate (Gallons per Year)
5/8" and less	400,000
3/4" or more and less than 1.5"	1,000,000
1.5" or more and less than 3"	3,000,000
3" or more and less than 4"	5,000,000
4" or more and less than 6"	10,000,000
6" or more and Less than 8"	25,000,000
8" or more and less than 10"	50,000,000
10" or greater	200,000,000

3. A premises that is connected or required to be connected to the Wastewater System, shall be subject to the wastewater charges imposed pursuant to Part III of the Rate Schedule on any attributed water consumption.

4. Nothing contained herein shall limit DEP's ability to bill the account on a consumption rate that is higher than the Attributed Consumption Charges, as otherwise authorized by the Rate Schedule.

D. Payment Enforcement

Delinquent Charges are subject to any and all enforcement options for nonpayment available to DEP by property class, including but not limited to interest charges on unpaid amounts, sale of the lien and termination of service in accordance with Water Board Regulation Number 2 – Discontinuance of Water and/or Sewer Service Because of Nonpayment.

Section 4. Miscellaneous Fees and Charges for Water Service

Building Purpose Charge –For new construction, alterations or rehabilitations, which substantially improve or alter the property as defined in Local Law 53 of 1985, a water meter must be installed before any water from the property is used for building purposes, and charges will be assessed based upon the metered rates.

Hydrant Use Fee – This fee is a daily charge for use of a hydrant to provide water for various activities, including, but not limited to, mixing cement, wetting buildings, sandblasting and other forms of construction.

Fee: $55.00 for each 30 day period or portion thereof.
$13.50 per day for water use

Note: In any case where the Commissioner determines that a hydrant use fee is not representative of the amount of water to be used during construction, the Commissioner may install a temporary construction meter, and charges will be assessed based upon the metered rates.

Hydrant Flow Test – This fee is for testing conducted to measure pressure adequacy of hydrants for firefighting purposes.

Fee: $500.00

Meter Accuracy Test – This fee is to measure the recording accuracy of a meter at a Customer's request.

Fee: $180.00

Meter Installation- This fee is for installing a meter, setter, or remote in basement (cut-in).

Fee: DEP's recent contract prices for similar work or in the absence of a recent contract price, some other reasonable measure.

Meter Installation in Pit at Customer's Request – This fee is for installing a meter pit at Customer's request for a new installation, where plumbing configuration does not require a pit.

Fee: DEP's recent contract prices for similar work or in the absence of a recent contract price, some other reasonable measure.

Meter Permit – This fee is for administrative costs associated with permit processing and maintaining an accurate meter record.

Fee: $35.00 for 5/8" – 2" meter
$75.00 for 3" meter or larger

Meter Repair/Replacement Due to Vandalism or Failure to Reasonably Protect Meter – Charges levied when failure of the meter or components is due to Customer's vandalism or failure to reasonably protect the meter or components.

Fee: DEP's recent contract prices for similar work or in the absence of a recent contract price, some other reasonable measure.

Minor Sales – This fee is charged for the sale of minor materials, such as elbow joints and water taps, to contractors and utilities to expedite the completion of a job.

Fee: Cost of materials plus 10 percent

Private Water Main Review and Inspection – This fee is for the review and inspection of private water main constructions.

Fee: Water main diameter less than 8" $1.15 per foot or part
Water main diameter 8" or greater $1.95 per foot or part

Property Transfer Meter Reading or Flat-Rate Account Reconciliation – This fee is to validate water and wastewater charges upon transfer of property ownership to ensure that a property will not be billed retroactively.

Fee: $25.00

Service Call – This fee is for a service inspection at the request of the Customer and the complaint is found to be outside the jurisdiction of DEP.

Fee: up to $450.00

Ship Connections – This fee is for tugboats and other vessels connecting to the City water supply on a pier, wharf or bulkhead.

Fee: $60.55 plus $3.39 per one hundred cubic feet of consumption

Special Meter Reading – This fee is for each meter reading requested by a Customer on a date other than a scheduled meter reading date.

Fee: $75.00 for 1st Meter
$25.00 each additional meter

Tap Fees – This fee is for the permit, labor and materials related to the installation of a water tap connecting the water main to the service pipe of a newly constructed building or replacing water taps for an existing building. Fees vary according to tap size and whether or not DEP provides the tap. For tap sizes larger than 2" see "Wet Connection Fees".

Tap Size	DEP Tap	Without Tap
¾"	$258.00	$250.00
1"	$262.00	$250.00
1½"	$280.00	$250.00
2"	$295.00	$250.00

Tap Location Fee – This fee is for a tap location through the use of an electrical indicator.

Fee: $375.00

Tap or Wet Connection Plug – This fee is for administrative costs and to certify that a tap or wet connection is no longer in use.

Fee: $200.00

Water Connection Fee – This fee is for administrative costs associated with allowing a property to connect to the Water Supply System.

Fee: $200.00 for water connections

Water Shut Off – This fee is levied when DEP shuts off a Customer's water service at the tap.

Fee: $1,000.00

Wet Connection Fees – This fee is for the permit, labor and materials related to the installation of a water wet connection connecting the water main to the service pipe of a newly constructed building or replacing water wet connections for an existing building. See Wet Connection Fee Schedule below.

Note: The fee for a tap size not specified in the table below is the fee for the next largest tap size.

Wet Connection Fees				
Size	**Valve**	**Sleeve**	**Labor & OTPS**	**Total**
6" x 2"	$56	$261	$1,200	$1,517
6" x 3"	280	368	1,200	1,848
6" x 4"	304	346	1,200	1,850
8" x 3"	280	308	1,200	1,788
8" x 4"	304	352	1,200	1,856
8" x 6"	380	412	1,200	1,992
12" x 3"	280	301	1,200	1,781
12" x 4"	304	407	1,200	1,911
12" x 6"	380	444	1,200	2,024
12" x 8"	550	696	1,200	2,446
16" x 3"	280	442	1,200	1,922
16" x 4"	304	495	1,200	1,999
16" x 6"	380	537	1,200	2,117
16" x 8"	550	788	1,200	2,538
16" x 12"	895	788	1,200	2,883
20" x 3"	280	404	1,200	1,884
20" x 4"	304	790	1,200	2,294
20" x 6"	380	828	1,200	2,408
20" x 8"	550	1,180	1,200	2,930
20" x 12"	895	1,453	1,200	3,548
24" x 3"	280	481	1,200	1,961
24" x 4"	304	585	1,200	2,089
24" x 6"	380	798	1,200	2,378
24" x 8"	550	1,228	1,200	2,978

Section 5. Miscellaneous Fees and Charges for Wastewater Service

Backflow Prevention Plan Review – This fee applies when DEP reviews a backflow prevention plan and the fee is charged for each Service Connection.

Fee: $350.00

Backflow Exemption Approval Fee – This fee applies when DEP reviews an application for an exemption from the backflow prevention plan requirement and the fee is charged for each Service Connection exemption application.

Fee: $100.00

Dye Test or Engineering Field Inspection – This fee is charged when DEP, at the request of a Customer, performs a dye test to determine a property's connection to the Wastewater System or performs an engineering field inspection to verify the existence and condition of a sewer, catch basin, seepage basin, watercourse or a watercourse diversion.

Fee: $200.00

Manhole, Catch Basin/Basin Connection or Seepage Basin Permits – This fee is for the issuance of permits for the construction of new manholes, catch basin/basin connections and seepage basins.

Fee: $200.00

Private Drainage Proposal Review and Amended Drainage Plan Review – This fee applies to the review of private drainage proposals and amended plans as they relate to work involving public or private wastewater systems.

Fee: $1,500.00 for the first 100 linear feet.
$2.00 per linear foot for each foot thereafter.

Private Sewer/Drain Plan Review – This fee applies to the review of private sewer/drain plans submitted for the construction of private wastewater systems.

Fee: $1,500.00 for the first 100 linear feet.
$2.00 per linear foot for each foot thereafter.

Private Sewer/Drain Field Inspection – This fee is charged for the field inspection of the construction of private wastewater systems.

Fee: $7.00 per linear foot

Sewer Connection Fee – This fee is for the review and administrative costs associated with allowing a property to connect to the Wastewater System.

Fee: $200.00

Sewer Connection Review – 1, 2 and 3 Family homes (SD 1 & 2) – This fee is for the review and administrative costs associated with determining the capability of the Wastewater System to receive wastewater flow from the new connection.

Fee: $200.00

Site Connection Review – other than 1, 2 and 3 Family homes – Same as above; in addition, the review requires that catch basins must meet DEP specifications for capacity. $325.00 minimum.

Fee: $0.02 per square foot for the first 10 acres.
$0.015 per square foot for each square foot after 10 acres.

Sewer Plugs – This fee is to certify that a sewer service has been terminated.

Fee: $200.00

Section 6. Miscellaneous Credits

A. Lead and Copper Monitoring Program

A Customer, whose property meets DEP's required plumbing criteria and who is pre-registered for DEP's lead and copper monitoring program and has successfully completed all program requirements to the satisfaction of DEP, will receive a credit of $25 on his/her next regularly scheduled bill. Please visit DEP's website www.nyc.gov/DEP for additional program information, terms and conditions.

PART VI – PAYMENT AND BILLING TERMS

Section 1. General Provisions

Please visit DEP's website at www.nyc.gov/DEP for available payment and billing options. Water and wastewater charges and all unpaid charges are the legal responsibility of the owner of a property receiving water and wastewater service. The owner's responsibility to pay such charges is not affected by non-receipt of bills or any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and wastewater charges constitute a lien on the property and a charge against the owner(s) thereof. This lien is not removed when property is transferred. As a consequence, property owners and purchasers are advised to obtain a meter reading or flat-rate account reconciliation in connection with a transfer of property ownership through the date of property ownership transfer in accordance with Part IV – Section 3. In addition to legal action against the owner, failure to pay charges when due may result in foreclosure of the lien by the City, the property being placed in a lien sale by the City or any other collection enforcement remedy available to the Water Board or DEP, including but not limited to termination of service. All water and wastewater charges must be paid to the Water Board or authorized agents. Full payment must be received by the Due Date to avoid the imposition of Late Payment Charges.

Section 2. Owner Registration

Property owners are responsible for ensuring receipt of water and wastewater bills and related notices. To this end, property owners must file a Customer Registration Form for Water and Wastewater Billing when a property is acquired or when a change in the mailing address occurs or for any reason necessary to ensure receipt of water and wastewater bills and related notices. Original bills for water and wastewater service and related notices will be mailed to the owner, at the owner's address specified on DEP's Customer Registration Form for Water and Wastewater

Billing, which may be obtained from BCS online at www.nyc.gov/DEP, by telephone at (718) 595-7000, at a borough office, or by writing to: DEP/BCS Customer Service, P.O. Box 739055, Elmhurst, NY 11373-9055. DEP will provide a duplicate copy of bills to one other party (such as a managing agent) if so requested, provided, however, that any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from their liability to pay all outstanding water and wastewater charges.

Section 3. Late Payment Charges

Late Payment Charges are assessed on all Delinquent Charges, Fees, Dishonored Payment Charges, as well as prior Late Payment Charges. Late Payment Charges are calculated by multiplying all Delinquent Charges then outstanding by the allocable portion of the annual interest rate established by the City Council following a recommendation from the Banking Commission for unpaid real estate taxes on properties where the assessed value is $250,000 or less and the property is not vacant land. As of the date of adoption of this Rate Schedule, this annual rate is 9%, subject to change.

Section 4. Adjustment of Due Date

Due Dates of water and wastewater bills may be adjusted in accordance with the following:

A. If a water and wastewater bill becomes delinquent because an escrow arrangement for paying water and wastewater bills expired less than twelve (12) months before the bill date of the original bill, and DEP was provided notice of a change in the account's mailing name and address, and if the property owner brings the correct mailing name and address to the attention of DEP by submitting an appropriate registration card to DEP within twelve months of the Due Date of the original water and wastewater bill, then upon written request to DEP by the property owner or an Authorized Representative, Late Payment Charges will be removed.

B. A retroactive water and wastewater bill that covers a Bill Period of more than one year may have its Due Date extended for six months from the original Due Date.

Section 5. Remedies and Penalties for Nonpayment

The provisions of the Administrative Code of the City of New York relating to the imposition and collection of water and wastewater rates and charges, and relating to remedies and penalties for nonpayment continue in full force and effect to the extent not inconsistent with section 1045(j) of the Public Authorities Law and these regulations.

Section 6. Refunds

Credit balances will be applied to future charges and to charges due on other accounts of the same owner. Any remaining credit may be refunded upon the Deputy Commissioner's approval of a Complete Application and verification of a valid credit subject to the limitations in Part IV Section 1 with respect to credit balances resulting from the application of a Billing Program. A Customer must submit verifiable proof of payment, acceptable to DEP, in addition to the

complete refund application. A Customer may elect to transfer an overpayment to another account in lieu of a refund check. Refund applications can be requested from BCS online at www.nyc.gov/DEP, by telephone at (718) 595-7000, at a borough office, or by mail to: DEP/BCS Customer Service, P.O. Box 739055, Elmhurst, NY 11373-9055.

Section 7. Back Billing Limits

As used in this section, "Unbilled Service" means service was provided to a property and no billing transaction(s) for that service period was posted to the records of either the Water Board, DEP or DOF. "Unbilled Service" does not mean that a paper bill(s) was not provided, or that U.S. Postal Service failed to deliver a bill(s), or that the owner's name or address was incorrectly recorded in the billing records with the result that a bill(s) was not received or was forwarded to an incorrect party or to an incorrect address.

DEP shall not issue a bill for previously Unbilled Service or upwardly adjust previously issued billing to a property after four years from the time service was provided to such property. A reasonable administrative delay between the end date of the service period being billed, or the date of discovery of an unbilled or under billed period, and the actual new bill issuance date is permitted and not inconsistent with this provision. The Executive Director may establish specific criteria for which a shorter back billing limit can be applied.

The provisions of this Section do not apply when the culpable conduct of a Customer or a third party caused or contributed to the failure to render timely or accurate billing. Culpable conduct includes, without limitation, failure to provide Access to the meter or premises for inspection, failure of a Customer's plumber or other authorized party to secure or return a meter permit and failure of a Customer to properly protect the meter. Premises in violation of the Certificate of Occupancy or Use, as determined by DOB, are not eligible for back billing limits. The provisions of this Section shall not apply to billing unbilled periods or upwardly adjusting bills covering specific periods where such billing periods are contained within a longer period for which a billing adjustment is sought by the Customer provided that the total amount rebilled is less than the total amount billed prior to the billing adjustment. Nothing contained herein shall require DEP to adjust a bill unless a written complaint is filed within four years of the Bill Date.

Section 8. Exemptions

In accordance with New York State Law (Chapter 696 of the Laws of 1887, as amended by Chapter 893 and 894 of the Laws of 1980), the premises of certain qualifying organizations may be eligible for a full or partial exemption from water and wastewater charges. Such premises must meet the eligibility criteria established by law and are subject to certain administrative guidelines established by DEP. Further information including an exemption application is available from BCS online at www.nyc.gov/DEP, by telephone at (718) 595-7000, at a borough office, or by mail to: DEP/BCS Customer Service, P.O. Box 739055, Elmhurst, NY 11373-9055.

PART VII – COLLECTION ENFORCEMENT

Section 1. Sale of Liens Arising from Outstanding Water and Wastewater Charges

A. Notwithstanding anything to the contrary in this Rate Schedule, if a lien arising from outstanding water and wastewater charges is sold by or on behalf of the Board, no bill issued before the date of such sale may be canceled or reissued absent the approval of the Board or a final, nonappealable order from a court of competent jurisdiction requiring the Board to do so.

B. If a lien arising from outstanding water or wastewater charges is sold by or on behalf of the Board, Billing Programs, including but not limited to caps on metered charges, transition and forgiveness programs, will be available on a prospective basis only, limited to charges billed after the date a lien relating to the property affected is sold.

Section 2. Termination of Water and/or Wastewater Service for Nonpayment

In accordance with Sections 1045-h(8) and 1045-j(5) of the New York Public Authorities Law, the Board, at its meeting of June 22, 1999, approved regulations which authorize DEP to discontinue or disconnect the supply of water or the provision of wastewater service, or both, for nonpayment of charges imposed by the Board. The regulation sets forth the conditions under which DEP may terminate service and the procedures to be followed to effect a service termination.

Section 3. Termination of Water and/or Wastewater Service for Denial of Access

In accordance with Sections 1045-(g) and 1045-(j)(5) of the New York Public Authorities Law, the Board, at its meeting of May 3, 2002, approved Regulation Number 3, which authorizes DEP to discontinue or disconnect the supply of water or the provision of sewerage service, or both, for Denial of Access to the premises. The regulation sets forth the conditions under which DEP may terminate service and the procedures to be followed to effect a service termination.

Section 4. Installment Payment Agreements

A Customer may enter into an installment payment agreement with DEP or the Water Board for Delinquent Charges. Payment agreement terms may include no minimum down payment and a repayment period of not more than 120 months for the balance due, including interest at the rate prevailing for delinquent water/wastewater charges. Customers can elect to make a down payment and/or a repayment period of less than 120 months.

The proposed sale of a tax lien or tax liens on a property shall be cancelled when a Customer enters into an agreement with DEP or the Water Board for the payment of any such lien. If payments required from a Customer pursuant to such an installment payment agreement are not made for a period of six months, such Customer shall be in default of such agreement, and the tax lien or tax liens on the subject property may be sold, provided, however, that such default may be cured upon such Customer's bringing all installment payments and all current charges that are outstanding at the time of the default to a current status, which shall include, but not be

limited to, any outstanding interest and fees, prior to the date of sale. If such default is not cured prior to the date of sale, such Customer shall not be eligible to enter into an installment agreement for the subject property for five years, unless there is a finding of extenuating circumstances by the Commissioner or Executive Director. In addition, if a Customer defaults on the payment agreement or fails to remain current on future charges, DEP may exercise all available collection enforcement options, including but not limited to termination of service.

The Commissioner or Executive Director may prescribe either more stringent or less stringent alternate payment agreement guidelines which would apply as appropriate to cases including but not limited to instances where a Customer has defaulted on a prior payment agreement and seeks to avoid a subsequent collection enforcement action or otherwise has exhibited bad faith, or upon a showing of cause or financial hardship demonstrated to the satisfaction of the Commissioner or Executive Director. DEP or the Water Board may terminate payment agreements if a lien is sold by or on behalf of the City of New York for unpaid property taxes.

PART VIII – CUSTOMER ACCOUNT INFORMATION AND COMPLAINT RESOLUTION

Section 1. Customer Account Information

Customers are advised to review all charges carefully and promptly upon receipt of a bill for service. A Customer or Authorized Representative may request an explanation of a bill or charge from BCS online at www.nyc.gov/DEP, by telephone at (718) 595-7000, at a borough office, or by mail to: DEP/BCS Customer Service, P.O. Box 739055, Elmhurst, NY 11373-9055. If a Customer is not satisfied with the explanation, a written complaint must be filed within four years of the Bill Date in accordance with Section 2 below.

Customers are also encouraged to establish a My DEP Account on DEP's website, which will enable them to manage their account online and sign up for DEP services such as paperless billing and direct debit payments. Customers with an AMR device installed on their meter will also be able to monitor their consumption through a My DEP Account.

Section 2. Complaint Resolution and Appeal Process

A. Complaint Resolution

The Customer or Authorized Representative must file a written complaint of a disputed water and wastewater bill, which specifically sets forth the basis for such claim, within four years of the Bill Date to DEP/BCS Customer Service, P.O. Box 739055, Elmhurst, NY 11373-9055. DEP will not adjust a disputed bill unless the written complaint is filed within four years of the Bill Date. DEP will provide a written reply within 90 days of receipt of the complaint.

B. Appeal

A Customer or Authorized Representative may appeal the decision or resolution of a Customer complaint. An appeal must be made no later than 120 days after the date DEP

provides a written response to the complaint. Petitions for an extension of this 120-day deadline may be presented before an appeal's due date and will be granted upon a showing of reasonable cause. An appeal of the charges must be made through a written request to the Deputy Commissioner of BCS, 59-17 Junction Blvd., 13th Floor, Flushing, NY, 11373-5108. The appeal must include the identification of the property (street address, account number) and charge that the Customer is disputing, and a statement of the reason or reasons why the Customer believes the charges are incorrect. The Deputy Commissioner will make best efforts to render a written decision as to whether the charges are correct or incorrect, including a statement of the reasons for the decision, within 90 days of receipt of the Customer's appeal. If circumstances within the control of the Customer, including but not limited to a failure to provide Access to a premises or a meter, prohibit the Deputy Commissioner from making a decision, the Customer will be notified in writing stating why a decision cannot be rendered and indicating what actions the Customer must take to enable the Deputy Commissioner to render a decision. If the Deputy Commissioner determines that the questioned charges are correct, the charges are due and payable as set forth on the bill or delinquency notices. If the questioned charges are determined to be incorrect, appropriate remedial action will be taken including the issuance of cancellations or corrected bills, and providing information relating to requests for refunds or credits.

C. Final Appeal

If a Customer disagrees with the decision rendered by the Deputy Commissioner in accordance with Paragraph B – Appeal above, the Customer may appeal the decision by submitting a written request to the Executive Director of the Water Board within 30 days of the date of the denial by the Deputy Commissioner. The Final Appeal must include: the identification of the property (street address, account number, or borough, block and lot number) and charge that the Customer is disputing; a statement of the reason or reasons why the Customer believes the decision in the appeal was incorrect; a copy of the initial appeal, including supporting documentation, and decision of the Deputy Commissioner; and additional documentation to support the reversal of the appeal. Final Appeals to the Executive Director must establish at least one of the following conditions to be considered: (1) new or additional information is presented; (2) the Customer demonstrates that factual information stated in the decision of the Deputy Commissioner is incorrect; (3) the Deputy Commissioner has not correctly interpreted or applied a Water Board rule or rules; (4) the material facts are not as described in the decision. Final Appellants should be aware that the Executive Director is not empowered to overrule Water Board rules and regulations. Arguments based on hardship, inability to pay, or lack of knowledge of rules and regulations do not constitute a basis for overturning a previous decision. Billing decisions will not be reversed unless the Customer can demonstrate that an error has been made or presents additional facts relevant to Water Board rules. The Executive Director will make best efforts to render a decision in writing within 60 days of receipt of the final appeal. If circumstances within the control of the Customer, including but not limited to failure to provide Access to a premises or a meter, prohibit the Executive Director from making a decision, the Customer will be notified in writing stating why a decision cannot be rendered. If the Executive Director determines that the questioned charges are correct, the charges are due and payable as set forth on the bill or delinquency notices. If the questioned charges are determined to be

incorrect, appropriate remedial action will be taken including the issuance of cancellations or corrected bills, and providing information relating to requests for refunds or credits.

D. Disposition of Late Payment Charges During the Complaint Resolution Process

1. Customers are advised to pay all charges and appeal afterward. During the complaint resolution process, LPC on unpaid charges continue to accrue until the charges are paid in full.

2. If a Customer decides not to pay a charge and in the case of an appeal being decided in favor of a Customer, LPC in connection only with the erroneous charge(s) will be waived.

3. If a Customer decides not to pay a charge and in the case of the appeals process taking longer than the time periods specified, unless due to circumstances within the control of the Customer as noted above, all LPC in connection with the disputed charge may be waived for the period of the additional delay beyond the time periods set forth above, provided that the Executive Director does not find any such appeal to be frivolous.

4. If a Customer decides not to pay a charge and the questioned charges are determined to be correct, LPC will continue to accrue from the original Due Date of the charge until the charge is paid in full.

PART IX – USE OF METERS

Section 1. Universal Water Metering Program

A. The Commissioner is authorized to install, cause to be installed or authorize owners to have installed, water meters on all Service Connections to the Water Supply System. DEP approved water meters will be used to determine water charges on all such premises unless stated otherwise in this Rate Schedule.

B. The Commissioner is directed to develop programs to ensure the installation of water meters on all Service Connections to the Water Supply System. These programs may include, but are not limited to reimbursable metering programs and may be implemented through the adoption of appropriate rules, regulations and policy guidelines by the Commissioner.

Section 2. Maintenance and Repair of Meters

The Commissioner is responsible for the maintenance and repair of all water meters that are connected to the Water Supply System and used by DEP for billing purposes, except for meters used exclusively to measure Wastewater Allowances, meters in upstate communities under separate contract with the City, sub-meters installed or maintained as private property and meters that are required to be installed, repaired or maintained by the Customer to be eligible for a reduction in charges pursuant to a Billing Program, Wastewater Allowance, or any other modification to standard billing rates and meters illegally removed, vandalized or not properly protected. The Commissioner's responsibility for the maintenance and repair of water meters

used for billing purposes does not extend to the building's plumbing system, including but not limited to service lines, control valves, check valves, and internal piping which are the responsibility of the property owner. Accordingly, owners are responsible for ensuring that the building's plumbing system is in an adequate state of repair so as to enable DEP to repair, upgrade or replace the meter.